

As Reported by the House Finance Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 64

Representative Smith, R.

A BILL

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Am. Sub. H.B. 59 of the 130th General Assembly and 223
Sections 551.10 and 733.20 of Am. Sub. H.B. 483 of 224
the 130th General Assembly; to amend the versions 225
of sections 340.01, 340.03, 340.15, and 5119.21 of 226
the Revised Code that are scheduled to take effect 227
September 15, 2016, to continue the provisions of 228
this act on and after the effective date, to make 229
operating appropriations for the biennium 230
beginning July 1, 2015, and ending June 30, 2017, 231
to provide authorization and conditions for the 232
operation of state programs, and to provide that 233
the amendments by this act to section 5124.67 of 234
the Revised Code terminate on July 1, 2018, when 235
section 5124.67 of the Revised Code is repealed on 236
that date. 237

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

Section 101.01. That sections 1.05, 9.312, 9.333, 9.83, 238
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5751.50, 5902.02, 5903.12, 5910.08, 5919.341, 6101.16, 6109.30, 351
6111.01, 6111.02, 6111.027, 6111.30, and 6111.99 be amended; 352
sections 3333.031 (3333.012), 5108.05 (5108.041), 5108.03 353
(5108.05), 5123.1610 (5123.1611), and 5101.98 (5902.05) be amended 354
for the purpose of adopting new section numbers as indicated in 355
parentheses; new sections 5108.03, 5123.1610, 5164.37, and 5165.25 356
and sections 9.318, 9.483, 103.44, 103.45, 103.46, 103.47, 103.48, 357
103.49, 103.50, 109.747, 111.31, 117.54, 118.041, 125.035, 358
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5166.529, 5166.5210, 5703.361, 5709.92, 5709.93, 5736.51, 378
5739.024, 5739.50, 5739.51, 5739.52, 5739.53, 5739.54, 5741.024, 379
5747.502, and 6301.16 of the Revised Code be enacted to read as 380

follows: 381

Sec. 1.05. (A) As used in the Revised Code, unless the 382
context otherwise requires, "imprisoned" or "imprisonment" means 383
being imprisoned under a sentence imposed for an offense or 384
serving a term of imprisonment, prison term, jail term, term of 385
local incarceration, or other term under a sentence imposed for an 386
offense in an institution under the control of the department of 387
rehabilitation and correction, a county, multicounty, municipal, 388
municipal-county, or multicounty-municipal jail or workhouse, a 389
minimum security jail, a community-based correctional facility, a 390
~~halfway house~~, an alternative residential facility, or another 391
facility described or referred to in section 2929.34 of the 392
Revised Code for the type of criminal offense and under the 393
circumstances specified or referred to in that section. 394

(B) As used in division (A) of this section, "community-based 395
correctional facility," ~~"halfway house,"~~ and "alternative 396
residential facility" have the same meanings as in section 2929.01 397
of the Revised Code. 398

Sec. 9.312. (A) If a state agency or political subdivision is 399
required by law or by an ordinance or resolution adopted under 400
division (C) of this section to award a contract to the lowest 401
responsive and responsible bidder, a bidder on the contract shall 402
be considered responsive if the bidder's proposal responds to bid 403
specifications in all material respects and contains no 404
irregularities or deviations from the specifications which would 405
affect the amount of the bid or otherwise give the bidder a 406
competitive advantage. The factors that the state agency or 407
political subdivision shall consider in determining whether a 408
bidder on the contract is responsible include the experience of 409
the bidder, the bidder's financial condition, conduct and 410

performance on previous contracts, facilities, management skills, 411
and ability to execute the contract properly. 412

For purposes of this division, the provision of a bid 413
guaranty in accordance with divisions (A)(1) and (B) of section 414
153.54 of the Revised Code issued by a surety licensed to do 415
business in this state is evidence of financial responsibility, 416
but a state agency or political subdivision may request additional 417
financial information for review from an apparent low bidder after 418
it opens all submitted bids. A state agency or political 419
subdivision shall keep additional financial information it 420
receives pursuant to a request under this division confidential, 421
except under proper order of a court. The additional financial 422
information is not a public record under section 149.43 of the 423
Revised Code. 424

An apparent low bidder found not to be responsive and 425
responsible shall be notified by the state agency or political 426
subdivision of that finding and the reasons for it. Except for 427
contracts awarded by the department of administrative services 428
pursuant to section 125.11 of the Revised Code, the notification 429
shall be given in writing and by certified mail. When awarding 430
contracts pursuant to section 125.11 of the Revised Code, the 431
department may send such notice in writing by first class mail or 432
by electronic means. 433

(B) Where a state agency or a political subdivision that has 434
adopted an ordinance or resolution under division (C) of this 435
section determines to award a contract to a bidder other than the 436
apparent low bidder or bidders for the construction, 437
reconstruction, improvement, enlargement, alteration, repair, 438
painting, or decoration of a public improvement, it shall meet 439
with the apparent low bidder or bidders upon a filing of a timely 440
written protest. The protest must be received within five days of 441
the notification required in division (A) of this section. No 442

final award shall be made until the state agency or political 443
subdivision either affirms or reverses its earlier determination. 444
Notwithstanding any other provisions of the Revised Code, the 445
procedure described in this division is not subject to Chapter 446
119. of the Revised Code. 447

(C) A municipal corporation, township, school district, board 448
of county commissioners, any other county board or commission, or 449
any other political subdivision required by law to award contracts 450
by competitive bidding may by ordinance or resolution adopt a 451
policy of requiring each competitively bid contract it awards to 452
be awarded to the lowest responsive and responsible bidder in 453
accordance with this section. 454

Sec. 9.318. (A) As used in this section: 455

"Armed forces" means the armed forces of the United States, 456
including the army, navy, air force, marine corps, coast guard, or 457
any reserve component of those forces; the national guard of any 458
state; the commissioned corps of the United States public health 459
service; the merchant marine service during wartime; such other 460
service as may be designated by congress; and the Ohio organized 461
militia when engaged in full-time national guard duty for a period 462
of more than thirty days. 463

"State agency" has the meaning defined in section 1.60 of the 464
Revised Code. 465

"Veteran" means any person who has completed service in the 466
armed forces, including the national guard of any state, or a 467
reserve component of the armed forces, who has been honorably 468
discharged or discharged under honorable conditions from the armed 469
forces or who has been transferred to the reserve with evidence of 470
satisfactory service. 471

"Veteran-friendly business enterprise" means a sole 472

proprietorship, association, partnership, corporation, limited liability company, or joint venture that meets veteran employment standards established by the director of administrative services and the director of transportation under this section. 473
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(B) The director of administrative services and the director of transportation shall establish and maintain the veteran-friendly business procurement program. The director of administrative services shall adopt rules to administer the program for all state agencies except the department of transportation, and the director of transportation shall adopt rules to administer the program for the department of transportation. The rules shall be adopted under Chapter 119. of the Revised Code. The rules, as adopted separately by but with the great degree of consistency possible between the two directors, shall do all of the following: 477
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(1) Establish criteria, based on the percentage of an applicant's employees who are veterans, that qualifies an applicant for certification as a veteran-friendly business enterprise; 488
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(2) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture may apply for certification as a veteran-friendly business enterprise; 492
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(3) Establish procedures for certifying a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture as a veteran-friendly business enterprise; 496
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(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for certification as a veteran-friendly business enterprise; 500
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(5) Establish procedures, to be used by state agencies or the 503

department of transportation, for the evaluation and ranking of 504
proposals, which provide preference or bonus points to each 505
certified veteran-friendly business enterprise that submits a bid 506
or other proposal for a contract with the state or an agency of 507
the state other than the department of transportation, or with the 508
department of transportation, for the rendering of services, or 509
the supplying of materials, or for the construction, demolition, 510
alteration, repair, or reconstruction of any public building, 511
structure, highway, or other improvement; 512

(6) Implement an outreach program to educate potential 513
participants about the veteran-friendly business enterprise 514
program; and 515

(7) Establish a process for monitoring overall performance of 516
the veteran-friendly business enterprise program. 517

Sec. 9.333. (A) No public authority shall enter into a 518
construction management contract with a construction manager 519
unless the construction manager provides a letter of credit 520
pursuant to Chapter 1305. of the Revised Code, a surety bond 521
pursuant to sections 153.54 and 153.57 of the Revised Code, a 522
certified check or cashier's check in an amount equal to the value 523
of the construction management contract for the project, or 524
provides other reasonable financial assurance of a nature and in 525
an amount satisfactory to the public authority. The public 526
authority may waive this requirement for good cause. 527

(B) Before construction begins pursuant to a construction 528
management contract with a construction manager at risk, the 529
construction manager at risk shall provide a surety bond to the 530
public authority in accordance with rules adopted by the executive 531
director of ~~administrative services~~ the Ohio facilities 532
construction commission under Chapter 119. of the Revised Code. 533

Sec. 9.483. Notwithstanding limitations imposed by the 534
Revised Code to the contrary, a political subdivision may enter 535
into a sale and leaseback agreement under which the legislative 536
authority agrees to convey a building owned by the political 537
subdivision to a purchaser who is obligated, immediately upon 538
closing, to lease all or portions of the building back to the 539
legislative authority. The sale and leaseback agreement shall 540
obligate the lessor to make public improvements to all or portions 541
of the building subject to the lease, including renovations, 542
energy conservation measures, and other measures that are 543
necessary to improve the functionality and reduce the operating 544
costs of the portions of the building that are subject to the 545
lease. 546

Sec. 9.83. (A) The state and any political subdivision may 547
procure a policy or policies of insurance insuring its officers 548
and employees against liability for injury, death, or loss to 549
person or property that arises out of the operation of an 550
automobile, truck, motor vehicle with auxiliary equipment, 551
self-propelling equipment or trailer, aircraft, or watercraft by 552
the officers or employees while engaged in the course of their 553
employment or official responsibilities for the state or the 554
political subdivision. The state is authorized to expend funds to 555
pay judgments that are rendered in any court against its officers 556
or employees and that result from such operation, and is 557
authorized to expend funds to compromise claims for liability 558
against its officers or employees that result from such operation. 559
No insurer shall deny coverage under such a policy, and the state 560
shall not refuse to pay judgments or compromise claims, on the 561
ground that an automobile, truck, motor vehicle with auxiliary 562
equipment, self-propelling equipment or trailer, aircraft, or 563
watercraft was not being used in the course of an officer's or 564

employee's employment or official responsibilities for the state 565
or a political subdivision unless the officer or employee who was 566
operating an automobile, truck, motor vehicle with auxiliary 567
equipment, or self-propelling equipment or trailer is convicted of 568
a violation of section 124.71 of the Revised Code as a result of 569
the same events. 570

(B) Funds shall be reserved as necessary, in the exercise of 571
sound and prudent actuarial judgment, to cover potential expense, 572
fees, damage, loss, or other liability. The office of risk 573
management may recommend or, if the state requests of the office 574
of risk management, shall recommend a specific amount for any 575
period of time that, in the opinion of the office of risk 576
management, represents such a judgment. 577

(C) Nothing in this section shall be construed to require the 578
department of administrative services to purchase liability 579
insurance for all state vehicles in a single policy of insurance 580
or to cover all state vehicles under a single plan of 581
self-insurance. 582

(D) Insurance procured by the state pursuant to this section 583
shall be procured as provided in division (G) of section ~~125.03~~ 584
125.02 of the Revised Code. 585

(E) For purposes of liability insurance procured under this 586
section to cover the operation of a motor vehicle by a prisoner 587
for whom the insurance is procured, "employee" includes a prisoner 588
in the custody of the department of rehabilitation and correction 589
who is enrolled in a work program that is established by the 590
department pursuant to section 5145.16 of the Revised Code and in 591
which the prisoner is required to operate a motor vehicle, as 592
defined in section 4509.01 of the Revised Code, and who is engaged 593
in the operation of a motor vehicle in the course of the work 594
program. 595

(F) All contributions collected by the director of administrative services under division (H) of this section shall be deposited into the risk management reserve fund created in section 9.823 of the Revised Code to the credit of the vehicle liability program.

(G) Reserves shall be maintained in the risk management reserve fund to the credit of the vehicle liability program in any amount that is necessary and adequate, in the exercise of sound and prudent actuarial judgment, to cover potential liability claims, expenses, fees, or damages. Money in the fund may be applied to the payment of liability claims that are filed against the state in the court of claims and determined in the manner provided in Chapter 2743. of the Revised Code. The director of administrative services may procure the services of a qualified actuarial firm for the purpose of recommending the specific amount of money that is required to maintain adequate reserves for a specified period of time.

(H) The director of administrative services shall collect from each state agency or any participating state body its contribution to the vehicle liability program for the purpose of purchasing insurance or administering self-insurance programs for coverage authorized under this section. The amount of the contribution shall be determined by the director, with the approval of the director of budget and management. It shall be based upon actuarial assumptions and the relative risk and loss experience of each state agency or participating state body. The amount of the contribution also shall include a reasonable sum to cover administrative costs of the department of administrative services. The amounts collected pursuant to this division shall be deposited in the risk management reserve fund to the credit of the vehicle liability program.

Sec. 9.833. (A) As used in this section, "political 627
subdivision" has the meaning defined in sections 2744.01 and 628
3905.36 of the Revised Code. For purposes of this section, 629
"political subdivision" includes municipal corporations as defined 630
in section 5705.01 of the Revised Code. 631

(B) Political subdivisions that provide health care benefits 632
for their officers or employees may do any of the following: 633

(1) Establish and maintain an individual self-insurance 634
program with public moneys to provide authorized health care 635
benefits, including but not limited to, health care, prescription 636
drugs, dental care, and vision care, in accordance with division 637
(C) of this section; 638

(2) Establish and maintain a health savings account program 639
whereby employees or officers may establish and maintain health 640
savings accounts in accordance with section 223 of the Internal 641
Revenue Code. Public moneys may be used to pay for or fund 642
federally qualified high deductible health plans that are linked 643
to health savings accounts or to make contributions to health 644
savings accounts. A health savings account program may be a part 645
of a self-insurance program. 646

(3) After establishing an individual self-insurance program, 647
agree with other political subdivisions that have established 648
individual self-insurance programs for health care benefits, that 649
their programs will be jointly administered in a manner specified 650
in the agreement; 651

(4) Pursuant to a written agreement and in accordance with 652
division (C) of this section, join in any combination with other 653
political subdivisions to establish and maintain a joint 654
self-insurance program to provide health care benefits; 655

(5) Pursuant to a written agreement, join in any combination 656

with other political subdivisions to procure or contract for 657
policies, contracts, or plans of insurance to provide health care 658
benefits, which may include a health savings account program for 659
their officers and employees subject to the agreement; 660

(6) Use in any combination any of the policies, contracts, 661
plans, or programs authorized under this division. 662

(7) Any agreement made under division (B)(3), (4), (5), or 663
(6) of this section shall be in writing, comply with division (C) 664
of this section, and contain best practices established in 665
consultation with and approved by the department of administrative 666
services. The best practices may be reviewed and amended at the 667
discretion of the political subdivisions in consultation with the 668
department. Detailed information regarding the best practices 669
shall be made available to any employee upon that employee's 670
request. 671

(8) Purchase plans containing best practices established 672
identified by the department of administrative services under 673
section 9.901 of the Revised Code. 674

(C) Except as otherwise provided in division (E) of this 675
section, the following apply to individual or joint self-insurance 676
programs established pursuant to this section: 677

(1) Such funds shall be reserved as are necessary, in the 678
exercise of sound and prudent actuarial judgment, to cover 679
potential cost of health care benefits for the officers and 680
employees of the political subdivision. A certified audited 681
financial statement and a report of aggregate amounts so reserved 682
and aggregate disbursements made from such funds, together with a 683
written report of a member of the American academy of actuaries 684
certifying whether the amounts reserved conform to the 685
requirements of this division, are computed in accordance with 686
accepted loss reserving standards, and are fairly stated in 687

accordance with sound loss reserving principles, shall be prepared 688
and maintained, within ninety days after the last day of the 689
fiscal year of the entity for which the report is provided for 690
that fiscal year, in the office of the program administrator 691
described in division (C)(3) of this section. 692

The report required by division (C)(1) of this section shall 693
include, but not be limited to, the aggregate of disbursements 694
made for the administration of the program, including claims paid, 695
costs of the legal representation of political subdivisions and 696
employees, and fees paid to consultants. 697

The program administrator described in division (C)(3) of 698
this section shall make the report required by this division 699
available for inspection by any person at all reasonable times 700
during regular business hours, and, upon the request of such 701
person, shall make copies of the report available at cost within a 702
reasonable period of time. The program administrator shall further 703
provide the report to the auditor of state under Chapter 117. of 704
the Revised Code. The report required by this division is in lieu 705
of the records required by division (A) of section 149.431 of the 706
Revised Code. 707

(2) Each political subdivision shall reserve funds necessary 708
for an individual or joint self-insurance program in a special 709
fund that may be established for political subdivisions other than 710
an agency or instrumentality pursuant to an ordinance or 711
resolution of the political subdivision and not subject to section 712
5705.12 of the Revised Code. An agency or instrumentality shall 713
reserve the funds necessary for an individual or joint 714
self-insurance program in a special fund established pursuant to a 715
resolution duly adopted by the agency's or instrumentality's 716
governing board. The political subdivision may allocate the costs 717
of insurance or any self-insurance program, or both, among the 718
funds or accounts established under this division on the basis of 719

relative exposure and loss experience. 720

(3) A contract may be awarded, without the necessity of 721
competitive bidding, to any person, political subdivision, 722
nonprofit corporation organized under Chapter 1702. of the Revised 723
Code, or regional council of governments created under Chapter 724
167. of the Revised Code for purposes of administration of an 725
individual or joint self-insurance program. No such contract shall 726
be entered into without full, prior, public disclosure of all 727
terms and conditions. The disclosure shall include, at a minimum, 728
a statement listing all representations made in connection with 729
any possible savings and losses resulting from the contract, and 730
potential liability of any political subdivision or employee. The 731
proposed contract and statement shall be disclosed and presented 732
at a meeting of the political subdivision not less than one week 733
prior to the meeting at which the political subdivision authorizes 734
the contract. 735

A contract awarded to a nonprofit corporation or a regional 736
council of governments under this division may provide that all 737
employees of the nonprofit corporation or regional council of 738
governments, the employees of all entities related to the 739
nonprofit corporation or regional council of governments, and the 740
employees of other nonprofit corporations that have fifty or fewer 741
employees and have been organized for the primary purpose of 742
representing the interests of political subdivisions, may be 743
covered by the individual or joint self-insurance program under 744
the terms and conditions set forth in the contract. 745

(4) The individual or joint self-insurance program shall 746
include a contract with a certified public accountant and a member 747
of the American academy of actuaries for the preparation of the 748
written evaluations required under division (C)(1) of this 749
section. 750

(5) A joint self-insurance program may allocate the costs of 751

funding the program among the funds or accounts established under 752
this division to the participating political subdivisions on the 753
basis of their relative exposure and loss experience. 754

(6) An individual self-insurance program may allocate the 755
costs of funding the program among the funds or accounts 756
established under this division to the political subdivision that 757
established the program. 758

(7) Two or more political subdivisions may also authorize the 759
establishment and maintenance of a joint health care cost 760
containment program, including, but not limited to, the employment 761
of risk managers, health care cost containment specialists, and 762
consultants, for the purpose of preventing and reducing health 763
care costs covered by insurance, individual self-insurance, or 764
joint self-insurance programs. 765

(8) A political subdivision is not liable under a joint 766
self-insurance program for any amount in excess of amounts payable 767
pursuant to the written agreement for the participation of the 768
political subdivision in the joint self-insurance program. Under a 769
joint self-insurance program agreement, a political subdivision 770
may, to the extent permitted under the written agreement, assume 771
the risks of any other political subdivision. A joint 772
self-insurance program established under this section is deemed a 773
separate legal entity for the public purpose of enabling the 774
members of the joint self-insurance program to obtain insurance or 775
to provide for a formalized, jointly administered self-insurance 776
fund for its members. An entity created pursuant to this section 777
is exempt from all state and local taxes. 778

(9) Any political subdivision, other than an agency or 779
instrumentality, may issue general obligation bonds, or special 780
obligation bonds that are not payable from real or personal 781
property taxes, and may also issue notes in anticipation of such 782
bonds, pursuant to an ordinance or resolution of its legislative 783

authority or other governing body for the purpose of providing 784
funds to pay expenses associated with the settlement of claims, 785
whether by way of a reserve or otherwise, and to pay the political 786
subdivision's portion of the cost of establishing and maintaining 787
an individual or joint self-insurance program or to provide for 788
the reserve in the special fund authorized by division (C)(2) of 789
this section. 790

In its ordinance or resolution authorizing bonds or notes 791
under this section, a political subdivision may elect to issue 792
such bonds or notes under the procedures set forth in Chapter 133. 793
of the Revised Code. In the event of such an election, 794
notwithstanding Chapter 133. of the Revised Code, the maturity of 795
the bonds may be for any period authorized in the ordinance or 796
resolution not exceeding twenty years, which period shall be the 797
maximum maturity of the bonds for purposes of section 133.22 of 798
the Revised Code. 799

Bonds and notes issued under this section shall not be 800
considered in calculating the net indebtedness of the political 801
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 802
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 803
hereby made applicable to bonds or notes authorized under this 804
section. 805

(10) A joint self-insurance program is not an insurance 806
company. Its operation does not constitute doing an insurance 807
business and is not subject to the insurance laws of this state. 808

(11) A joint self-insurance program shall pay the run-off 809
expenses of a participating political subdivision that terminates 810
its participation in the program if the political subdivision has 811
accumulated funds in the reserves for incurred but not reported 812
claims. The run-off payment, at minimum, shall be limited to an 813
actuarially determined cap or sixty days, whichever is reached 814
first. This provision shall not apply during the term of a 815

specific, separate agreement with a political subdivision to 816
maintain enrollment for a specified period, not to exceed three 817
years. 818

(D) A political subdivision may procure group life insurance 819
for its employees in conjunction with an individual or joint 820
self-insurance program authorized by this section, provided that 821
the policy of group life insurance is not self-insured. 822

(E) This section does not apply to individual self-insurance 823
programs created solely by municipal corporations as defined in 824
section 5705.01 of the Revised Code. 825

(F) A public official or employee of a political subdivision 826
who is or becomes a member of the governing body of the program 827
administrator of a joint self-insurance program in which the 828
political subdivision participates is not in violation of division 829
(D) or (E) of section 102.03, division (C) of section 102.04, or 830
section 2921.42 of the Revised Code as a result of either of the 831
following: 832

(1) The political subdivision's entering under this section 833
into the written agreement to participate in the joint 834
self-insurance program; 835

(2) The political subdivision's entering under this section 836
into any other contract with the joint self-insurance program. 837

Sec. 9.90. (A) The board of trustees or other governing body 838
of a state institution of higher education, as defined in section 839
3345.011 of the Revised Code, board of education of a school 840
district, or governing board of an educational service center may, 841
in addition to all other powers provided in the Revised Code: 842

(1) Contract for, purchase, or otherwise procure from an 843
insurer or insurers licensed to do business by the state of Ohio 844
for or on behalf of such of its employees as it may determine, 845

life insurance, or sickness, accident, annuity, endowment, health, 846
medical, hospital, dental, or surgical coverage and benefits, or 847
any combination thereof, by means of insurance plans or other 848
types of coverage, family, group or otherwise, and may pay from 849
funds under its control and available for such purpose all or any 850
portion of the cost, premium, or charge for such insurance, 851
coverage, or benefits. However, the governing board, in addition 852
to or as an alternative to the authority otherwise granted by 853
division (A)(1) of this section, may elect to procure coverage for 854
health care services, for or on behalf of such of its employees as 855
it may determine, by means of policies, contracts, certificates, 856
or agreements issued by at least two health insuring corporations 857
holding a certificate of authority under Chapter 1751. of the 858
Revised Code and may pay from funds under the governing board's 859
control and available for such purpose all or any portion of the 860
cost of such coverage. 861

(2) Make payments to a custodial account for investment in 862
regulated investment company stock that is treated as an annuity 863
under Internal Revenue Code section 403(b). 864

Any income of an employee deferred under divisions (A)(1) and 865
(2) of this section in a deferred compensation program eligible 866
for favorable tax treatment under the Internal Revenue Code shall 867
continue to be included as regular compensation for the purpose of 868
computing the contributions to and benefits from the retirement 869
system of such employee. Any sum so deferred shall not be included 870
in the computation of any federal and state income taxes withheld 871
on behalf of any such employee. 872

(B) All or any portion of the cost, premium, or charge 873
therefor may be paid in such other manner or combination of 874
manner as the board or governing body may determine, including 875
direct payment by the employee in cases under division (A)(1) of 876
this section, and, if authorized in writing by the employee in 877

cases under division (A)(1) or (2) of this section, by the board 878
or governing body with moneys made available by deduction from or 879
reduction in salary or wages or by the foregoing of a salary or 880
wage increase. Nothing in section 3917.01 or section 3917.06 of 881
the Revised Code shall prohibit the issuance or purchase of group 882
life insurance authorized by this section by reason of payment of 883
premiums therefor by the board or governing body from its funds, 884
and such group life insurance may be so issued and purchased if 885
otherwise consistent with the provisions of sections 3917.01 to 886
3917.07 of the Revised Code. 887

(C) The board of education of any school district may 888
exercise any of the powers granted to the governing boards of 889
public institutions of higher education under divisions (A) and 890
(B) of this section. All health care benefits provided to persons 891
employed by the public schools of this state shall be through 892
health care plans that contain best practices ~~established~~ 893
identified by the department of administrative services ~~pursuant~~ 894
~~to~~ under section 9.901 of the Revised Code. 895

Sec. 9.901. (A)(1) ~~All health~~ Health care plans that provide 896
benefits ~~provided~~ to persons employed by public employers as 897
defined by this section ~~shall be provided by health care plans~~ 898
~~that contain~~ may consider best practices established by the former 899
school employees health care board or identified by the department 900
of administrative services. All policies or contracts for health 901
care benefits that are issued or renewed after the expiration of 902
any applicable collective bargaining agreement ~~must contain all~~ 903
may consider any best practices ~~established pursuant to~~ identified 904
under this section at the time of renewal. Health care plans that 905
contain the best practices may be self-insured. 906

(2) ~~Upon consulting with the department of administrative~~ 907
~~services, a political subdivision may adopt a delivery system of~~ 908

~~benefits that is not in accordance with the department's adopted 909~~
~~best practices if it is considered by the department to be most 910~~
~~financially advantageous to the political subdivision. 911~~

~~(3) As used in this section: 912~~

(a) "Public employer" means political subdivisions, public 913
school districts, or state institutions of higher education. 914

(b) "Public school district" means a city, local, exempted 915
village, or joint vocational school district; a STEM school 916
established under Chapter 3326. of the Revised Code; or an 917
educational service center. "Public school district" does not mean 918
a community school established under Chapter 3314. of the Revised 919
Code. 920

(c) "State institution of higher education" or "state 921
institution" means a state institution of higher education as 922
defined in section 3345.011 of the Revised Code. 923

(d) "Political subdivision" has the same meaning as defined 924
in section 9.833 of the Revised Code. 925

(e) A "health care plan" includes group policies, contracts, 926
and agreements that provide hospital, surgical, or medical expense 927
coverage, including self-insured plans. A "health care plan" does 928
not include an individual plan offered to the employees of a 929
political subdivision, public school district, or state 930
institution, or a plan that provides coverage only for specific 931
disease or accidents, or a hospital indemnity, medicare 932
supplement, or other plan that provides only supplemental 933
benefits, paid for by the employees of a political subdivision, 934
public school district, or state institution. 935

(f) A "health plan sponsor" means a political subdivision, 936
public school district, a state institution of higher education, a 937
consortium of political subdivisions, public school districts, or 938
state institutions, or a council of governments. 939

~~(4) The public employees health care fund is hereby created 940
in the state treasury. The department shall use all funds in the 941
public employees health care fund solely to carry out the 942
provisions of this section and related administrative costs. 943~~

(B) The department of administrative services shall do all of 944
the following: 945

(1) Identify strategies to manage health care costs; 946

(2) Study the potential benefits of state or regional 947
consortiums of public employers' health care plans; 948

(3) ~~Publish~~ Study information regarding the health care plans 949
offered by political subdivisions, public school districts, state 950
institutions, and existing consortiums; 951

(4) ~~Assist in the design~~ Provide representative cost 952
estimates of options for health care plans for political 953
subdivisions, public school districts, and state institutions of 954
higher education in accordance with division (A) of this section 955
separate from the plans for state agencies; 956

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 957
be considered the best practices for health care plans offered to 958
employees of political subdivisions, public school districts, and 959
state institutions; 960

(6) Require that plans the health plan sponsors administer 961
make readily available to the public all cost and design elements 962
of the plan; 963

(7) Promote cooperation among all organizations affected by 964
this section in identifying the elements for successful 965
implementation of this section; and 966

(8) Promote cost containment measures aligned with patient, 967
plan, and provider management strategies in developing and 968
managing health care plans; ~~and~~ 969

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

~~(C) The director of administrative services may convene a public health care advisory committee to assist in studying the issues discussed in this section. The committee shall make recommendations to the director of administrative services or the director's designee on the development and adoption of best practices under this section. The committee shall consist of fifteen members: five members appointed by the speaker of the house of representatives; five members appointed by the president of the senate; and five members appointed by the governor and shall include representatives from state and local government employers, state and local government employees, insurance agents, health insurance companies, and joint purchasing arrangements currently in existence. Members shall serve without compensation.~~

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

~~(E) Any health care plan providing coverage for the employees of political subdivisions, public school districts, or state institutions of higher education, or that have provided coverage within two years before the effective date of this amendment June 30, 2011, shall provide nonidentifiable aggregate claims and administrative data for the coverage provided as required by the department, without charge, within thirty days after receiving a written request from the department. The claims data shall include data relating to employee group benefit sets, demographics, and claims experience.~~

~~(F)~~(E) The department may work with other state agencies to 1002
obtain services as the department deems necessary for the 1003
implementation and operation of this section, based on 1004
demonstrated experience and expertise in administration, 1005
management, data handling, actuarial studies, quality assurance, 1006
or for other needed services. 1007

~~(G)~~(F) The department shall hire staff as necessary to 1008
provide administrative support to the department and the public 1009
employee health care plan program established by this section. 1010

~~(H)~~(G) Nothing in this section shall be construed as 1011
prohibiting political subdivisions, public school districts, or 1012
state institutions from consulting with and compensating insurance 1013
agents and brokers for professional services or from establishing 1014
a self-insurance program. 1015

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1016
auditor of state shall conduct all necessary and required audits 1017
of the department. The auditor of state, upon request, also shall 1018
furnish to the department copies of audits of political 1019
subdivisions, public school districts, or consortia performed by 1020
the auditor of state. 1021

Sec. 103.412. (A) JMOC shall oversee the medicaid program on 1022
a continuing basis. As part of its oversight, JMOC shall do all of 1023
the following: 1024

(1) Review how the medicaid program relates to the public and 1025
private provision of health care coverage in this state and the 1026
United States; 1027

(2) Review the reforms implemented under section 5162.70 of 1028
the Revised Code and evaluate the reforms' successes in achieving 1029
their objectives; 1030

(3) Recommend policies and strategies to encourage both of 1031

the following:	1032
(a) Medicaid recipients being physically and mentally able to join and stay in the workforce and ultimately becoming self-sufficient;	1033 1034 1035
(b) Less use of the medicaid program.	1036
(4) Recommend, to the extent JMOC determines appropriate, improvements in statutes and rules concerning the medicaid program;	1037 1038 1039
(5) Develop a plan of action for the future of the medicaid program;	1040 1041
(6) Receive and consider reports submitted by county <u>local</u> healthier buckeye councils under section 355.04 of the Revised Code.	1042 1043 1044
(B) JMOC may do all of the following:	1045
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1046 1047 1048 1049 1050 1051
(2) Prepare and issue reports on the medicaid program;	1052
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1053 1054 1055
<u>Sec. 103.44. As used in sections 103.45 to 103.50 of the Revised Code:</u>	1056 1057
<u>"Other public schools" includes the state school for the deaf, the state school for the blind, community schools established under Chapter 3314. of the Revised Code, STEM schools</u>	1058 1059 1060

established under Chapter 3326. of the Revised Code, and 1061
college-preparatory boarding schools established under Chapter 1062
3328. of the Revised Code. 1063

"State institution of higher education" has the same meaning 1064
as in section 3345.011 of the Revised Code. 1065

Sec. 103.45. The joint education oversight committee of the 1066
house of representatives and senate is hereby created. The 1067
committee shall select, for review and evaluation, education 1068
programs at school districts, other public schools, and state 1069
institutions of higher education that receive state financial 1070
assistance in any form. The reviews and evaluations may include 1071
any of the following: 1072

(A) Assessment of the uses school districts, other public 1073
schools, and state institutions of higher education make of state 1074
money they receive, and a determination of the extent to which 1075
that money improves district, school, or institutional performance 1076
in the areas for which the money was intended to be used; 1077

(B) Determination of whether an education program meets its 1078
intended goals, has adequate operating or administrative 1079
procedures and fiscal controls, encompasses only authorized 1080
activities, has any undesirable or unintended effects, and is 1081
efficiently managed; and 1082

(C) Examination of pilot programs developed and initiated in 1083
school districts, at other public schools, and at state 1084
institutions of higher education to determine whether the programs 1085
suggest innovative, effective ways to deal with problems that may 1086
exist in other districts, schools, or institutions of higher 1087
education, and to assess the fiscal costs and likely impact of 1088
adopting the programs throughout the state. 1089

The committee shall prepare a report of the results of each 1090

review and evaluation it conducts, and shall transmit the report 1091
to the general assembly under section 101.68 of the Revised Code. 1092

If the general assembly directs the joint education oversight 1093
committee to submit a study to the general assembly by a 1094
particular date, the committee, upon a majority vote of its 1095
members, may modify the scope and due date of the study to 1096
accommodate the availability of data and resources. 1097

Sec. 103.46. The joint education oversight committee may 1098
review bills and resolutions regarding education that are 1099
introduced or offered in the general assembly, and may prepare a 1100
report of its review. The committee shall transmit its report to 1101
the general assembly under section 101.68 of the Revised Code. The 1102
report may include the committee's determination regarding the 1103
bill's or resolution's desirability as a matter of public policy. 1104

The committee's decision on whether and when to review a bill 1105
or resolution has no effect on the general assembly's authority to 1106
act on the bill or resolution. 1107

Sec. 103.47. The joint education oversight committee may 1108
employ professional, technical, and clerical employees as are 1109
necessary for the committee to be able successfully and 1110
efficiently to perform its duties. All the employees are in the 1111
unclassified service and serve at the committee's pleasure. The 1112
committee may contract for the services of persons who are 1113
qualified by education and experience to advise, consult with, or 1114
otherwise assist the committee in the performance of its duties. 1115

Sec. 103.48. The chairperson of the joint education oversight 1116
committee may request that the superintendent of public 1117
instruction or the director of higher education appear before the 1118
committee. If so requested, the superintendent or the director 1119
shall appear before the committee at the time and place specified 1120

in the request. 1121

Sec. 103.49. (A) The joint education oversight committee and 1122
its employees may investigate any school district, other public 1123
school, or state institution of higher education for the purposes 1124
of fulfilling its duties. All of the following apply to an 1125
investigation: 1126

(1) The joint education oversight committee and its employees 1127
may enter and inspect a school district, other public school, or 1128
state institution of higher education for the conduct of the 1129
investigation; 1130

(2) A member or employee of the joint education oversight 1131
committee is not required to give advance notice of, or to make 1132
prior arrangements before, an inspection; and 1133

(3) No person shall deny a member or employee of the joint 1134
education oversight committee access to office when access is 1135
needed for an inspection. 1136

(B) A member or employee of the joint education oversight 1137
committee shall not conduct an inspection under this section 1138
unless the joint education oversight committee chairperson grants 1139
prior approval for the inspection. The chairperson shall not grant 1140
approval unless the committee, the president of the senate, and 1141
the speaker of the house of representatives authorize the 1142
chairperson to grant the approval. Each inspection shall be 1143
conducted during the normal business hours of the office being 1144
inspected, unless the chairperson determines that the inspection 1145
must be conducted outside of normal business hours. The 1146
chairperson may make such a determination only because of an 1147
emergency circumstance or other justifiable cause that furthers 1148
the committee's mission. If the chairperson makes such a 1149
determination, the chairperson shall specify the reason for the 1150
determination in the grant of prior approval for the inspection. 1151

Sec. 103.50. The joint education oversight committee shall 1152
consist of the following members: 1153

(A) Five members of the house of representatives appointed by 1154
the speaker of the house of representatives, three of whom are 1155
members of the majority party and two of whom are members of the 1156
minority party; and 1157

(B) Five members of the senate appointed by the president of 1158
the senate, three of whom are members of the majority party and 1159
two of whom are members of the minority party. 1160

The term of each member begins on the day of appointment to 1161
the committee and ends on expiration or other termination of the 1162
member's term as a member of the house of representatives or 1163
senate. The speaker and president shall make subsequent 1164
appointments not later than fifteen days after the commencement of 1165
the first regular session of each general assembly. Members may be 1166
reappointed. A vacancy on the committee shall be filled in the 1167
same manner as the original appointment. 1168

In odd-numbered years, the speaker shall designate one of the 1169
majority members from the house of representatives as chairperson 1170
and the president shall designate one of the minority members from 1171
the senate as the ranking minority member. In even-numbered years, 1172
the president shall designate one of the majority members from the 1173
senate as the chairperson and the speaker shall designate one of 1174
the minority members from the house of representatives as the 1175
ranking minority member. 1176

In appointing members from the minority, and in designating 1177
ranking minority members, the president and speaker shall consult 1178
with the minority leader of their respective houses. 1179

The committee shall meet at the call of the chairperson. The 1180
chairperson shall meet not less often than once each calendar 1181

month, unless the chairperson and ranking minority member agree 1182
that the chairperson should not call the committee to meet for a 1183
particular month. 1184

Notwithstanding section 101.26 of the Revised Code, the 1185
members, when engaged in their duties as members of the committee 1186
on days when there is not a voting session of the member's house 1187
of the general assembly, shall be paid at the per diem rate of one 1188
hundred fifty dollars, and their necessary traveling expenses. 1189
These amounts shall be paid from the funds appropriated for the 1190
payment of expenses of legislative committees. 1191

The chairperson, when authorized by the committee and the 1192
president and speaker, may issue subpoenas and subpoenas duces 1193
tecum in aid of the committee's performance of its duties. A 1194
subpoena may require a witness in any part of the state to appear 1195
before the committee at a time and place designated in the 1196
subpoena to testify. A subpoena duces tecum may require witnesses 1197
or other persons in any part of the state to produce books, 1198
papers, records, and other tangible evidence before the committee 1199
at a time and place designated in the subpoena duces tecum. A 1200
subpoena or subpoena duces tecum shall be issued, served, and 1201
returned, and has consequences, as specified in sections 101.41 to 1202
101.45 of the Revised Code. 1203

The chairperson may administer oaths to witnesses appearing 1204
before the committee. 1205

Sec. 105.41. (A) There is hereby created in the legislative 1206
branch of government the capitol square review and advisory board, 1207
consisting of twelve members as follows: 1208

(1) Two members of the senate, appointed by the president of 1209
the senate, both of whom shall not be members of the same 1210
political party; 1211

(2) Two members of the house of representatives, appointed by 1212
the speaker of the house of representatives, both of whom shall 1213
not be members of the same political party; 1214

(3) Four members appointed by the governor, with the advice 1215
and consent of the senate, not more than three of whom shall be 1216
members of the same political party, one of whom shall be the 1217
chief of staff of the governor's office, one of whom shall 1218
represent the Ohio arts council, one of whom shall represent the 1219
Ohio historical society, and one of whom shall represent the 1220
public at large; 1221

(4) One member, who shall be a former president of the 1222
senate, appointed by the current president of the senate. If the 1223
current president of the senate, in the current president's 1224
discretion, decides for any reason not to make the appointment or 1225
if no person is eligible or available to serve, the seat shall 1226
remain vacant. 1227

(5) One member, who shall be a former speaker of the house of 1228
representatives, appointed by the current speaker of the house of 1229
representatives. If the current speaker of the house of 1230
representatives, in the current speaker's discretion, decides for 1231
any reason not to make the appointment or if no person is eligible 1232
or available to serve, the seat shall remain vacant. 1233

(6) The clerk of the senate and the clerk of the house of 1234
representatives. 1235

(B) Terms of office of each appointed member of the board 1236
shall be for three years, except that members of the general 1237
assembly appointed to the board shall be members of the board only 1238
so long as they are members of the general assembly and the chief 1239
of staff of the governor's office shall be a member of the board 1240
only so long as the appointing governor remains in office. Each 1241
member shall hold office from the date of the member's appointment 1242

until the end of the term for which the member was appointed. In 1243
case of a vacancy occurring on the board, the president of the 1244
senate, the speaker of the house of representatives, or the 1245
governor, as the case may be, shall in the same manner prescribed 1246
for the regular appointment to the commission, fill the vacancy by 1247
appointing a member. Any member appointed to fill a vacancy 1248
occurring prior to the expiration of the term for which the 1249
member's predecessor was appointed shall hold office for the 1250
remainder of the term. Any appointed member shall continue in 1251
office subsequent to the expiration date of the member's term 1252
until the member's successor takes office, or until a period of 1253
sixty days has elapsed, whichever occurs first. 1254

(C) The board shall hold meetings in a manner and at times 1255
prescribed by the rules adopted by the board. A majority of the 1256
board constitutes a quorum, and no action shall be taken by the 1257
board unless approved by at least six members or by at least seven 1258
members if a person is appointed under division (A)(4) or (5) of 1259
this section. At its first meeting, the board shall adopt rules 1260
for the conduct of its business and the election of its officers, 1261
and shall organize by selecting ~~a chairperson and other~~ officers 1262
other than a chairperson as it considers necessary. In 1263
odd-numbered years, the majority member from the senate shall 1264
serve as chairperson; in even-numbered years, the majority member 1265
from the house of representatives shall serve as chairperson. 1266
Board members shall serve without compensation but shall be 1267
reimbursed for actual and necessary expenses incurred in the 1268
performance of their duties. 1269

(D) The board may do any of the following: 1270

(1) Employ or hire on a consulting basis professional, 1271
technical, and clerical employees as are necessary for the 1272
performance of its duties. All employees of the board are in the 1273
unclassified service and serve at the pleasure of the board. For 1274

purposes of section 4117.01 of the Revised Code, employees of the 1275
board shall be considered employees of the general assembly, 1276
except that employees who are covered by a collective bargaining 1277
agreement on September 29, 2011, shall remain subject to the 1278
agreement until the agreement expires on its terms, and the 1279
agreement shall not be extended or renewed. Upon expiration of the 1280
agreement, the employees are considered employees of the general 1281
assembly for purposes of section 4117.01 of the Revised Code and 1282
are in the unclassified service and serve at the pleasure of the 1283
board. 1284

(2) Hold public hearings at times and places as determined by 1285
the board; 1286

(3) Adopt, amend, or rescind rules necessary to accomplish 1287
the duties of the board as set forth in this section; 1288

(4) Sponsor, conduct, and support such social events as the 1289
board may authorize and consider appropriate for the employees of 1290
the board, employees and members of the general assembly, 1291
employees of persons under contract with the board or otherwise 1292
engaged to perform services on the premises of capitol square, or 1293
other persons as the board may consider appropriate. Subject to 1294
the requirements of Chapter 4303. of the Revised Code, the board 1295
may provide beer, wine, and intoxicating liquor, with or without 1296
charge, for those events and may use funds only from the sale of 1297
goods and services fund to purchase the beer, wine, and 1298
intoxicating liquor the board provides; 1299

(5) Purchase a warehouse in which to store items of the 1300
capitol collection trust and, whenever necessary, equipment or 1301
other property of the board. 1302

(E) The board shall do all of the following: 1303

(1) Have sole authority to coordinate and approve any 1304
improvements, additions, and renovations that are made to the 1305

capitol square. The improvements shall include, but not be limited 1306
to, the placement of monuments and sculpture on the capitol 1307
grounds. 1308

(2) Subject to section 3353.07 of the Revised Code, operate 1309
the capitol square, and have sole authority to regulate all uses 1310
of the capitol square. The uses shall include, but not be limited 1311
to, the casual and recreational use of the capitol square. 1312

(3) Employ, fix the compensation of, and prescribe the duties 1313
of the executive director of the board and other employees the 1314
board considers necessary for the performance of its powers and 1315
duties; 1316

(4) Establish and maintain the capitol collection trust. The 1317
capitol collection trust shall consist of furniture, antiques, and 1318
other items of personal property that the board shall store in 1319
suitable facilities until they are ready to be displayed in the 1320
capitol square. 1321

(5) Perform repair, construction, contracting, purchasing, 1322
maintenance, supervisory, and operating activities the board 1323
determines are necessary for the operation and maintenance of the 1324
capitol square; 1325

(6) Maintain and preserve the capitol square, in accordance 1326
with guidelines issued by the United States secretary of the 1327
interior for application of the secretary's standards for 1328
rehabilitation adopted in 36 C.F.R. part 67; 1329

(7) Plan and develop a center at the capitol building for the 1330
purpose of educating visitors about the history of Ohio, including 1331
its political, economic, and social development and the design and 1332
erection of the capitol building and its grounds. 1333

(F)(1) The board shall lease capital facilities improved by 1334
the department of administrative services or financed by the 1335
treasurer of state pursuant to Chapter 154. of the Revised Code 1336

for the use of the board, and may enter into any other agreements 1337
with the department, the Ohio public facilities commission, or any 1338
other authorized governmental agency ancillary to improvement, 1339
financing, or leasing of those capital facilities, including, but 1340
not limited to, any agreement required by the applicable bond 1341
proceedings authorized by Chapter 154. of the Revised Code. Any 1342
lease of capital facilities authorized by this section shall be 1343
governed by Chapter 154. of the Revised Code. 1344

(2) Fees, receipts, and revenues received by the board from 1345
the state underground parking garage constitute available receipts 1346
as defined in section 154.24 of the Revised Code, and may be 1347
pledged to the payment of bond service charges on obligations 1348
issued by the treasurer of state pursuant to Chapter 154. of the 1349
Revised Code to improve, finance, or purchase capital facilities 1350
useful to the board. The treasurer of state may, with the consent 1351
of the board, provide in the bond proceedings for a pledge of all 1352
or a portion of those fees, receipts, and revenues as the 1353
treasurer of state determines. The treasurer of state may provide 1354
in the bond proceedings or by separate agreement with the board 1355
for the transfer of those fees, receipts, and revenues to the 1356
appropriate bond service fund or bond service reserve fund as 1357
required to pay the bond service charges when due, and any such 1358
provision for the transfer of those fees, receipts, and revenues 1359
shall be controlling notwithstanding any other provision of law 1360
pertaining to those fees, receipts, and revenues. 1361

(3) All moneys received by the treasurer of state on account 1362
of the board and required by the applicable bond proceedings or by 1363
separate agreement with the board to be deposited, transferred, or 1364
credited to the bond service fund or bond service reserve fund 1365
established by the bond proceedings shall be transferred by the 1366
treasurer of state to such fund, whether or not it is in the 1367
custody of the treasurer of state, without necessity for further 1368

appropriation. 1369

(G)(1) Except as otherwise provided in division (G)(2) of 1370
this section, all fees, receipts, and revenues received by the 1371
board from the state underground parking garage shall be deposited 1372
into the state treasury to the credit of the underground parking 1373
garage operating fund, which is hereby created, to be used for the 1374
purposes specified in division (F) of this section and for the 1375
operation and maintenance of the garage. All investment earnings 1376
of the fund shall be credited to the fund. 1377

(2) There is hereby created the parking garage automated 1378
equipment fund, which shall be in the custody of the treasurer of 1379
state but shall not be part of the state treasury. Money in the 1380
fund shall be used to purchase the automated teller machine 1381
quality dollar bills needed for operation of the parking garage 1382
automated equipment. The fund shall consist of fees, receipts, or 1383
revenues received by the board from the state underground parking 1384
garage; provided, however, that the total amount deposited into 1385
the fund at any one time shall not exceed ten thousand dollars. 1386
All investment earnings of the fund shall be credited to the fund. 1387

(H) All donations received by the board shall be deposited 1388
into the state treasury to the credit of the capitol square 1389
renovation gift fund, which is hereby created. The fund shall be 1390
used by the board as follows: 1391

(1) To provide part or all of the funding related to 1392
construction, goods, or services for the renovation of the capitol 1393
square; 1394

(2) To purchase art, antiques, and artifacts for display at 1395
the capitol square; 1396

(3) To award contracts or make grants to organizations for 1397
educating the public regarding the historical background and 1398
governmental functions of the capitol square. Chapters 125., 127., 1399

and 153. and section 3517.13 of the Revised Code do not apply to 1400
purchases made exclusively from the fund, notwithstanding anything 1401
to the contrary in those chapters or that section. All investment 1402
earnings of the fund shall be credited to the fund. 1403

(I) Except as provided in divisions (G), (H), and (J) of this 1404
section, all fees, receipts, and revenues received by the board 1405
shall be deposited into the state treasury to the credit of the 1406
sale of goods and services fund, which is hereby created. Money 1407
credited to the fund shall be used solely to pay costs of the 1408
board other than those specified in divisions (F) and (G) of this 1409
section. All investment earnings of the fund shall be credited to 1410
the fund. 1411

(J) There is hereby created in the state treasury the capitol 1412
square improvement fund, to be used by the board to pay 1413
construction, renovation, and other costs related to the capitol 1414
square for which money is not otherwise available to the board. 1415
Whenever the board determines that there is a need to incur those 1416
costs and that the unencumbered, unobligated balance to the credit 1417
of the underground parking garage operating fund exceeds the 1418
amount needed for the purposes specified in division (F) of this 1419
section and for the operation and maintenance of the garage, the 1420
board may request the director of budget and management to 1421
transfer from the underground parking garage operating fund to the 1422
capitol square improvement fund the amount needed to pay such 1423
construction, renovation, or other costs. The director then shall 1424
transfer the amount needed from the excess balance of the 1425
underground parking garage operating fund. 1426

(K) As the operation and maintenance of the capitol square 1427
constitute essential government functions of a public purpose, the 1428
board shall not be required to pay taxes or assessments upon the 1429
square, upon any property acquired or used by the board under this 1430
section, or upon any income generated by the operation of the 1431

square. 1432

(L) As used in this section, "capitol square" means the 1433
capitol building, senate building, capitol atrium, capitol 1434
grounds, the state underground parking garage, and the warehouse 1435
owned by the board. 1436

(M) The capitol annex shall be known as the senate building. 1437

(N) Any person may possess a firearm in a motor vehicle in 1438
the state underground parking garage at the state capitol 1439
building, if the person's possession of the firearm in the motor 1440
vehicle is not in violation of section 2923.16 of the Revised Code 1441
or any other provision of the Revised Code. Any person may store 1442
or leave a firearm in a locked motor vehicle that is parked in the 1443
state underground parking garage at the state capitol building, if 1444
the person's transportation and possession of the firearm in the 1445
motor vehicle while traveling to the garage was not in violation 1446
of section 2923.16 of the Revised Code or any other provision of 1447
the Revised Code. 1448

Sec. 109.57. (A)(1) The superintendent of the bureau of 1449
criminal identification and investigation shall procure from 1450
wherever procurable and file for record photographs, pictures, 1451
descriptions, fingerprints, measurements, and other information 1452
that may be pertinent of all persons who have been convicted of 1453
committing within this state a felony, any crime constituting a 1454
misdemeanor on the first offense and a felony on subsequent 1455
offenses, or any misdemeanor described in division (A)(1)(a), 1456
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1457
all children under eighteen years of age who have been adjudicated 1458
delinquent children for committing within this state an act that 1459
would be a felony or an offense of violence if committed by an 1460
adult or who have been convicted of or pleaded guilty to 1461
committing within this state a felony or an offense of violence, 1462

and of all well-known and habitual criminals. The person in charge 1463
of any county, multicounty, municipal, municipal-county, or 1464
multicounty-municipal jail or workhouse, community-based 1465
correctional facility, halfway house, alternative residential 1466
facility, or state correctional institution and the person in 1467
charge of any state institution having custody of a person 1468
suspected of having committed a felony, any crime constituting a 1469
misdemeanor on the first offense and a felony on subsequent 1470
offenses, or any misdemeanor described in division (A)(1)(a), 1471
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1472
having custody of a child under eighteen years of age with respect 1473
to whom there is probable cause to believe that the child may have 1474
committed an act that would be a felony or an offense of violence 1475
if committed by an adult shall furnish such material to the 1476
superintendent of the bureau. Fingerprints, photographs, or other 1477
descriptive information of a child who is under eighteen years of 1478
age, has not been arrested or otherwise taken into custody for 1479
committing an act that would be a felony or an offense of violence 1480
who is not in any other category of child specified in this 1481
division, if committed by an adult, has not been adjudicated a 1482
delinquent child for committing an act that would be a felony or 1483
an offense of violence if committed by an adult, has not been 1484
convicted of or pleaded guilty to committing a felony or an 1485
offense of violence, and is not a child with respect to whom there 1486
is probable cause to believe that the child may have committed an 1487
act that would be a felony or an offense of violence if committed 1488
by an adult shall not be procured by the superintendent or 1489
furnished by any person in charge of any county, multicounty, 1490
municipal, municipal-county, or multicounty-municipal jail or 1491
workhouse, community-based correctional facility, halfway house, 1492
alternative residential facility, or state correctional 1493
institution, except as authorized in section 2151.313 of the 1494

Revised Code.	1495
(2) Every clerk of a court of record in this state, other	1496
than the supreme court or a court of appeals, shall send to the	1497
superintendent of the bureau a weekly report containing a summary	1498
of each case involving a felony, involving any crime constituting	1499
a misdemeanor on the first offense and a felony on subsequent	1500
offenses, involving a misdemeanor described in division (A)(1)(a),	1501
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or	1502
involving an adjudication in a case in which a child under	1503
eighteen years of age was alleged to be a delinquent child for	1504
committing an act that would be a felony or an offense of violence	1505
if committed by an adult. The clerk of the court of common pleas	1506
shall include in the report and summary the clerk sends under this	1507
division all information described in divisions (A)(2)(a) to (f)	1508
of this section regarding a case before the court of appeals that	1509
is served by that clerk. The summary shall be written on the	1510
standard forms furnished by the superintendent pursuant to	1511
division (B) of this section and shall include the following	1512
information:	1513
(a) The incident tracking number contained on the standard	1514
forms furnished by the superintendent pursuant to division (B) of	1515
this section;	1516
(b) The style and number of the case;	1517
(c) The date of arrest, offense, summons, or arraignment;	1518
(d) The date that the person was convicted of or pleaded	1519
guilty to the offense, adjudicated a delinquent child for	1520
committing the act that would be a felony or an offense of	1521
violence if committed by an adult, found not guilty of the	1522
offense, or found not to be a delinquent child for committing an	1523
act that would be a felony or an offense of violence if committed	1524
by an adult, the date of an entry dismissing the charge, an entry	1525

declaring a mistrial of the offense in which the person is 1526
discharged, an entry finding that the person or child is not 1527
competent to stand trial, or an entry of a nolle prosequi, or the 1528
date of any other determination that constitutes final resolution 1529
of the case; 1530

(e) A statement of the original charge with the section of 1531
the Revised Code that was alleged to be violated; 1532

(f) If the person or child was convicted, pleaded guilty, or 1533
was adjudicated a delinquent child, the sentence or terms of 1534
probation imposed or any other disposition of the offender or the 1535
delinquent child. 1536

If the offense involved the disarming of a law enforcement 1537
officer or an attempt to disarm a law enforcement officer, the 1538
clerk shall clearly state that fact in the summary, and the 1539
superintendent shall ensure that a clear statement of that fact is 1540
placed in the bureau's records. 1541

(3) The superintendent shall cooperate with and assist 1542
sheriffs, chiefs of police, and other law enforcement officers in 1543
the establishment of a complete system of criminal identification 1544
and in obtaining fingerprints and other means of identification of 1545
all persons arrested on a charge of a felony, any crime 1546
constituting a misdemeanor on the first offense and a felony on 1547
subsequent offenses, or a misdemeanor described in division 1548
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1549
Revised Code and of all children under eighteen years of age 1550
arrested or otherwise taken into custody for committing an act 1551
that would be a felony or an offense of violence if committed by 1552
an adult. The superintendent also shall file for record the 1553
fingerprint impressions of all persons confined in a county, 1554
multicounty, municipal, municipal-county, or multicounty-municipal 1555
jail or workhouse, community-based correctional facility, halfway 1556
house, alternative residential facility, or state correctional 1557

institution for the violation of state laws and of all children 1558
under eighteen years of age who are confined in a county, 1559
multicounty, municipal, municipal-county, or multicounty-municipal 1560
jail or workhouse, community-based correctional facility, halfway 1561
house, alternative residential facility, or state correctional 1562
institution or in any facility for delinquent children for 1563
committing an act that would be a felony or an offense of violence 1564
if committed by an adult, and any other information that the 1565
superintendent may receive from law enforcement officials of the 1566
state and its political subdivisions. 1567

(4) The superintendent shall carry out Chapter 2950. of the 1568
Revised Code with respect to the registration of persons who are 1569
convicted of or plead guilty to a sexually oriented offense or a 1570
child-victim oriented offense and with respect to all other duties 1571
imposed on the bureau under that chapter. 1572

(5) The bureau shall perform centralized recordkeeping 1573
functions for criminal history records and services in this state 1574
for purposes of the national crime prevention and privacy compact 1575
set forth in section 109.571 of the Revised Code and is the 1576
criminal history record repository as defined in that section for 1577
purposes of that compact. The superintendent or the 1578
superintendent's designee is the compact officer for purposes of 1579
that compact and shall carry out the responsibilities of the 1580
compact officer specified in that compact. 1581

(B) The superintendent shall prepare and furnish to every 1582
county, multicounty, municipal, municipal-county, or 1583
multicounty-municipal jail or workhouse, community-based 1584
correctional facility, halfway house, alternative residential 1585
facility, or state correctional institution and to every clerk of 1586
a court in this state specified in division (A)(2) of this section 1587
standard forms for reporting the information required under 1588
division (A) of this section. The standard forms that the 1589

superintendent prepares pursuant to this division may be in a 1590
tangible format, in an electronic format, or in both tangible 1591
formats and electronic formats. 1592

(C)(1) The superintendent may operate a center for 1593
electronic, automated, or other data processing for the storage 1594
and retrieval of information, data, and statistics pertaining to 1595
criminals and to children under eighteen years of age who are 1596
adjudicated delinquent children for committing an act that would 1597
be a felony or an offense of violence if committed by an adult, 1598
criminal activity, crime prevention, law enforcement, and criminal 1599
justice, and may establish and operate a statewide communications 1600
network to be known as the Ohio law enforcement gateway to gather 1601
and disseminate information, data, and statistics for the use of 1602
law enforcement agencies and for other uses specified in this 1603
division. The superintendent may gather, store, retrieve, and 1604
disseminate information, data, and statistics that pertain to 1605
children who are under eighteen years of age and that are gathered 1606
pursuant to sections 109.57 to 109.61 of the Revised Code together 1607
with information, data, and statistics that pertain to adults and 1608
that are gathered pursuant to those sections. 1609

(2) The superintendent or the superintendent's designee shall 1610
gather information of the nature described in division (C)(1) of 1611
this section that pertains to the offense and delinquency history 1612
of a person who has been convicted of, pleaded guilty to, or been 1613
adjudicated a delinquent child for committing a sexually oriented 1614
offense or a child-victim oriented offense for inclusion in the 1615
state registry of sex offenders and child-victim offenders 1616
maintained pursuant to division (A)(1) of section 2950.13 of the 1617
Revised Code and in the internet database operated pursuant to 1618
division (A)(13) of that section and for possible inclusion in the 1619
internet database operated pursuant to division (A)(11) of that 1620
section. 1621

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

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

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

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

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

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

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

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

gather and retain information so furnished under division (A) of 1653
this section that pertains to the offense and delinquency history 1654
of a person who has been convicted of, pleaded guilty to, or been 1655
adjudicated a delinquent child for committing a sexually oriented 1656
offense or a child-victim oriented offense for the purposes 1657
described in division (C)(2) of this section. 1658

(E)(1) The attorney general shall adopt rules, in accordance 1659
with Chapter 119. of the Revised Code and subject to division 1660
(E)(2) of this section, setting forth the procedure by which a 1661
person may receive or release information gathered by the 1662
superintendent pursuant to division (A) of this section. A 1663
reasonable fee may be charged for this service. If a temporary 1664
employment service submits a request for a determination of 1665
whether a person the service plans to refer to an employment 1666
position has been convicted of or pleaded guilty to an offense 1667
listed or described in division (A)(1), (2), or (3) of section 1668
109.572 of the Revised Code, the request shall be treated as a 1669
single request and only one fee shall be charged. 1670

(2) Except as otherwise provided in this division or division 1671
(E)(3) or (4) of this section, a rule adopted under division 1672
(E)(1) of this section may provide only for the release of 1673
information gathered pursuant to division (A) of this section that 1674
relates to the conviction of a person, or a person's plea of 1675
guilty to, a criminal offense or to the arrest of a person as 1676
provided in division (E)(3) of this section. The superintendent 1677
shall not release, and the attorney general shall not adopt any 1678
rule under division (E)(1) of this section that permits the 1679
release of, any information gathered pursuant to division (A) of 1680
this section that relates to an adjudication of a child as a 1681
delinquent child, or that relates to a criminal conviction of a 1682
person under eighteen years of age if the person's case was 1683
transferred back to a juvenile court under division (B)(2) or (3) 1684

of section 2152.121 of the Revised Code and the juvenile court 1685
imposed a disposition or serious youthful offender disposition 1686
upon the person under either division, unless either of the 1687
following applies with respect to the adjudication or conviction: 1688

(a) The adjudication or conviction was for a violation of 1689
section 2903.01 or 2903.02 of the Revised Code. 1690

(b) The adjudication or conviction was for a sexually 1691
oriented offense, the juvenile court was required to classify the 1692
child a juvenile offender registrant for that offense under 1693
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1694
classification has not been removed, and the records of the 1695
adjudication or conviction have not been sealed or expunged 1696
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1697
section 2952.32 of the Revised Code. 1698

(3) A rule adopted under division (E)(1) of this section may 1699
provide for the release of information gathered pursuant to 1700
division (A) of this section that relates to the arrest of a 1701
person who is eighteen years of age or older when the person has 1702
not been convicted as a result of that arrest if any of the 1703
following applies: 1704

(a) The arrest was made outside of this state. 1705

(b) A criminal action resulting from the arrest is pending, 1706
and the superintendent confirms that the criminal action has not 1707
been resolved at the time the criminal records check is performed. 1708

(c) The bureau cannot reasonably determine whether a criminal 1709
action resulting from the arrest is pending, and not more than one 1710
year has elapsed since the date of the arrest. 1711

(4) A rule adopted under division (E)(1) of this section may 1712
provide for the release of information gathered pursuant to 1713
division (A) of this section that relates to an adjudication of a 1714
child as a delinquent child if not more than five years have 1715

elapsed since the date of the adjudication, the adjudication was 1716
for an act that would have been a felony if committed by an adult, 1717
the records of the adjudication have not been sealed or expunged 1718
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1719
the request for information is made under division (F) of this 1720
section or under section 109.572 of the Revised Code. In the case 1721
of an adjudication for a violation of the terms of community 1722
control or supervised release, the five-year period shall be 1723
calculated from the date of the adjudication to which the 1724
community control or supervised release pertains. 1725

(F)(1) As used in division (F)(2) of this section, "head 1726
start agency" means an entity in this state that has been approved 1727
to be an agency for purposes of subchapter II of the "Community 1728
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1729
as amended. 1730

(2)(a) In addition to or in conjunction with any request that 1731
is required to be made under section 109.572, 2151.86, 3301.32, 1732
3301.541, division (C) of section 3310.58, or section 3319.39, 1733
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 1734
5153.111 of the Revised Code or that is made under section 1735
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1736
board of education of any school district; the director of 1737
developmental disabilities; any county board of developmental 1738
disabilities; any provider or subcontractor as defined in section 1739
5123.081 of the Revised Code; the chief administrator of any 1740
chartered nonpublic school; the chief administrator of a 1741
registered private provider that is not also a chartered nonpublic 1742
school; the chief administrator of any home health agency; the 1743
chief administrator of or person operating any child day-care 1744
center, type A family day-care home, or type B family day-care 1745
home licensed under Chapter 5104. of the Revised Code; the chief 1746
administrator of any head start agency; the executive director of 1747

a public children services agency; a private company described in 1748
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1749
Code; or an employer described in division (J)(2) of section 1750
3327.10 of the Revised Code may request that the superintendent of 1751
the bureau investigate and determine, with respect to any 1752
individual who has applied for employment in any position after 1753
October 2, 1989, or any individual wishing to apply for employment 1754
with a board of education may request, with regard to the 1755
individual, whether the bureau has any information gathered under 1756
division (A) of this section that pertains to that individual. On 1757
receipt of the request, subject to division (E)(2) of this 1758
section, the superintendent shall determine whether that 1759
information exists and, upon request of the person, board, or 1760
entity requesting information, also shall request from the federal 1761
bureau of investigation any criminal records it has pertaining to 1762
that individual. The superintendent or the superintendent's 1763
designee also may request criminal history records from other 1764
states or the federal government pursuant to the national crime 1765
prevention and privacy compact set forth in section 109.571 of the 1766
Revised Code. Within thirty days of the date that the 1767
superintendent receives a request, subject to division (E)(2) of 1768
this section, the superintendent shall send to the board, entity, 1769
or person a report of any information that the superintendent 1770
determines exists, including information contained in records that 1771
have been sealed under section 2953.32 of the Revised Code, and, 1772
within thirty days of its receipt, subject to division (E)(2) of 1773
this section, shall send the board, entity, or person a report of 1774
any information received from the federal bureau of investigation, 1775
other than information the dissemination of which is prohibited by 1776
federal law. 1777

(b) When a board of education or a registered private 1778
provider is required to receive information under this section as 1779
a prerequisite to employment of an individual pursuant to division 1780

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1781
may accept a certified copy of records that were issued by the 1782
bureau of criminal identification and investigation and that are 1783
presented by an individual applying for employment with the 1784
district in lieu of requesting that information itself. In such a 1785
case, the board shall accept the certified copy issued by the 1786
bureau in order to make a photocopy of it for that individual's 1787
employment application documents and shall return the certified 1788
copy to the individual. In a case of that nature, a district or 1789
provider only shall accept a certified copy of records of that 1790
nature within one year after the date of their issuance by the 1791
bureau. 1792

(c) Notwithstanding division (F)(2)(a) of this section, in 1793
the case of a request under section 3319.39, 3319.391, or 3327.10 1794
of the Revised Code only for criminal records maintained by the 1795
federal bureau of investigation, the superintendent shall not 1796
determine whether any information gathered under division (A) of 1797
this section exists on the person for whom the request is made. 1798

(3) The state board of education may request, with respect to 1799
any individual who has applied for employment after October 2, 1800
1989, in any position with the state board or the department of 1801
education, any information that a school district board of 1802
education is authorized to request under division (F)(2) of this 1803
section, and the superintendent of the bureau shall proceed as if 1804
the request has been received from a school district board of 1805
education under division (F)(2) of this section. 1806

(4) When the superintendent of the bureau receives a request 1807
for information under section 3319.291 of the Revised Code, the 1808
superintendent shall proceed as if the request has been received 1809
from a school district board of education and shall comply with 1810
divisions (F)(2)(a) and (c) of this section. 1811

(5) When a recipient of a classroom reading improvement grant 1812

paid under section 3301.86 of the Revised Code requests, with 1813
respect to any individual who applies to participate in providing 1814
any program or service funded in whole or in part by the grant, 1815
the information that a school district board of education is 1816
authorized to request under division (F)(2)(a) of this section, 1817
the superintendent of the bureau shall proceed as if the request 1818
has been received from a school district board of education under 1819
division (F)(2)(a) of this section. 1820

(G) In addition to or in conjunction with any request that is 1821
required to be made under section 3701.881, 3712.09, or 3721.121 1822
of the Revised Code with respect to an individual who has applied 1823
for employment in a position that involves providing direct care 1824
to an older adult or adult resident, the chief administrator of a 1825
home health agency, hospice care program, home licensed under 1826
Chapter 3721. of the Revised Code, or adult day-care program 1827
operated pursuant to rules adopted under section 3721.04 of the 1828
Revised Code may request that the superintendent of the bureau 1829
investigate and determine, with respect to any individual who has 1830
applied after January 27, 1997, for employment in a position that 1831
does not involve providing direct care to an older adult or adult 1832
resident, whether the bureau has any information gathered under 1833
division (A) of this section that pertains to that individual. 1834

In addition to or in conjunction with any request that is 1835
required to be made under section 173.27 of the Revised Code with 1836
respect to an individual who has applied for employment in a 1837
position that involves providing ombudsman services to residents 1838
of long-term care facilities or recipients of community-based 1839
long-term care services, the state long-term care ombudsman, the 1840
director of aging, a regional long-term care ombudsman program, or 1841
the designee of the ombudsman, director, or program may request 1842
that the superintendent investigate and determine, with respect to 1843
any individual who has applied for employment in a position that 1844

does not involve providing such ombudsman services, whether the 1845
bureau has any information gathered under division (A) of this 1846
section that pertains to that applicant. 1847

In addition to or in conjunction with any request that is 1848
required to be made under section 173.38 of the Revised Code with 1849
respect to an individual who has applied for employment in a 1850
direct-care position, the chief administrator of a provider, as 1851
defined in section 173.39 of the Revised Code, may request that 1852
the superintendent investigate and determine, with respect to any 1853
individual who has applied for employment in a position that is 1854
not a direct-care position, whether the bureau has any information 1855
gathered under division (A) of this section that pertains to that 1856
applicant. 1857

In addition to or in conjunction with any request that is 1858
required to be made under section 3712.09 of the Revised Code with 1859
respect to an individual who has applied for employment in a 1860
position that involves providing direct care to a pediatric 1861
respite care patient, the chief administrator of a pediatric 1862
respite care program may request that the superintendent of the 1863
bureau investigate and determine, with respect to any individual 1864
who has applied for employment in a position that does not involve 1865
providing direct care to a pediatric respite care patient, whether 1866
the bureau has any information gathered under division (A) of this 1867
section that pertains to that individual. 1868

On receipt of a request under this division, the 1869
superintendent shall determine whether that information exists 1870
and, on request of the individual requesting information, shall 1871
also request from the federal bureau of investigation any criminal 1872
records it has pertaining to the applicant. The superintendent or 1873
the superintendent's designee also may request criminal history 1874
records from other states or the federal government pursuant to 1875
the national crime prevention and privacy compact set forth in 1876

section 109.571 of the Revised Code. Within thirty days of the 1877
date a request is received, subject to division (E)(2) of this 1878
section, the superintendent shall send to the requester a report 1879
of any information determined to exist, including information 1880
contained in records that have been sealed under section 2953.32 1881
of the Revised Code, and, within thirty days of its receipt, shall 1882
send the requester a report of any information received from the 1883
federal bureau of investigation, other than information the 1884
dissemination of which is prohibited by federal law. 1885

(H) Information obtained by a government entity or person 1886
under this section is confidential and shall not be released or 1887
disseminated. 1888

(I) The superintendent may charge a reasonable fee for 1889
providing information or criminal records under division (F)(2) or 1890
(G) of this section. 1891

(J) As used in this section: 1892

(1) "Pediatric respite care program" and "pediatric care 1893
patient" have the same meanings as in section 3712.01 of the 1894
Revised Code. 1895

(2) "Sexually oriented offense" and "child-victim oriented 1896
offense" have the same meanings as in section 2950.01 of the 1897
Revised Code. 1898

(3) "Registered private provider" means a nonpublic school or 1899
entity registered with the superintendent of public instruction 1900
under section 3310.41 of the Revised Code to participate in the 1901
autism scholarship program or section 3310.58 of the Revised Code 1902
to participate in the Jon Peterson special needs scholarship 1903
program. 1904

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1905
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1906

a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

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

(2) On receipt of a request pursuant to section 3712.09 or 1939
3721.121 of the Revised Code, a completed form prescribed pursuant 1940
to division (C)(1) of this section, and a set of fingerprint 1941
impressions obtained in the manner described in division (C)(2) of 1942
this section, the superintendent of the bureau of criminal 1943
identification and investigation shall conduct a criminal records 1944
check with respect to any person who has applied for employment in 1945
a position for which a criminal records check is required by those 1946
sections. The superintendent shall conduct the criminal records 1947
check in the manner described in division (B) of this section to 1948
determine whether any information exists that indicates that the 1949
person who is the subject of the request previously has been 1950
convicted of or pleaded guilty to any of the following: 1951

(a) A violation of section 2903.01, 2903.02, 2903.03, 1952
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1953
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1954
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1955
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1956
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1957
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1958
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1959
2925.22, 2925.23, or 3716.11 of the Revised Code; 1960

(b) An existing or former law of this state, any other state, 1961
or the United States that is substantially equivalent to any of 1962
the offenses listed in division (A)(2)(a) of this section. 1963

(3) On receipt of a request pursuant to section 173.27, 1964
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 1965
or 5123.169 of the Revised Code, a completed form prescribed 1966
pursuant to division (C)(1) of this section, and a set of 1967
fingerprint impressions obtained in the manner described in 1968
division (C)(2) of this section, the superintendent of the bureau 1969
of criminal identification and investigation shall conduct a 1970

criminal records check of the person for whom the request is made. 1971
The superintendent shall conduct the criminal records check in the 1972
manner described in division (B) of this section to determine 1973
whether any information exists that indicates that the person who 1974
is the subject of the request previously has been convicted of, 1975
has pleaded guilty to, or (except in the case of a request 1976
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1977
Code) has been found eligible for intervention in lieu of 1978
conviction for any of the following, regardless of the date of the 1979
conviction, the date of entry of the guilty plea, or (except in 1980
the case of a request pursuant to section 5164.34, 5164.341, or 1981
5164.342 of the Revised Code) the date the person was found 1982
eligible for intervention in lieu of conviction: 1983

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1984
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1985
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1986
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1987
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1988
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1989
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1990
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1991
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1992
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1993
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1994
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1995
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1996
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1997
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1998
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1999
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2000
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2001
2927.12, or 3716.11 of the Revised Code; 2002

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	2003 2004
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	2005 2006
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;	2007 2008 2009 2010
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.	2011 2012 2013 2014
(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11	2025 2026 2027 2028 2029 2030 2031 2032 2033

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02,

2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2066
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2067
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2068
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2069
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2070
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2071
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2072
Revised Code, felonious sexual penetration in violation of former 2073
section 2907.12 of the Revised Code, a violation of section 2074
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2075
violation of section 2919.23 of the Revised Code that would have 2076
been a violation of section 2905.04 of the Revised Code as it 2077
existed prior to July 1, 1996, had the violation been committed 2078
prior to that date, a violation of section 2925.11 of the Revised 2079
Code that is not a minor drug possession offense, a violation of 2080
section 2923.02 or 2923.03 of the Revised Code that relates to a 2081
crime specified in this division, or a second violation of section 2082
4511.19 of the Revised Code within five years of the date of 2083
application for licensure or certification. 2084

(b) A violation of an existing or former law of this state, 2085
any other state, or the United States that is substantially 2086
equivalent to any of the offenses or violations described in 2087
division (A)(5)(a) of this section. 2088

(6) Upon receipt of a request pursuant to section 5153.111 of 2089
the Revised Code, a completed form prescribed pursuant to division 2090
(C)(1) of this section, and a set of fingerprint impressions 2091
obtained in the manner described in division (C)(2) of this 2092
section, the superintendent of the bureau of criminal 2093
identification and investigation shall conduct a criminal records 2094
check in the manner described in division (B) of this section to 2095
determine whether any information exists that indicates that the 2096
person who is the subject of the request previously has been 2097

convicted of or pleaded guilty to any of the following: 2098

(a) A violation of section 2903.01, 2903.02, 2903.03, 2099
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2100
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2101
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2102
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2103
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2104
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2105
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2106
felonious sexual penetration in violation of former section 2107
2907.12 of the Revised Code, a violation of section 2905.04 of the 2108
Revised Code as it existed prior to July 1, 1996, a violation of 2109
section 2919.23 of the Revised Code that would have been a 2110
violation of section 2905.04 of the Revised Code as it existed 2111
prior to July 1, 1996, had the violation been committed prior to 2112
that date, or a violation of section 2925.11 of the Revised Code 2113
that is not a minor drug possession offense; 2114

(b) A violation of an existing or former law of this state, 2115
any other state, or the United States that is substantially 2116
equivalent to any of the offenses listed in division (A)(6)(a) of 2117
this section. 2118

(7) On receipt of a request for a criminal records check from 2119
an individual pursuant to section 4749.03 or 4749.06 of the 2120
Revised Code, accompanied by a completed copy of the form 2121
prescribed in division (C)(1) of this section and a set of 2122
fingerprint impressions obtained in a manner described in division 2123
(C)(2) of this section, the superintendent of the bureau of 2124
criminal identification and investigation shall conduct a criminal 2125
records check in the manner described in division (B) of this 2126
section to determine whether any information exists indicating 2127
that the person who is the subject of the request has been 2128
convicted of or pleaded guilty to a felony in this state or in any 2129

other state. If the individual indicates that a firearm will be 2130
carried in the course of business, the superintendent shall 2131
require information from the federal bureau of investigation as 2132
described in division (B)(2) of this section. Subject to division 2133
(F) of this section, the superintendent shall report the findings 2134
of the criminal records check and any information the federal 2135
bureau of investigation provides to the director of public safety. 2136

(8) On receipt of a request pursuant to section 1321.37, 2137
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2138
Code, a completed form prescribed pursuant to division (C)(1) of 2139
this section, and a set of fingerprint impressions obtained in the 2140
manner described in division (C)(2) of this section, the 2141
superintendent of the bureau of criminal identification and 2142
investigation shall conduct a criminal records check with respect 2143
to any person who has applied for a license, permit, or 2144
certification from the department of commerce or a division in the 2145
department. The superintendent shall conduct the criminal records 2146
check in the manner described in division (B) of this section to 2147
determine whether any information exists that indicates that the 2148
person who is the subject of the request previously has been 2149
convicted of or pleaded guilty to any of the following: a 2150
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2151
2925.03 of the Revised Code; any other criminal offense involving 2152
theft, receiving stolen property, embezzlement, forgery, fraud, 2153
passing bad checks, money laundering, or drug trafficking, or any 2154
criminal offense involving money or securities, as set forth in 2155
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2156
the Revised Code; or any existing or former law of this state, any 2157
other state, or the United States that is substantially equivalent 2158
to those offenses. 2159

(9) On receipt of a request for a criminal records check from 2160
the treasurer of state under section 113.041 of the Revised Code 2161

or from an individual under section 4701.08, 4715.101, 4717.061, 2162
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2163
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2164
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2165
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2166
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2167
accompanied by a completed form prescribed under division (C)(1) 2168
of this section and a set of fingerprint impressions obtained in 2169
the manner described in division (C)(2) of this section, the 2170
superintendent of the bureau of criminal identification and 2171
investigation shall conduct a criminal records check in the manner 2172
described in division (B) of this section to determine whether any 2173
information exists that indicates that the person who is the 2174
subject of the request has been convicted of or pleaded guilty to 2175
any criminal offense in this state or any other state. Subject to 2176
division (F) of this section, the superintendent shall send the 2177
results of a check requested under section 113.041 of the Revised 2178
Code to the treasurer of state and shall send the results of a 2179
check requested under any of the other listed sections to the 2180
licensing board specified by the individual in the request. 2181

(10) On receipt of a request pursuant to section 1121.23, 2182
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2183
Code, a completed form prescribed pursuant to division (C)(1) of 2184
this section, and a set of fingerprint impressions obtained in the 2185
manner described in division (C)(2) of this section, the 2186
superintendent of the bureau of criminal identification and 2187
investigation shall conduct a criminal records check in the manner 2188
described in division (B) of this section to determine whether any 2189
information exists that indicates that the person who is the 2190
subject of the request previously has been convicted of or pleaded 2191
guilty to any criminal offense under any existing or former law of 2192
this state, any other state, or the United States. 2193

(11) On receipt of a request for a criminal records check 2194
from an appointing or licensing authority under section 3772.07 of 2195
the Revised Code, a completed form prescribed under division 2196
(C)(1) of this section, and a set of fingerprint impressions 2197
obtained in the manner prescribed in division (C)(2) of this 2198
section, the superintendent of the bureau of criminal 2199
identification and investigation shall conduct a criminal records 2200
check in the manner described in division (B) of this section to 2201
determine whether any information exists that indicates that the 2202
person who is the subject of the request previously has been 2203
convicted of or pleaded guilty or no contest to any offense under 2204
any existing or former law of this state, any other state, or the 2205
United States that is a disqualifying offense as defined in 2206
section 3772.07 of the Revised Code or substantially equivalent to 2207
such an offense. 2208

(12) On receipt of a request pursuant to section 2151.33 or 2209
2151.412 of the Revised Code, a completed form prescribed pursuant 2210
to division (C)(1) of this section, and a set of fingerprint 2211
impressions obtained in the manner described in division (C)(2) of 2212
this section, the superintendent of the bureau of criminal 2213
identification and investigation shall conduct a criminal records 2214
check with respect to any person for whom a criminal records check 2215
is required by that section. The superintendent shall conduct the 2216
criminal records check in the manner described in division (B) of 2217
this section to determine whether any information exists that 2218
indicates that the person who is the subject of the request 2219
previously has been convicted of or pleaded guilty to any of the 2220
following: 2221

(a) A violation of section 2903.01, 2903.02, 2903.03, 2222
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2223
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2224
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2225

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2226
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2227
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2228
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2229
2925.22, 2925.23, or 3716.11 of the Revised Code; 2230

(b) An existing or former law of this state, any other state, 2231
or the United States that is substantially equivalent to any of 2232
the offenses listed in division (A)(12)(a) of this section. 2233

(B) Subject to division (F) of this section, the 2234
superintendent shall conduct any criminal records check to be 2235
conducted under this section as follows: 2236

(1) The superintendent shall review or cause to be reviewed 2237
any relevant information gathered and compiled by the bureau under 2238
division (A) of section 109.57 of the Revised Code that relates to 2239
the person who is the subject of the criminal records check, 2240
including, if the criminal records check was requested under 2241
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2242
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2243
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2244
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2245
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2246
5123.169, or 5153.111 of the Revised Code, any relevant 2247
information contained in records that have been sealed under 2248
section 2953.32 of the Revised Code; 2249

(2) If the request received by the superintendent asks for 2250
information from the federal bureau of investigation, the 2251
superintendent shall request from the federal bureau of 2252
investigation any information it has with respect to the person 2253
who is the subject of the criminal records check, including 2254
fingerprint-based checks of national crime information databases 2255
as described in 42 U.S.C. 671 if the request is made pursuant to 2256
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2257

any other Revised Code section requires fingerprint-based checks 2258
of that nature, and shall review or cause to be reviewed any 2259
information the superintendent receives from that bureau. If a 2260
request under section 3319.39 of the Revised Code asks only for 2261
information from the federal bureau of investigation, the 2262
superintendent shall not conduct the review prescribed by division 2263
(B)(1) of this section. 2264

(3) The superintendent or the superintendent's designee may 2265
request criminal history records from other states or the federal 2266
government pursuant to the national crime prevention and privacy 2267
compact set forth in section 109.571 of the Revised Code. 2268

(4) The superintendent shall include in the results of the 2269
criminal records check a list or description of the offenses 2270
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2271
(7), (8), (9), (10), (11), or (12) of this section, whichever 2272
division requires the superintendent to conduct the criminal 2273
records check. The superintendent shall exclude from the results 2274
any information the dissemination of which is prohibited by 2275
federal law. 2276

(5) The superintendent shall send the results of the criminal 2277
records check to the person to whom it is to be sent not later 2278
than the following number of days after the date the 2279
superintendent receives the request for the criminal records 2280
check, the completed form prescribed under division (C)(1) of this 2281
section, and the set of fingerprint impressions obtained in the 2282
manner described in division (C)(2) of this section: 2283

(a) If the superintendent is required by division (A) of this 2284
section (other than division (A)(3) of this section) to conduct 2285
the criminal records check, thirty; 2286

(b) If the superintendent is required by division (A)(3) of 2287
this section to conduct the criminal records check, sixty. 2288

(C)(1) The superintendent shall prescribe a form to obtain 2289
the information necessary to conduct a criminal records check from 2290
any person for whom a criminal records check is to be conducted 2291
under this section. The form that the superintendent prescribes 2292
pursuant to this division may be in a tangible format, in an 2293
electronic format, or in both tangible and electronic formats. 2294

(2) The superintendent shall prescribe standard impression 2295
sheets to obtain the fingerprint impressions of any person for 2296
whom a criminal records check is to be conducted under this 2297
section. Any person for whom a records check is to be conducted 2298
under this section shall obtain the fingerprint impressions at a 2299
county sheriff's office, municipal police department, or any other 2300
entity with the ability to make fingerprint impressions on the 2301
standard impression sheets prescribed by the superintendent. The 2302
office, department, or entity may charge the person a reasonable 2303
fee for making the impressions. The standard impression sheets the 2304
superintendent prescribes pursuant to this division may be in a 2305
tangible format, in an electronic format, or in both tangible and 2306
electronic formats. 2307

(3) Subject to division (D) of this section, the 2308
superintendent shall prescribe and charge a reasonable fee for 2309
providing a criminal records check under this section. The person 2310
requesting the criminal records check shall pay the fee prescribed 2311
pursuant to this division. In the case of a request under section 2312
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2313
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2314
the manner specified in that section. 2315

(4) The superintendent of the bureau of criminal 2316
identification and investigation may prescribe methods of 2317
forwarding fingerprint impressions and information necessary to 2318
conduct a criminal records check, which methods shall include, but 2319
not be limited to, an electronic method. 2320

(D) The results of a criminal records check conducted under 2321
this section, other than a criminal records check specified in 2322
division (A)(7) of this section, are valid for the person who is 2323
the subject of the criminal records check for a period of one year 2324
from the date upon which the superintendent completes the criminal 2325
records check. If during that period the superintendent receives 2326
another request for a criminal records check to be conducted under 2327
this section for that person, the superintendent shall provide the 2328
results from the previous criminal records check of the person at 2329
a lower fee than the fee prescribed for the initial criminal 2330
records check. 2331

(E) When the superintendent receives a request for 2332
information from a registered private provider, the superintendent 2333
shall proceed as if the request was received from a school 2334
district board of education under section 3319.39 of the Revised 2335
Code. The superintendent shall apply division (A)(1)(c) of this 2336
section to any such request for an applicant who is a teacher. 2337

(F)(1) All information regarding the results of a criminal 2338
records check conducted under this section that the superintendent 2339
reports or sends under division (A)(7) or (9) of this section to 2340
the director of public safety, the treasurer of state, or the 2341
person, board, or entity that made the request for the criminal 2342
records check shall relate to the conviction of the subject 2343
person, or the subject person's plea of guilty to, a criminal 2344
offense. 2345

(2) Division (F)(1) of this section does not limit, restrict, 2346
or preclude the superintendent's release of information that 2347
relates to the arrest of a person who is eighteen years of age or 2348
older, to an adjudication of a child as a delinquent child, or to 2349
a criminal conviction of a person under eighteen years of age in 2350
circumstances in which a release of that nature is authorized 2351
under division (E)(2), (3), or (4) of section 109.57 of the 2352

Revised Code pursuant to a rule adopted under division (E)(1) of 2353
that section. 2354

(G) As used in this section: 2355

(1) "Criminal records check" means any criminal records check 2356
conducted by the superintendent of the bureau of criminal 2357
identification and investigation in accordance with division (B) 2358
of this section. 2359

(2) "Minor drug possession offense" has the same meaning as 2360
in section 2925.01 of the Revised Code. 2361

(3) "OVI or OVUAC violation" means a violation of section 2362
4511.19 of the Revised Code or a violation of an existing or 2363
former law of this state, any other state, or the United States 2364
that is substantially equivalent to section 4511.19 of the Revised 2365
Code. 2366

(4) "Registered private provider" means a nonpublic school or 2367
entity registered with the superintendent of public instruction 2368
under section 3310.41 of the Revised Code to participate in the 2369
autism scholarship program or section 3310.58 of the Revised Code 2370
to participate in the Jon Peterson special needs scholarship 2371
program. 2372

Sec. 109.747. The attorney general shall adopt, in accordance 2373
with Chapter 119. of the Revised Code or pursuant to section 2374
109.74 of the Revised Code, rules governing the training of peace 2375
officers on companion animal encounters and companion animal 2376
behavior. The provisions of the rules shall include all of the 2377
following: 2378

(A) A specified amount of training that is necessary for 2379
satisfactory completion of basic training programs at approved 2380
peace officer training schools, other than the Ohio peace officer 2381
training academy; 2382

(B) The time within which a peace officer is required to receive that training, if the peace officer is appointed as a peace officer before receiving that training; 2383
2384
2385

(C) A requirement that the training include training in all of the following: 2386
2387

(1) Handling companion animal-related calls or unplanned encounters with companion animals, with an emphasis on canine-related incidents and the use of nonlethal methods and tools in handling an encounter with a canine; 2388
2389
2390
2391

(2) Identifying and understanding companion animal behavior; 2392

(3) State laws and municipal ordinances related to companion animals; 2393
2394

(4) Avoiding a companion animal attack; 2395

(5) Using nonlethal methods to defend against a companion animal attack. 2396
2397

(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code. 2398
2399

Sec. 109.77. (A) As used in this section, ~~"felony"~~: 2400

(1) "Felony" has the same meaning as in section 109.511 of the Revised Code. 2401
2402

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 2403
2404

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, 2405
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county, municipal, or department of natural resources peace	2412
officer basic training program:	2413
(a) A peace officer of any county, township, municipal	2414
corporation, regional transit authority, or metropolitan housing	2415
authority;	2416
(b) A natural resources law enforcement staff officer, park	2417
officer, forest officer, preserve officer, wildlife officer, or	2418
state watercraft officer of the department of natural resources;	2419
(c) An employee of a park district under section 511.232 or	2420
1545.13 of the Revised Code;	2421
(d) An employee of a conservancy district who is designated	2422
pursuant to section 6101.75 of the Revised Code;	2423
(e) A state university law enforcement officer;	2424
(f) A special police officer employed by the department of	2425
mental health and addiction services pursuant to section 5119.08	2426
of the Revised Code or the department of developmental	2427
disabilities pursuant to section 5123.13 of the Revised Code;	2428
(g) An enforcement agent of the department of public safety	2429
whom the director of public safety designates under section	2430
5502.14 of the Revised Code;	2431
(h) A special police officer employed by a port authority	2432
under section 4582.04 or 4582.28 of the Revised Code;	2433
(i) A special police officer employed by a municipal	2434
corporation at a municipal airport, or other municipal air	2435
navigation facility, that has scheduled operations, as defined in	2436
section 119.3 of Title 14 of the Code of Federal Regulations, 14	2437
C.F.R. 119.3, as amended, and that is required to be under a	2438
security program and is governed by aviation security rules of the	2439
transportation security administration of the United States	2440
department of transportation as provided in Parts 1542. and 1544.	2441

of Title 49 of the Code of Federal Regulations, as amended; 2442

(j) A gaming agent employed under section 3772.03 of the 2443
Revised Code. 2444

(2) Every person who is appointed on a temporary basis or for 2445
a probationary term or on other than a permanent basis as any of 2446
the following shall forfeit the appointed position unless the 2447
person previously has completed satisfactorily or, within the time 2448
prescribed by rules adopted by the attorney general pursuant to 2449
section 109.74 of the Revised Code, satisfactorily completes a 2450
state, county, municipal, or department of natural resources peace 2451
officer basic training program for temporary or probationary 2452
officers and is awarded a certificate by the director attesting to 2453
the satisfactory completion of the program: 2454

(a) A peace officer of any county, township, municipal 2455
corporation, regional transit authority, or metropolitan housing 2456
authority; 2457

(b) A natural resources law enforcement staff officer, park 2458
officer, forest officer, preserve officer, wildlife officer, or 2459
state watercraft officer of the department of natural resources; 2460

(c) An employee of a park district under section 511.232 or 2461
1545.13 of the Revised Code; 2462

(d) An employee of a conservancy district who is designated 2463
pursuant to section 6101.75 of the Revised Code; 2464

(e) A special police officer employed by the department of 2465
mental health and addiction services pursuant to section 5119.08 2466
of the Revised Code or the department of developmental 2467
disabilities pursuant to section 5123.13 of the Revised Code; 2468

(f) An enforcement agent of the department of public safety 2469
whom the director of public safety designates under section 2470
5502.14 of the Revised Code; 2471

(g) A special police officer employed by a port authority 2472
under section 4582.04 or 4582.28 of the Revised Code; 2473

(h) A special police officer employed by a municipal 2474
corporation at a municipal airport, or other municipal air 2475
navigation facility, that has scheduled operations, as defined in 2476
section 119.3 of Title 14 of the Code of Federal Regulations, 14 2477
C.F.R. 119.3, as amended, and that is required to be under a 2478
security program and is governed by aviation security rules of the 2479
transportation security administration of the United States 2480
department of transportation as provided in Parts 1542. and 1544. 2481
of Title 49 of the Code of Federal Regulations, as amended. 2482

(3) For purposes of division (B) of this section, a state, 2483
county, municipal, or department of natural resources peace 2484
officer basic training program, regardless of whether the program 2485
is to be completed by peace officers appointed on a permanent or 2486
temporary, probationary, or other nonpermanent basis, shall 2487
include training in the handling of the offense of domestic 2488
violence, other types of domestic violence-related offenses and 2489
incidents, ~~and~~ protection orders and consent agreements issued or 2490
approved under section 2919.26 or 3113.31 of the Revised Code ~~and~~, 2491
crisis intervention training, and training on companion animal 2492
encounters and companion animal behavior. The requirement to 2493
complete training in the handling of the offense of domestic 2494
violence, other types of domestic violence-related offenses and 2495
incidents, and protection orders and consent agreements issued or 2496
approved under section 2919.26 or 3113.31 of the Revised Code does 2497
not apply to any person serving as a peace officer on March 27, 2498
1979, and the requirement to complete training in crisis 2499
intervention does not apply to any person serving as a peace 2500
officer on April 4, 1985. Any person who is serving as a peace 2501
officer on April 4, 1985, who terminates that employment after 2502
that date, and who subsequently is hired as a peace officer by the 2503

same or another law enforcement agency shall complete training in 2504
crisis intervention as prescribed by rules adopted by the attorney 2505
general pursuant to section 109.742 of the Revised Code. No peace 2506
officer shall have employment as a peace officer terminated and 2507
then be reinstated with intent to circumvent this section. 2508

(4) Division (B) of this section does not apply to any person 2509
serving on a permanent basis on March 28, 1985, as a park officer, 2510
forest officer, preserve officer, wildlife officer, or state 2511
watercraft officer of the department of natural resources or as an 2512
employee of a park district under section 511.232 or 1545.13 of 2513
the Revised Code, to any person serving on a permanent basis on 2514
March 6, 1986, as an employee of a conservancy district designated 2515
pursuant to section 6101.75 of the Revised Code, to any person 2516
serving on a permanent basis on January 10, 1991, as a preserve 2517
officer of the department of natural resources, to any person 2518
employed on a permanent basis on July 2, 1992, as a special police 2519
officer by the department of mental health and addiction services 2520
pursuant to section 5119.08 of the Revised Code or by the 2521
department of developmental disabilities pursuant to section 2522
5123.13 of the Revised Code, to any person serving on a permanent 2523
basis on May 17, 2000, as a special police officer employed by a 2524
port authority under section 4582.04 or 4582.28 of the Revised 2525
Code, to any person serving on a permanent basis on March 19, 2526
2003, as a special police officer employed by a municipal 2527
corporation at a municipal airport or other municipal air 2528
navigation facility described in division (A)(19) of section 2529
109.71 of the Revised Code, to any person serving on a permanent 2530
basis on June 19, 1978, as a state university law enforcement 2531
officer pursuant to section 3345.04 of the Revised Code and who, 2532
immediately prior to June 19, 1978, was serving as a special 2533
police officer designated under authority of that section, or to 2534
any person serving on a permanent basis on September 20, 1984, as 2535
a liquor control investigator, known after June 30, 1999, as an 2536

enforcement agent of the department of public safety, engaged in 2537
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2538

(5) Division (B) of this section does not apply to any person 2539
who is appointed as a regional transit authority police officer 2540
pursuant to division (Y) of section 306.35 of the Revised Code if, 2541
on or before July 1, 1996, the person has completed satisfactorily 2542
an approved state, county, municipal, or department of natural 2543
resources peace officer basic training program and has been 2544
awarded a certificate by the executive director of the Ohio peace 2545
officer training commission attesting to the person's satisfactory 2546
completion of such an approved program and if, on July 1, 1996, 2547
the person is performing peace officer functions for a regional 2548
transit authority. 2549

(C) No person, after September 20, 1984, shall receive an 2550
original appointment on a permanent basis as a veterans' home 2551
police officer designated under section 5907.02 of the Revised 2552
Code unless the person previously has been awarded a certificate 2553
by the executive director of the Ohio peace officer training 2554
commission attesting to the person's satisfactory completion of an 2555
approved police officer basic training program. Every person who 2556
is appointed on a temporary basis or for a probationary term or on 2557
other than a permanent basis as a veterans' home police officer 2558
designated under section 5907.02 of the Revised Code shall forfeit 2559
that position unless the person previously has completed 2560
satisfactorily or, within one year from the time of appointment, 2561
satisfactorily completes an approved police officer basic training 2562
program. 2563

(D) No bailiff or deputy bailiff of a court of record of this 2564
state and no criminal investigator who is employed by the state 2565
public defender shall carry a firearm, as defined in section 2566
2923.11 of the Revised Code, while on duty unless the bailiff, 2567
deputy bailiff, or criminal investigator has done or received one 2568

of the following: 2569

(1) Has been awarded a certificate by the executive director 2570
of the Ohio peace officer training commission, which certificate 2571
attests to satisfactory completion of an approved state, county, 2572
or municipal basic training program for bailiffs and deputy 2573
bailiffs of courts of record and for criminal investigators 2574
employed by the state public defender that has been recommended by 2575
the Ohio peace officer training commission; 2576

(2) Has successfully completed a firearms training program 2577
approved by the Ohio peace officer training commission prior to 2578
employment as a bailiff, deputy bailiff, or criminal investigator; 2579

(3) Prior to June 6, 1986, was authorized to carry a firearm 2580
by the court that employed the bailiff or deputy bailiff or, in 2581
the case of a criminal investigator, by the state public defender 2582
and has received training in the use of firearms that the Ohio 2583
peace officer training commission determines is equivalent to the 2584
training that otherwise is required by division (D) of this 2585
section. 2586

(E)(1) Before a person seeking a certificate completes an 2587
approved peace officer basic training program, the executive 2588
director of the Ohio peace officer training commission shall 2589
request the person to disclose, and the person shall disclose, any 2590
previous criminal conviction of or plea of guilty of that person 2591
to a felony. 2592

(2) Before a person seeking a certificate completes an 2593
approved peace officer basic training program, the executive 2594
director shall request a criminal history records check on the 2595
person. The executive director shall submit the person's 2596
fingerprints to the bureau of criminal identification and 2597
investigation, which shall submit the fingerprints to the federal 2598
bureau of investigation for a national criminal history records 2599

check. 2600

Upon receipt of the executive director's request, the bureau 2601
of criminal identification and investigation and the federal 2602
bureau of investigation shall conduct a criminal history records 2603
check on the person and, upon completion of the check, shall 2604
provide a copy of the criminal history records check to the 2605
executive director. The executive director shall not award any 2606
certificate prescribed in this section unless the executive 2607
director has received a copy of the criminal history records check 2608
on the person to whom the certificate is to be awarded. 2609

(3) The executive director of the commission shall not award 2610
a certificate prescribed in this section to a person who has been 2611
convicted of or has pleaded guilty to a felony or who fails to 2612
disclose any previous criminal conviction of or plea of guilty to 2613
a felony as required under division (E)(1) of this section. 2614

(4) The executive director of the commission shall revoke the 2615
certificate awarded to a person as prescribed in this section, and 2616
that person shall forfeit all of the benefits derived from being 2617
certified as a peace officer under this section, if the person, 2618
before completion of an approved peace officer basic training 2619
program, failed to disclose any previous criminal conviction of or 2620
plea of guilty to a felony as required under division (E)(1) of 2621
this section. 2622

(F)(1) Regardless of whether the person has been awarded the 2623
certificate or has been classified as a peace officer prior to, 2624
on, or after October 16, 1996, the executive director of the Ohio 2625
peace officer training commission shall revoke any certificate 2626
that has been awarded to a person as prescribed in this section if 2627
the person does either of the following: 2628

(a) Pleads guilty to a felony committed on or after January 2629
1, 1997; 2630

(b) Pleads guilty to a misdemeanor committed on or after 2631
January 1, 1997, pursuant to a negotiated plea agreement as 2632
provided in division (D) of section 2929.43 of the Revised Code in 2633
which the person agrees to surrender the certificate awarded to 2634
the person under this section. 2635

(2) The executive director of the commission shall suspend 2636
any certificate that has been awarded to a person as prescribed in 2637
this section if the person is convicted, after trial, of a felony 2638
committed on or after January 1, 1997. The executive director 2639
shall suspend the certificate pursuant to division (F)(2) of this 2640
section pending the outcome of an appeal by the person from that 2641
conviction to the highest court to which the appeal is taken or 2642
until the expiration of the period in which an appeal is required 2643
to be filed. If the person files an appeal that results in that 2644
person's acquittal of the felony or conviction of a misdemeanor, 2645
or in the dismissal of the felony charge against that person, the 2646
executive director shall reinstate the certificate awarded to the 2647
person under this section. If the person files an appeal from that 2648
person's conviction of the felony and the conviction is upheld by 2649
the highest court to which the appeal is taken or if the person 2650
does not file a timely appeal, the executive director shall revoke 2651
the certificate awarded to the person under this section. 2652

(G)(1) If a person is awarded a certificate under this 2653
section and the certificate is revoked pursuant to division (E)(4) 2654
or (F) of this section, the person shall not be eligible to 2655
receive, at any time, a certificate attesting to the person's 2656
satisfactory completion of a peace officer basic training program. 2657

(2) The revocation or suspension of a certificate under 2658
division (E)(4) or (F) of this section shall be in accordance with 2659
Chapter 119. of the Revised Code. 2660

(H)(1) A person who was employed as a peace officer of a 2661
county, township, or municipal corporation of the state on January 2662

1, 1966, and who has completed at least sixteen years of full-time 2663
active service as such a peace officer, or equivalent service as 2664
determined by the executive director of the Ohio peace officer 2665
training commission, may receive an original appointment on a 2666
permanent basis and serve as a peace officer of a county, 2667
township, or municipal corporation, or as a state university law 2668
enforcement officer, without complying with the requirements of 2669
division (B) of this section. 2670

(2) Any person who held an appointment as a state highway 2671
trooper on January 1, 1966, may receive an original appointment on 2672
a permanent basis and serve as a peace officer of a county, 2673
township, or municipal corporation, or as a state university law 2674
enforcement officer, without complying with the requirements of 2675
division (B) of this section. 2676

(I) No person who is appointed as a peace officer of a 2677
county, township, or municipal corporation on or after April 9, 2678
1985, shall serve as a peace officer of that county, township, or 2679
municipal corporation unless the person has received training in 2680
the handling of missing children and child abuse and neglect cases 2681
from an approved state, county, township, or municipal police 2682
officer basic training program or receives the training within the 2683
time prescribed by rules adopted by the attorney general pursuant 2684
to section 109.741 of the Revised Code. 2685

(J) No part of any approved state, county, or municipal basic 2686
training program for bailiffs and deputy bailiffs of courts of 2687
record and no part of any approved state, county, or municipal 2688
basic training program for criminal investigators employed by the 2689
state public defender shall be used as credit toward the 2690
completion by a peace officer of any part of the approved state, 2691
county, or municipal peace officer basic training program that the 2692
peace officer is required by this section to complete 2693
satisfactorily. 2694

(K) This section does not apply to any member of the police 2695
department of a municipal corporation in an adjoining state 2696
serving in this state under a contract pursuant to section 737.04 2697
of the Revised Code. 2698

Sec. 109.79. (A) The Ohio peace officer training commission 2699
shall establish and conduct a training school for law enforcement 2700
officers of any political subdivision of the state or of the state 2701
public defender's office. The school shall be known as the Ohio 2702
peace officer training academy. No bailiff or deputy bailiff of a 2703
court of record of this state and no criminal investigator 2704
employed by the state public defender shall be permitted to attend 2705
the academy for training unless the employing court of the bailiff 2706
or deputy bailiff or the state public defender, whichever is 2707
applicable, has authorized the bailiff, deputy bailiff, or 2708
investigator to attend the academy. 2709

The Ohio peace officer training commission shall develop the 2710
training program, which shall include courses in both the civil 2711
and criminal functions of law enforcement officers, a course in 2712
crisis intervention with six or more hours of training, ~~and~~ 2713
training in the handling of missing children and child abuse and 2714
neglect cases, and training on companion animal encounters and 2715
companion animal behavior, and shall establish rules governing 2716
qualifications for admission to the academy. The commission may 2717
require competitive examinations to determine fitness of 2718
prospective trainees, so long as the examinations or other 2719
criteria for admission to the academy are consistent with the 2720
provisions of Chapter 124. of the Revised Code. 2721

The Ohio peace officer training commission shall determine 2722
tuition costs sufficient in the aggregate to pay the costs of 2723
operating the academy. The costs of acquiring and equipping the 2724
academy shall be paid from appropriations made by the general 2725

assembly to the Ohio peace officer training commission for that 2726
purpose, from gifts or grants received for that purpose, or from 2727
fees for goods related to the academy. 2728

The Ohio peace officer training commission shall create a 2729
gaming-related curriculum for gaming agents. The Ohio peace 2730
officer training commission shall use money distributed to the 2731
Ohio peace officer training academy from the Ohio law enforcement 2732
training fund to first support the academy's training programs for 2733
gaming agents and gaming-related curriculum. The Ohio peace 2734
officer training commission may utilize existing training programs 2735
in other states that specialize in training gaming agents. 2736

The law enforcement officers, during the period of their 2737
training, shall receive compensation as determined by the 2738
political subdivision that sponsors them or, if the officer is a 2739
criminal investigator employed by the state public defender, as 2740
determined by the state public defender. The political subdivision 2741
may pay the tuition costs of the law enforcement officers they 2742
sponsor and the state public defender may pay the tuition costs of 2743
criminal investigators of that office who attend the academy. 2744

If trainee vacancies exist, the academy may train and issue 2745
certificates of satisfactory completion to peace officers who are 2746
employed by a campus police department pursuant to section 1713.50 2747
of the Revised Code, by a qualified nonprofit corporation police 2748
department pursuant to section 1702.80 of the Revised Code, or by 2749
a railroad company, who are amusement park police officers 2750
appointed and commissioned by a judge of the appropriate municipal 2751
court or county court pursuant to section 4973.17 of the Revised 2752
Code, or who are bank, savings and loan association, savings bank, 2753
credit union, or association of banks, savings and loan 2754
associations, savings banks, or credit unions, or hospital police 2755
officers appointed and commissioned by the secretary of state 2756
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2757

provided that no such officer shall be trained at the academy 2758
unless the officer meets the qualifications established for 2759
admission to the academy and the qualified nonprofit corporation 2760
police department; bank, savings and loan association, savings 2761
bank, credit union, or association of banks, savings and loan 2762
associations, savings banks, or credit unions; railroad company; 2763
hospital; or amusement park or the private college or university 2764
that established the campus police department prepays the entire 2765
cost of the training. A qualified nonprofit corporation police 2766
department; bank, savings and loan association, savings bank, 2767
credit union, or association of banks, savings and loan 2768
associations, savings banks, or credit unions; railroad company; 2769
hospital; or amusement park or a private college or university 2770
that has established a campus police department is not entitled to 2771
reimbursement from the state for any amount paid for the cost of 2772
training the bank, savings and loan association, savings bank, 2773
credit union, or association of banks, savings and loan 2774
associations, savings banks, or credit unions peace officers; the 2775
railroad company's peace officers; or the peace officers of the 2776
qualified nonprofit corporation police department, campus police 2777
department, hospital, or amusement park. 2778

The academy shall permit investigators employed by the state 2779
medical board to take selected courses that the board determines 2780
are consistent with its responsibilities for initial and 2781
continuing training of investigators as required under sections 2782
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2783
entire cost of training that investigators receive at the academy. 2784

(B) As used in this section: 2785

(1) "Law enforcement officers" include any undercover drug 2786
agent, any bailiff or deputy bailiff of a court of record, and any 2787
criminal investigator who is employed by the state public 2788
defender. 2789

(2) "Undercover drug agent" means any person who:	2790
(a) Is employed by a county, township, or municipal corporation for the purposes set forth in division (B)(2)(b) of this section but who is not an employee of a county sheriff's department, of a township constable, or of the police department of a municipal corporation or township;	2791 2792 2793 2794 2795
(b) In the course of the person's employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.	2796 2797 2798 2799 2800
(3) "Crisis intervention training" has the same meaning as in section 109.71 of the Revised Code.	2801 2802
(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	2803 2804
(5) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2805 2806
<u>Sec. 111.31. (A) There is hereby created in the state treasury the absent voter's ballot application mailing fund. The secretary of state shall use the fund to pay the cost of printing and mailing unsolicited applications for absent voter's ballots in accordance with section 3501.05 of the Revised Code if the general assembly has appropriated funds to the controlling board for such a mailing.</u>	2807 2808 2809 2810 2811 2812 2813
<u>(B) The fund shall consist of moneys transferred to it by the controlling board upon the request of the secretary of state. The controlling board shall transfer any unused moneys in the fund to the proper appropriation item.</u>	2814 2815 2816 2817
Sec. 113.07. The treasurer of state may enter into a contract	2818

with any financial institution under which the financial 2819
institution, in accordance with the terms of the contract, 2820
receives tax and fee payments at a post office box, opens the mail 2821
delivered to that box, processes the checks and other payments 2822
received in such mail and deposits them into the treasurer of 2823
state's account, and provides the treasurer of state daily receipt 2824
information with respect to such payments. The contract shall not 2825
be entered into unless: 2826

(A) There is attached to the contract a certification by the 2827
auditor of state that the financial institution and the treasurer 2828
of state have given assurances satisfactory to the auditor of 2829
state that the records of the financial institution which relate 2830
to tax and fee payments covered by the contract, and only such 2831
records, shall be subject to audit by the auditor of state to the 2832
same extent as if the services which the financial institution has 2833
agreed to perform were being performed by the treasurer of state; 2834

(B) The contract is awarded in accordance with ~~section 125.07~~ 2835
Chapter 125. of the Revised Code; 2836

(C) The treasurer of state's surety bond includes within its 2837
coverage any loss that may occur as the result of the contract; 2838

(D) The contract does not conflict with the requirements for 2839
accounting and financial reporting for public offices prescribed 2840
by the auditor of state. 2841

Sec. 117.54. There is in the state treasury the auditor of 2842
state investigation and forfeiture trust fund. The fund shall 2843
consist of moneys received under sections 2981.13 and 2981.14 and 2844
division (B)(3) of section 2923.32 of the Revised Code, and the 2845
auditor of state shall use those moneys in accordance with those 2846
sections. Interest earned on moneys in the fund shall be credited 2847
to the fund. 2848

Sec. 118.023. (A) Upon determining that one or more of the 2849
conditions described in section 118.022 of the Revised Code are 2850
present, the auditor of state shall issue a written declaration of 2851
the existence of a fiscal watch to the municipal corporation, 2852
county, or township and the county budget commission. The fiscal 2853
watch shall be in effect until the auditor of state determines 2854
that none of the conditions are any longer present and cancels the 2855
watch, or until the auditor of state determines that a state of 2856
fiscal emergency exists. The auditor of state, or a designee, 2857
shall provide such technical and support services to the municipal 2858
corporation, county, or township after a fiscal watch has been 2859
declared to exist as the auditor of state considers necessary. 2860

(B) Within ~~one hundred twenty~~ ninety days after the day a 2861
written declaration of the existence of a fiscal watch is issued 2862
under division (A) of this section, the mayor of the municipal 2863
corporation, the board of county commissioners of the county, or 2864
the board of township trustees of the township for which a fiscal 2865
watch was declared shall submit to the auditor of state a 2866
financial recovery plan that shall identify actions to be taken to 2867
eliminate all of the conditions described in section 118.022 of 2868
the Revised Code, and shall include a schedule detailing the 2869
approximate dates for beginning and completing the actions and a 2870
five-year forecast reflecting the effects of the actions. The 2871
financial recovery plan also shall evaluate the feasibility of 2872
entering into shared services agreements with other political 2873
subdivisions for the joint exercise of any power, performance of 2874
any function, or rendering of any service, if so authorized by 2875
statute. The financial recovery plan is subject to review and 2876
approval by the auditor of state. The auditor of state may extend 2877
the amount of time by which a financial recovery plan is required 2878
to be filed, for good cause shown. 2879

(C) ~~If a feasible financial recovery plan for a municipal~~ 2880

~~corporation, county, or township for which a fiscal watch was~~ 2881
~~declared is not submitted within the time period prescribed by~~ 2882
~~division (B) of this section, or within any extension of time~~ 2883
~~thereof, the~~ The auditor of state shall declare that a fiscal 2884
emergency condition exists under section 118.04 of the Revised 2885
Code in the municipal corporation, county, or township if either 2886
of the following applies: 2887

(1) A feasible financial recovery plan for a municipal 2888
corporation, county, or township for which a fiscal watch was 2889
declared is not submitted within the time period prescribed by 2890
division (B) of this section, or within any extension of time 2891
thereof; or 2892

(2) The auditor of state finds that a municipal corporation, 2893
county, or township for which a fiscal watch has been declared has 2894
not made reasonable proposals or otherwise taken action to 2895
discontinue or correct the fiscal practices or budgetary 2896
conditions that prompted the declaration of fiscal watch, and the 2897
auditor determines a fiscal emergency declaration is necessary to 2898
prevent further decline. 2899

Sec. 118.04. (A) The existence of a fiscal emergency 2900
condition constitutes a fiscal emergency. The existence of fiscal 2901
emergency conditions shall be determined by the auditor of state. 2902
Such determination, for purposes of this chapter, may be made only 2903
upon the filing with the auditor of state of a written request for 2904
such a determination by the governor, by the county budget 2905
commission, by the mayor of the municipal corporation, or by the 2906
presiding officer of the legislative authority of the municipal 2907
corporation when authorized by a majority of the members of such 2908
legislative authority, by the board of county commissioners, or by 2909
the board of township trustees, or upon initiation by the auditor 2910
of state. The request may designate in general or specific terms, 2911

but without thereby limiting the determination thereto, the 2912
condition or conditions to be examined to determine whether they 2913
constitute fiscal emergency conditions. Promptly upon receipt of 2914
such written request, or upon initiation by the auditor of state, 2915
the auditor of state shall transmit copies of such request or a 2916
written notice of such initiation to the mayor and the presiding 2917
officer of the legislative authority of the municipal corporation 2918
or to the board of county commissioners or the board of township 2919
trustees by personal service or certified mail. Such 2920
determinations shall be set forth in written reports and 2921
supplemental reports, which shall be filed with the mayor, fiscal 2922
officer, and presiding officer of the legislative authority of the 2923
municipal corporation, or with the board of county commissioners 2924
or the board of township trustees, and with the treasurer of 2925
state, secretary of state, governor, director of budget and 2926
management, and county budget commission, within thirty days after 2927
the request. The auditor of state shall so file an initial report 2928
immediately upon determining the existence of any fiscal emergency 2929
condition. 2930

(B) In making such determination, the auditor of state may 2931
rely on reports or other information filed or otherwise made 2932
available by the municipal corporation, county, or township, 2933
accountants' reports, or other sources and data the auditor of 2934
state considers reliable for such purpose. As to the status of 2935
funds or accounts, a determination that the amounts stated in 2936
section 118.03 of the Revised Code are exceeded may be made 2937
without need for determination of the specific amount of the 2938
excess. The auditor of state may engage the services of 2939
independent certified or registered public accountants, including 2940
public accountants engaged or previously engaged by the municipal 2941
corporation, county, or township, to conduct audits or make 2942
reports or render such opinions as the auditor of state considers 2943
desirable with respect to any aspect of the determinations to be 2944

made by the auditor of state. 2945

(C) A determination by the auditor of state under this 2946
section that a fiscal emergency condition does not exist is final 2947
and conclusive and not appealable. A determination by the auditor 2948
of state under this section that a fiscal emergency exists is 2949
final, except that the mayor of any municipal corporation affected 2950
by a determination of the existence of a fiscal emergency 2951
condition under this section, when authorized by a majority of the 2952
members of the legislative authority, or the board of county 2953
commissioners or board of township trustees, may appeal the 2954
determination of the existence of a fiscal emergency condition to 2955
the court of appeals having territorial jurisdiction over the 2956
municipal corporation, county, or township. The appeal shall be 2957
heard expeditiously by the court of appeals and for good cause 2958
shown shall take precedence over all other civil matters except 2959
earlier matters of the same character. Notice of such appeal must 2960
be filed with the auditor of state and such court within thirty 2961
days after certification by the auditor of state to the mayor and 2962
presiding officer of the legislative authority of the municipal 2963
corporation or to the board of county commissioners or board of 2964
township trustees as provided for in division (A) of this section. 2965
In such appeal, determinations of the auditor of state shall be 2966
presumed to be valid and the municipal corporation, county, or 2967
township shall have the burden of proving, by clear and convincing 2968
evidence, that each of the determinations made by the auditor of 2969
state as to the existence of a fiscal emergency condition under 2970
section 118.03 of the Revised Code was in error. If the municipal 2971
corporation, county, or township fails, upon presentation of its 2972
case, to prove by clear and convincing evidence that each such 2973
determination by the auditor of state was in error, the court 2974
shall dismiss the appeal. The municipal corporation, county, or 2975
township and the auditor of state may introduce any evidence 2976
relevant to the existence or nonexistence of such fiscal emergency 2977

conditions at the times indicated in the applicable provisions of 2978
divisions (A) and (B) of section 118.03 of the Revised Code. The 2979
pendency of any such appeal shall not affect or impede the 2980
operations of this chapter; no restraining order, temporary 2981
injunction, or other similar restraint upon actions consistent 2982
with this chapter shall be imposed by the court or any court 2983
pending determination of such appeal; and all things may be done 2984
under this chapter that may be done regardless of the pendency of 2985
any such appeal. Any action taken or contract executed pursuant to 2986
this chapter during the pendency of such appeal is valid and 2987
enforceable among all parties, notwithstanding the decision in 2988
such appeal. If the court of appeals reverses the determination of 2989
the existence of a fiscal emergency condition by the auditor of 2990
state, the determination no longer has any effect, and any 2991
procedures undertaken as a result of the determination shall be 2992
terminated. 2993

(D) All expenses incurred by the auditor of state relating to 2994
a determination or termination of a fiscal emergency under this 2995
section, a fiscal watch under section 118.021 of the Revised Code, 2996
or a fiscal caution under section 118.025 of the Revised Code, 2997
including providing technical and support services, or for 2998
conducting a performance audit under section 118.041 of the 2999
Revised Code, shall be reimbursed from an appropriation for that 3000
purpose. If necessary, the controlling board may provide 3001
sufficient funds for these purposes. 3002

Sec. 118.041. The auditor of state, on the auditor of state's 3003
initiative, may conduct a performance audit of a municipal 3004
corporation, county, or township that is under a fiscal caution, a 3005
fiscal watch, or a fiscal emergency. 3006

Sec. 119.12. Any party adversely affected by any order of an 3007
agency issued pursuant to an adjudication denying an applicant 3008

admission to an examination, or denying the issuance or renewal of 3009
a license or registration of a licensee, or revoking or suspending 3010
a license, or allowing the payment of a forfeiture under section 3011
4301.252 of the Revised Code may appeal from the order of the 3012
agency to the court of common pleas of the county in which the 3013
place of business of the licensee is located or the county in 3014
which the licensee is a resident, except that appeals from 3015
decisions of the liquor control commission, the Ohio casino 3016
control commission, the state medical board, the state 3017
chiropractic board, and the board of nursing shall be to the court 3018
of common pleas of Franklin county. If any party appealing from 3019
the order is not a resident of and has no place of business in 3020
this state, the party may appeal to the court of common pleas of 3021
Franklin county. 3022

Any party adversely affected by any order of an agency issued 3023
pursuant to any other adjudication may appeal to the court of 3024
common pleas of Franklin county, except that appeals from orders 3025
of the fire marshal issued under Chapter 3737. of the Revised Code 3026
may be to the court of common pleas of the county in which the 3027
building of the aggrieved person is located and except that 3028
appeals under division (B) of section 124.34 of the Revised Code 3029
from a decision of the state personnel board of review or a 3030
municipal or civil service township civil service commission shall 3031
be taken to the court of common pleas of the county in which the 3032
appointing authority is located or, in the case of an appeal by 3033
the department of rehabilitation and correction, to the court of 3034
common pleas of Franklin county. 3035

This section does not apply to appeals from the department of 3036
taxation. 3037

Any party desiring to appeal shall file a notice of appeal 3038
with the agency setting forth the order appealed from and stating 3039
that the agency's order is not supported by reliable, probative, 3040

and substantial evidence and is not in accordance with law. The 3041
notice of appeal may, but need not, set forth the specific grounds 3042
of the party's appeal beyond the statement that the agency's order 3043
is not supported by reliable, probative, and substantial evidence 3044
and is not in accordance with law. The notice of appeal shall also 3045
be filed by the appellant with the court. In filing a notice of 3046
appeal with the agency or court, the notice that is filed may be 3047
either the original notice or a copy of the original notice. 3048
Unless otherwise provided by law relating to a particular agency, 3049
notices of appeal shall be filed within fifteen days after the 3050
mailing of the notice of the agency's order as provided in this 3051
section. For purposes of this paragraph, an order includes a 3052
determination appealed pursuant to division (C) of section 119.092 3053
of the Revised Code. The amendments made to this paragraph by Sub. 3054
H.B. 215 of the 128th general assembly are procedural, and this 3055
paragraph as amended by those amendments shall be applied 3056
retrospectively to all appeals pursuant to this paragraph filed 3057
before ~~the effective date of those amendments~~ September 13, 2010, 3058
but not earlier than May 7, 2009, which was the date the supreme 3059
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3060
v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 3061
622. 3062

The filing of a notice of appeal shall not automatically 3063
operate as a suspension of the order of an agency. If it appears 3064
to the court that an unusual hardship to the appellant will result 3065
from the execution of the agency's order pending determination of 3066
the appeal, the court may grant a suspension and fix its terms. If 3067
an appeal is taken from the judgment of the court and the court 3068
has previously granted a suspension of the agency's order as 3069
provided in this section, the suspension of the agency's order 3070
shall not be vacated and shall be given full force and effect 3071
until the matter is finally adjudicated. No renewal of a license 3072
or permit shall be denied by reason of the suspended order during 3073

the period of the appeal from the decision of the court of common 3074
pleas. In the case of an appeal from the Ohio casino control 3075
commission, the state medical board, or the state chiropractic 3076
board, the court may grant a suspension and fix its terms if it 3077
appears to the court that an unusual hardship to the appellant 3078
will result from the execution of the agency's order pending 3079
determination of the appeal and the health, safety, and welfare of 3080
the public will not be threatened by suspension of the order. This 3081
provision shall not be construed to limit the factors the court 3082
may consider in determining whether to suspend an order of any 3083
other agency pending determination of an appeal. 3084

The final order of adjudication may apply to any renewal of a 3085
license or permit which has been granted during the period of the 3086
appeal. 3087

Notwithstanding any other provision of this section, any 3088
order issued by a court of common pleas or a court of appeals 3089
suspending the effect of an order of the liquor control commission 3090
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3091
suspends, revokes, or cancels a permit issued under Chapter 4303. 3092
of the Revised Code or that allows the payment of a forfeiture 3093
under section 4301.252 of the Revised Code shall terminate not 3094
more than six months after the date of the filing of the record of 3095
the liquor control commission with the clerk of the court of 3096
common pleas and shall not be extended. The court of common pleas, 3097
or the court of appeals on appeal, shall render a judgment in that 3098
matter within six months after the date of the filing of the 3099
record of the liquor control commission with the clerk of the 3100
court of common pleas. A court of appeals shall not issue an order 3101
suspending the effect of an order of the liquor control commission 3102
that extends beyond six months after the date on which the record 3103
of the liquor control commission is filed with a court of common 3104
pleas. 3105

Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals suspending the effect of an order of the Ohio casino control commission issued under Chapter 3772. of the Revised Code that limits, conditions, restricts, suspends, revokes, denies, not renews, fines, or otherwise penalizes an applicant, licensee, or person excluded or ejected from a casino facility in accordance with section 3772.031 of the Revised Code shall terminate not more than six months after the date of the filing of the record of the Ohio casino control commission with the clerk of the court of common pleas and shall not be extended. The court of common pleas, or the court of appeals on appeal, shall render a judgment in that matter within six months after the date of the filing of the record of the Ohio casino control commission with the clerk of the court of common pleas. A court of appeals shall not issue an order suspending the effect of an order of the Ohio casino control commission that extends beyond six months after the date on which the record of the Ohio casino control commission is filed with the clerk of a court of common pleas.

Notwithstanding any other provision of this section, any order issued by a court of common pleas suspending the effect of an order of the state medical board or state chiropractic board that limits, revokes, suspends, places on probation, or refuses to register or reinstate a certificate issued by the board or reprimands the holder of the certificate shall terminate not more than fifteen months after the date of the filing of a notice of appeal in the court of common pleas, or upon the rendering of a final decision or order in the appeal by the court of common pleas, whichever occurs first.

Within thirty days after receipt of a notice of appeal from an order in any case in which a hearing is required by sections 119.01 to 119.13 of the Revised Code, the agency shall prepare and

certify to the court a complete record of the proceedings in the 3138
case. Failure of the agency to comply within the time allowed, 3139
upon motion, shall cause the court to enter a finding in favor of 3140
the party adversely affected. Additional time, however, may be 3141
granted by the court, not to exceed thirty days, when it is shown 3142
that the agency has made substantial effort to comply. The record 3143
shall be prepared and transcribed, and the expense of it shall be 3144
taxed as a part of the costs on the appeal. The appellant shall 3145
provide security for costs satisfactory to the court of common 3146
pleas. Upon demand by any interested party, the agency shall 3147
furnish at the cost of the party requesting it a copy of the 3148
stenographic report of testimony offered and evidence submitted at 3149
any hearing and a copy of the complete record. 3150

Notwithstanding any other provision of this section, any 3151
party desiring to appeal an order or decision of the state 3152
personnel board of review shall, at the time of filing a notice of 3153
appeal with the board, provide a security deposit in an amount and 3154
manner prescribed in rules that the board shall adopt in 3155
accordance with this chapter. In addition, the board is not 3156
required to prepare or transcribe the record of any of its 3157
proceedings unless the appellant has provided the deposit 3158
described above. The failure of the board to prepare or transcribe 3159
a record for an appellant who has not provided a security deposit 3160
shall not cause a court to enter a finding adverse to the board. 3161

Unless otherwise provided by law, in the hearing of the 3162
appeal, the court is confined to the record as certified to it by 3163
the agency. Unless otherwise provided by law, the court may grant 3164
a request for the admission of additional evidence when satisfied 3165
that the additional evidence is newly discovered and could not 3166
with reasonable diligence have been ascertained prior to the 3167
hearing before the agency. 3168

The court shall conduct a hearing on the appeal and shall 3169

give preference to all proceedings under sections 119.01 to 119.13 3170
of the Revised Code, over all other civil cases, irrespective of 3171
the position of the proceedings on the calendar of the court. An 3172
appeal from an order of the state medical board issued pursuant to 3173
division (G) of either section 4730.25 or 4731.22 of the Revised 3174
Code, ~~or~~ the state chiropractic board issued pursuant to section 3175
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3176
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3177
the Ohio casino control commission issued pursuant to Chapter 3178
3772. of the Revised Code shall be set down for hearing at the 3179
earliest possible time and takes precedence over all other 3180
actions. The hearing in the court of common pleas shall proceed as 3181
in the trial of a civil action, and the court shall determine the 3182
rights of the parties in accordance with the laws applicable to a 3183
civil action. At the hearing, counsel may be heard on oral 3184
argument, briefs may be submitted, and evidence may be introduced 3185
if the court has granted a request for the presentation of 3186
additional evidence. 3187

The court may affirm the order of the agency complained of in 3188
the appeal if it finds, upon consideration of the entire record 3189
and any additional evidence the court has admitted, that the order 3190
is supported by reliable, probative, and substantial evidence and 3191
is in accordance with law. In the absence of this finding, it may 3192
reverse, vacate, or modify the order or make such other ruling as 3193
is supported by reliable, probative, and substantial evidence and 3194
is in accordance with law. The court shall award compensation for 3195
fees in accordance with section 2335.39 of the Revised Code to a 3196
prevailing party, other than an agency, in an appeal filed 3197
pursuant to this section. 3198

The judgment of the court shall be final and conclusive 3199
unless reversed, vacated, or modified on appeal. These appeals may 3200
be taken either by the party or the agency, shall proceed as in 3201

the case of appeals in civil actions, and shall be pursuant to the 3202
Rules of Appellate Procedure and, to the extent not in conflict 3203
with those rules, Chapter 2505. of the Revised Code. An appeal by 3204
the agency shall be taken on questions of law relating to the 3205
constitutionality, construction, or interpretation of statutes and 3206
rules of the agency, and, in the appeal, the court may also review 3207
and determine the correctness of the judgment of the court of 3208
common pleas that the order of the agency is not supported by any 3209
reliable, probative, and substantial evidence in the entire 3210
record. 3211

The court shall certify its judgment to the agency or take 3212
any other action necessary to give its judgment effect. 3213

Sec. 121.03. The following administrative department heads 3214
shall be appointed by the governor, with the advice and consent of 3215
the senate, and shall hold their offices during the term of the 3216
appointing governor, and are subject to removal at the pleasure of 3217
the governor. 3218

- (A) The director of budget and management; 3219
- (B) The director of commerce; 3220
- (C) The director of transportation; 3221
- (D) The director of agriculture; 3222
- (E) The director of job and family services; 3223
- (F) Until July 1, 1997, the director of liquor control; 3224
- (G) The director of public safety; 3225
- (H) The superintendent of insurance; 3226
- (I) The director of development services; 3227
- (J) The tax commissioner; 3228
- (K) The director of administrative services; 3229

(L) The director of natural resources;	3230
(M) The director of mental health and addiction services;	3231
(N) The director of developmental disabilities;	3232
(O) The director of health;	3233
(P) The director of youth services;	3234
(Q) The director of rehabilitation and correction;	3235
(R) The director of environmental protection;	3236
(S) The director of aging;	3237
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3238 3239 3240
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3241 3242
(V) The chancellor of the Ohio board of regents <u>director of higher education</u> ;	3243 3244
(W) The medicaid director.	3245
Sec. 121.22. (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	3246 3247 3248 3249
(B) As used in this section:	3250
(1) "Public body" means any of the following:	3251
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	3252 3253 3254 3255 3256 3257

(b) Any committee or subcommittee of a body described in 3258
division (B)(1)(a) of this section; 3259

(c) A court of jurisdiction of a sanitary district organized 3260
wholly for the purpose of providing a water supply for domestic, 3261
municipal, and public use when meeting for the purpose of the 3262
appointment, removal, or reappointment of a member of the board of 3263
directors of such a district pursuant to section 6115.10 of the 3264
Revised Code, if applicable, or for any other matter related to 3265
such a district other than litigation involving the district. As 3266
used in division (B)(1)(c) of this section, "court of 3267
jurisdiction" has the same meaning as "court" in section 6115.01 3268
of the Revised Code. 3269

(2) "Meeting" means any prearranged discussion of the public 3270
business of the public body by a majority of its members. 3271

(3) "Regulated individual" means either of the following: 3272

(a) A student in a state or local public educational 3273
institution; 3274

(b) A person who is, voluntarily or involuntarily, an inmate, 3275
patient, or resident of a state or local institution because of 3276
criminal behavior, mental illness or retardation, disease, 3277
disability, age, or other condition requiring custodial care. 3278

(4) "Public office" has the same meaning as in section 3279
149.011 of the Revised Code. 3280

(C) All meetings of any public body are declared to be public 3281
meetings open to the public at all times. A member of a public 3282
body shall be present in person at a meeting open to the public to 3283
be considered present or to vote at the meeting and for purposes 3284
of determining whether a quorum is present at the meeting. 3285

The minutes of a regular or special meeting of any public 3286
body shall be promptly prepared, filed, and maintained and shall 3287

be open to public inspection. The minutes need only reflect the	3288
general subject matter of discussions in executive sessions	3289
authorized under division (G) or (J) of this section.	3290
(D) This section does not apply to any of the following:	3291
(1) A grand jury;	3292
(2) An audit conference conducted by the auditor of state or	3293
independent certified public accountants with officials of the	3294
public office that is the subject of the audit;	3295
(3) The adult parole authority when its hearings are	3296
conducted at a correctional institution for the sole purpose of	3297
interviewing inmates to determine parole or pardon;	3298
(4) The organized crime investigations commission established	3299
under section 177.01 of the Revised Code;	3300
(5) Meetings of a child fatality review board established	3301
under section 307.621 of the Revised Code, <u>meetings related to a</u>	3302
<u>review conducted pursuant to guidelines established by the</u>	3303
<u>director of health under section 3701.70 of the Revised Code,</u> and	3304
meetings conducted pursuant to sections 5153.171 to 5153.173 of	3305
the Revised Code;	3306
(6) The state medical board when determining whether to	3307
suspend a certificate without a prior hearing pursuant to division	3308
(G) of either section 4730.25 or 4731.22 of the Revised Code;	3309
(7) The board of nursing when determining whether to suspend	3310
a license or certificate without a prior hearing pursuant to	3311
division (B) of section 4723.281 of the Revised Code;	3312
(8) The state board of pharmacy when determining whether to	3313
suspend a license without a prior hearing pursuant to division (D)	3314
of section 4729.16 of the Revised Code;	3315
(9) The state chiropractic board when determining whether to	3316
suspend a license without a hearing pursuant to section 4734.37 of	3317

the Revised Code;	3318
(10) The executive committee of the emergency response	3319
commission when determining whether to issue an enforcement order	3320
or request that a civil action, civil penalty action, or criminal	3321
action be brought to enforce Chapter 3750. of the Revised Code;	3322
(11) The board of directors of the nonprofit corporation	3323
formed under section 187.01 of the Revised Code or any committee	3324
thereof, and the board of directors of any subsidiary of that	3325
corporation or a committee thereof;	3326
(12) An audit conference conducted by the audit staff of the	3327
department of job and family services with officials of the public	3328
office that is the subject of that audit under section 5101.37 of	3329
the Revised Code;	3330
(13) The occupational therapy section of the occupational	3331
therapy, physical therapy, and athletic trainers board when	3332
determining whether to suspend a license or limited permit without	3333
a hearing pursuant to division (D) of section 4755.11 of the	3334
Revised Code;	3335
(14) The physical therapy section of the occupational	3336
therapy, physical therapy, and athletic trainers board when	3337
determining whether to suspend a license without a hearing	3338
pursuant to division (E) of section 4755.47 of the Revised Code;	3339
(15) The athletic trainers section of the occupational	3340
therapy, physical therapy, and athletic trainers board when	3341
determining whether to suspend a license without a hearing	3342
pursuant to division (D) of section 4755.64 of the Revised Code.	3343
(E) The controlling board, the tax credit authority, or the	3344
minority development financing advisory board, when meeting to	3345
consider granting assistance pursuant to Chapter 122. or 166. of	3346
the Revised Code, in order to protect the interest of the	3347
applicant or the possible investment of public funds, by unanimous	3348

vote of all board or authority members present, may close the 3349
meeting during consideration of the following information 3350
confidentially received by the authority or board from the 3351
applicant: 3352

(1) Marketing plans; 3353

(2) Specific business strategy; 3354

(3) Production techniques and trade secrets; 3355

(4) Financial projections; 3356

(5) Personal financial statements of the applicant or members 3357
of the applicant's immediate family, including, but not limited 3358
to, tax records or other similar information not open to public 3359
inspection. 3360

The vote by the authority or board to accept or reject the 3361
application, as well as all proceedings of the authority or board 3362
not subject to this division, shall be open to the public and 3363
governed by this section. 3364

(F) Every public body, by rule, shall establish a reasonable 3365
method whereby any person may determine the time and place of all 3366
regularly scheduled meetings and the time, place, and purpose of 3367
all special meetings. A public body shall not hold a special 3368
meeting unless it gives at least twenty-four hours' advance notice 3369
to the news media that have requested notification, except in the 3370
event of an emergency requiring immediate official action. In the 3371
event of an emergency, the member or members calling the meeting 3372
shall notify the news media that have requested notification 3373
immediately of the time, place, and purpose of the meeting. 3374

The rule shall provide that any person, upon request and 3375
payment of a reasonable fee, may obtain reasonable advance 3376
notification of all meetings at which any specific type of public 3377
business is to be discussed. Provisions for advance notification 3378

may include, but are not limited to, mailing the agenda of 3379
meetings to all subscribers on a mailing list or mailing notices 3380
in self-addressed, stamped envelopes provided by the person. 3381

(G) Except as provided in divisions (G)(8) and (J) of this 3382
section, the members of a public body may hold an executive 3383
session only after a majority of a quorum of the public body 3384
determines, by a roll call vote, to hold an executive session and 3385
only at a regular or special meeting for the sole purpose of the 3386
consideration of any of the following matters: 3387

(1) To consider the appointment, employment, dismissal, 3388
discipline, promotion, demotion, or compensation of a public 3389
employee or official, or the investigation of charges or 3390
complaints against a public employee, official, licensee, or 3391
regulated individual, unless the public employee, official, 3392
licensee, or regulated individual requests a public hearing. 3393
Except as otherwise provided by law, no public body shall hold an 3394
executive session for the discipline of an elected official for 3395
conduct related to the performance of the elected official's 3396
official duties or for the elected official's removal from office. 3397
If a public body holds an executive session pursuant to division 3398
(G)(1) of this section, the motion and vote to hold that executive 3399
session shall state which one or more of the approved purposes 3400
listed in division (G)(1) of this section are the purposes for 3401
which the executive session is to be held, but need not include 3402
the name of any person to be considered at the meeting. 3403

(2) To consider the purchase of property for public purposes, 3404
or for the sale of property at competitive bidding, if premature 3405
disclosure of information would give an unfair competitive or 3406
bargaining advantage to a person whose personal, private interest 3407
is adverse to the general public interest. No member of a public 3408
body shall use division (G)(2) of this section as a subterfuge for 3409
providing covert information to prospective buyers or sellers. A 3410

purchase or sale of public property is void if the seller or buyer 3411
of the public property has received covert information from a 3412
member of a public body that has not been disclosed to the general 3413
public in sufficient time for other prospective buyers and sellers 3414
to prepare and submit offers. 3415

If the minutes of the public body show that all meetings and 3416
deliberations of the public body have been conducted in compliance 3417
with this section, any instrument executed by the public body 3418
purporting to convey, lease, or otherwise dispose of any right, 3419
title, or interest in any public property shall be conclusively 3420
presumed to have been executed in compliance with this section 3421
insofar as title or other interest of any bona fide purchasers, 3422
lessees, or transferees of the property is concerned. 3423

(3) Conferences with an attorney for the public body 3424
concerning disputes involving the public body that are the subject 3425
of pending or imminent court action; 3426

(4) Preparing for, conducting, or reviewing negotiations or 3427
bargaining sessions with public employees concerning their 3428
compensation or other terms and conditions of their employment; 3429

(5) Matters required to be kept confidential by federal law 3430
or regulations or state statutes; 3431

(6) Details relative to the security arrangements and 3432
emergency response protocols for a public body or a public office, 3433
if disclosure of the matters discussed could reasonably be 3434
expected to jeopardize the security of the public body or public 3435
office; 3436

(7) In the case of a county hospital operated pursuant to 3437
Chapter 339. of the Revised Code, a joint township hospital 3438
operated pursuant to Chapter 513. of the Revised Code, or a 3439
municipal hospital operated pursuant to Chapter 749. of the 3440
Revised Code, to consider trade secrets, as defined in section 3441

1333.61 of the Revised Code; 3442

(8) To consider confidential information related to the 3443
marketing plans, specific business strategy, production 3444
techniques, trade secrets, or personal financial statements of an 3445
applicant for economic development assistance, or to negotiations 3446
with other political subdivisions respecting requests for economic 3447
development assistance, provided that both of the following 3448
conditions apply: 3449

~~(1)~~(a) The information is directly related to a request for 3450
economic development assistance that is to be provided or 3451
administered under any provision of Chapter 715., 725., 1724., or 3452
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3453
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3454
the Revised Code, or that involves public infrastructure 3455
improvements or the extension of utility services that are 3456
directly related to an economic development project. 3457

~~(2)~~(b) A unanimous quorum of the public body determines, by a 3458
roll call vote, that the executive session is necessary to protect 3459
the interests of the applicant or the possible investment or 3460
expenditure of public funds to be made in connection with the 3461
economic development project. 3462

If a public body holds an executive session to consider any 3463
of the matters listed in divisions (G)(2) to (8) of this section, 3464
the motion and vote to hold that executive session shall state 3465
which one or more of the approved matters listed in those 3466
divisions are to be considered at the executive session. 3467

A public body specified in division (B)(1)(c) of this section 3468
shall not hold an executive session when meeting for the purposes 3469
specified in that division. 3470

(H) A resolution, rule, or formal action of any kind is 3471
invalid unless adopted in an open meeting of the public body. A 3472

resolution, rule, or formal action adopted in an open meeting that 3473
results from deliberations in a meeting not open to the public is 3474
invalid unless the deliberations were for a purpose specifically 3475
authorized in division (G) or (J) of this section and conducted at 3476
an executive session held in compliance with this section. A 3477
resolution, rule, or formal action adopted in an open meeting is 3478
invalid if the public body that adopted the resolution, rule, or 3479
formal action violated division (F) of this section. 3480

(I)(1) Any person may bring an action to enforce this 3481
section. An action under division (I)(1) of this section shall be 3482
brought within two years after the date of the alleged violation 3483
or threatened violation. Upon proof of a violation or threatened 3484
violation of this section in an action brought by any person, the 3485
court of common pleas shall issue an injunction to compel the 3486
members of the public body to comply with its provisions. 3487

(2)(a) If the court of common pleas issues an injunction 3488
pursuant to division (I)(1) of this section, the court shall order 3489
the public body that it enjoins to pay a civil forfeiture of five 3490
hundred dollars to the party that sought the injunction and shall 3491
award to that party all court costs and, subject to reduction as 3492
described in division (I)(2) of this section, reasonable 3493
attorney's fees. The court, in its discretion, may reduce an award 3494
of attorney's fees to the party that sought the injunction or not 3495
award attorney's fees to that party if the court determines both 3496
of the following: 3497

(i) That, based on the ordinary application of statutory law 3498
and case law as it existed at the time of violation or threatened 3499
violation that was the basis of the injunction, a well-informed 3500
public body reasonably would believe that the public body was not 3501
violating or threatening to violate this section; 3502

(ii) That a well-informed public body reasonably would 3503
believe that the conduct or threatened conduct that was the basis 3504

of the injunction would serve the public policy that underlies the 3505
authority that is asserted as permitting that conduct or 3506
threatened conduct. 3507

(b) If the court of common pleas does not issue an injunction 3508
pursuant to division (I)(1) of this section and the court 3509
determines at that time that the bringing of the action was 3510
frivolous conduct, as defined in division (A) of section 2323.51 3511
of the Revised Code, the court shall award to the public body all 3512
court costs and reasonable attorney's fees, as determined by the 3513
court. 3514

(3) Irreparable harm and prejudice to the party that sought 3515
the injunction shall be conclusively and irrebuttably presumed 3516
upon proof of a violation or threatened violation of this section. 3517

(4) A member of a public body who knowingly violates an 3518
injunction issued pursuant to division (I)(1) of this section may 3519
be removed from office by an action brought in the court of common 3520
pleas for that purpose by the prosecuting attorney or the attorney 3521
general. 3522

(J)(1) Pursuant to division (C) of section 5901.09 of the 3523
Revised Code, a veterans service commission shall hold an 3524
executive session for one or more of the following purposes unless 3525
an applicant requests a public hearing: 3526

(a) Interviewing an applicant for financial assistance under 3527
sections 5901.01 to 5901.15 of the Revised Code; 3528

(b) Discussing applications, statements, and other documents 3529
described in division (B) of section 5901.09 of the Revised Code; 3530

(c) Reviewing matters relating to an applicant's request for 3531
financial assistance under sections 5901.01 to 5901.15 of the 3532
Revised Code. 3533

(2) A veterans service commission shall not exclude an 3534

applicant for, recipient of, or former recipient of financial 3535
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3536
and shall not exclude representatives selected by the applicant, 3537
recipient, or former recipient, from a meeting that the commission 3538
conducts as an executive session that pertains to the applicant's, 3539
recipient's, or former recipient's application for financial 3540
assistance. 3541

(3) A veterans service commission shall vote on the grant or 3542
denial of financial assistance under sections 5901.01 to 5901.15 3543
of the Revised Code only in an open meeting of the commission. The 3544
minutes of the meeting shall indicate the name, address, and 3545
occupation of the applicant, whether the assistance was granted or 3546
denied, the amount of the assistance if assistance is granted, and 3547
the votes for and against the granting of assistance. 3548

Sec. 121.36. (A) As used in this section, "home care 3549
dependent adult" means an individual who resides in a private home 3550
or other noninstitutional and unlicensed living arrangement, 3551
without the presence of a parent or guardian, but has health and 3552
safety needs that require the provision of regularly scheduled 3553
home care services to remain in the home or other living 3554
arrangement because one of the following is the case: 3555

(1) The individual is at least twenty-one years of age but 3556
less than sixty years of age and has a physical disability or 3557
mental impairment. 3558

(2) The individual is sixty years of age or older, regardless 3559
of whether the individual has a physical disability or mental 3560
impairment. 3561

(B) Except as provided in division (D) of this section, the 3562
departments of developmental disabilities, aging, job and family 3563
services, medicaid, and health shall each implement this section 3564
with respect to all contracts entered into by the department for 3565

the provision of home care services to home care dependent adults 3566
that are paid for in whole or in part with federal, state, or 3567
local funds. Except as provided in division (D) of this section, 3568
each department shall also require all public and private entities 3569
that receive money from or through the department to comply with 3570
this section when entering into contracts for the provision of 3571
home care services to home care dependent adults that are paid for 3572
in whole or in part with federal, state, or local funds. Such 3573
entities may include county boards of developmental disabilities, 3574
area agencies on aging, county departments of job and family 3575
services, and boards of health of city and general health 3576
districts. 3577

(C) ~~Beginning one year after September 26, 2003, each~~ Each 3578
contract subject to this section shall include terms requiring 3579
that the provider of home care services to home care dependent 3580
adults have a system in place that effectively monitors the 3581
delivery of the services by its employees. To be considered an 3582
effective monitoring system for purposes of the contract, the 3583
system established by a provider must include at least the 3584
following components: 3585

(1) When providing home care services to home care dependent 3586
adults who have a mental impairment or life-threatening health 3587
condition, a mechanism to verify whether the provider's employees 3588
are present at the location where the services are to be provided 3589
and at the time the services are to be provided; 3590

(2) When providing home care services to all other home care 3591
dependent adults, a system to verify at the end of each working 3592
day whether the provider's employees have provided the services at 3593
the proper location and time; 3594

(3) A protocol to be followed in scheduling a substitute 3595
employee when the monitoring system identifies that an employee 3596
has failed to provide home care services at the proper location 3597

and time, including standards for determining the length of time 3598
that may elapse without jeopardizing the health and safety of the 3599
home care dependent adult; 3600

(4) Procedures for maintaining records of the information 3601
obtained through the monitoring system; 3602

(5) Procedures for compiling annual reports of the 3603
information obtained through the monitoring system, including 3604
statistics on the rate at which home care services were provided 3605
at the proper location and time; 3606

(6) Procedures for conducting random checks of the accuracy 3607
of the monitoring system. For purposes of conducting these checks, 3608
a random check is considered to be a check of not more than five 3609
per cent of the home care visits the provider's employees make to 3610
different home care dependent adults within a particular work 3611
shift. 3612

(D) In implementing this section, the departments shall 3613
exempt providers of home care services who are self-employed 3614
providers with no other employees or are otherwise considered by 3615
the departments not to be agency providers. ~~The~~ At times selected 3616
by the departments, the departments shall conduct a study on how 3617
the exempted providers may be made subject to the requirement of 3618
effectively monitoring whether home care services are being 3619
provided and have been provided at the proper location and time. 3620
~~Not later than two years after September 26, 2003, the~~ The 3621
departments shall prepare a report of their findings and 3622
recommendations. The report shall be submitted to the president of 3623
the senate and the speaker of the house of representatives. 3624

(E) The departments of developmental disabilities, aging, job 3625
and family services, medicaid, and health shall each adopt rules 3626
as necessary to implement this section. The rules shall be adopted 3627
in accordance with Chapter 119. of the Revised Code. 3628

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

(1) A community addiction services provider ~~subject to certification under section 5119.36,~~ as defined in section 5119.01 of the Revised Code;

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

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

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

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

(C) The office established pursuant to the agreement entered into under this section shall review rules governing the certification and licensure of substitute care providers and determine which of the rules can be made substantively identical or more similar in order to minimize the number of differing certification and licensure standards and simplify the certification or licensure process for substitute care providers seeking certification or licensure from two or more of the departments represented on the council. The office shall provide county family and children first councils, substitute care

providers, and persons interested in substitute care providers the 3659
opportunity to help the office with the review and determination. 3660
The office shall report its findings to the council. Each of the 3661
departments represented on the council that has adopted rules 3662
governing the certification or licensure of substitute care 3663
providers shall review the report and amend the rules as that 3664
department considers appropriate, except that no rule shall be 3665
amended so as to make it inconsistent with substitute care 3666
provider certification or licensure procedures and standards 3667
established by federal or state law. A department shall give 3668
priority to amendments that will not increase the department's 3669
administrative costs. In amending a rule, a department shall 3670
comply with Chapter 119. or section 111.15 of the Revised Code, as 3671
required by the Revised Code section governing the adoption of the 3672
particular rule. 3673

(D) In accordance with section 124.27 of the Revised Code, 3674
the council shall select a coordinator to oversee the office 3675
established pursuant to the agreement entered into under this 3676
section. The coordinator shall be in the classified service. In 3677
addition to overseeing the office, the coordinator shall perform 3678
any other duties the council assigns to the coordinator. The 3679
duties the council assigns to the coordinator shall be related to 3680
the duties of the office under division (C) of this section. 3681

Sec. 121.40. (A) There is hereby created in the Governor's 3682
office of faith-based and community initiatives the Ohio 3683
commission on service and volunteerism consisting of twenty-one 3684
voting members including the superintendent of public instruction 3685
or the superintendent's designee, the chancellor of the Ohio board 3686
of regents or the chancellor's designee, the director of youth 3687
services or the director's designee, the director of aging or the 3688
director's designee, the chairperson of the committee of the house 3689
of representatives dealing with education or the chairperson's 3690

designee, the chairperson of the committee of the senate dealing 3691
with education or the chairperson's designee, and fifteen members 3692
who shall be appointed by the governor with the advice and consent 3693
of the senate and who shall serve terms of office of three years. 3694
The appointees shall include educators, including teachers and 3695
administrators; representatives of youth organizations; students 3696
and parents; representatives of organizations engaged in volunteer 3697
program development and management throughout the state, including 3698
youth and conservation programs; and representatives of business, 3699
government, nonprofit organizations, social service agencies, 3700
veterans organizations, religious organizations, or philanthropies 3701
that support or encourage volunteerism within the state. The 3702
director of the governor's office of faith-based and community 3703
initiatives shall serve as a nonvoting ex officio member of the 3704
commission. Members of the commission shall receive no 3705
compensation, but shall be reimbursed for actual and necessary 3706
expenses incurred in the performance of their official duties. 3707

(B) The commission shall appoint an executive director for 3708
the commission, who shall be in the unclassified civil service. 3709
The governor shall be informed of the appointment of an executive 3710
director before such an appointment is made. The executive 3711
director shall supervise the commission's activities and report to 3712
the commission on the progress of those activities. The executive 3713
director shall do all things necessary for the efficient and 3714
effective implementation of the duties of the commission. 3715

The responsibilities assigned to the executive director do 3716
not relieve the members of the commission from final 3717
responsibility for the proper performance of the requirements of 3718
this section. 3719

(C) The commission or its designee shall do all of the 3720
following: 3721

(1) Employ, promote, supervise, and remove all employees as 3722

needed in connection with the performance of its duties under this 3723
section and may assign duties to those employees as necessary to 3724
achieve the most efficient performance of its functions, and to 3725
that end may establish, change, or abolish positions, and assign 3726
and reassign duties and responsibilities of any employee of the 3727
commission. Personnel employed by the commission who are subject 3728
to Chapter 4117. of the Revised Code shall retain all of their 3729
rights and benefits conferred pursuant to that chapter. Nothing in 3730
this chapter shall be construed as eliminating or interfering with 3731
Chapter 4117. of the Revised Code or the rights and benefits 3732
conferred under that chapter to public employees or to any 3733
bargaining unit. 3734

(2) Maintain its office in Columbus, and may hold sessions at 3735
any place within the state; 3736

(3) Acquire facilities, equipment, and supplies necessary to 3737
house the commission, its employees, and files and records under 3738
its control, and to discharge any duty imposed upon it by law. The 3739
expense of these acquisitions shall be audited and paid for in the 3740
same manner as other state expenses. For that purpose, the 3741
commission shall prepare and submit to the office of budget and 3742
management a budget for each biennium according to sections 3743
101.532 and 107.03 of the Revised Code. The budget submitted shall 3744
cover the costs of the commission and its staff in the discharge 3745
of any duty imposed upon the commission by law. The commission 3746
shall not delegate any authority to obligate funds. 3747

(4) Pay its own payroll and other operating expenses from 3748
line items designated by the general assembly; 3749

(5) Retain its fiduciary responsibility as appointing 3750
authority. Any transaction instructions shall be certified by the 3751
appointing authority or its designee. 3752

(6) Establish the overall policy and management of the 3753

commission in accordance with this chapter; 3754

(7) Assist in coordinating and preparing the state 3755
application for funds under sections 101 to 184 of the "National 3756
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 3757
U.S.C.A. 12411 to 12544, as amended, assist in administering and 3758
overseeing the "National and Community Service Trust Act of 1993," 3759
P.L. 103-82, 107 Stat. 785, and the americorps program in this 3760
state, and assist in developing objectives for a comprehensive 3761
strategy to encourage and expand community service programs 3762
throughout the state; 3763

(8) Assist the state board of education, school districts, 3764
the chancellor of the board of regents, and institutions of higher 3765
education in coordinating community service education programs 3766
through cooperative efforts between institutions and organizations 3767
in the public and private sectors; 3768

(9) Assist the departments of natural resources, youth 3769
services, aging, and job and family services in coordinating 3770
community service programs through cooperative efforts between 3771
institutions and organizations in the public and private sectors; 3772

(10) Suggest individuals and organizations that are available 3773
to assist school districts, institutions of higher education, and 3774
the departments of natural resources, youth services, aging, and 3775
job and family services in the establishment of community service 3776
programs and assist in investigating sources of funding for 3777
implementing these programs; 3778

(11) Assist in evaluating the state's efforts in providing 3779
community service programs using standards and methods that are 3780
consistent with any statewide objectives for these programs and 3781
provide information to the state board of education, school 3782
districts, the chancellor of the board of regents, institutions of 3783
higher education, and the departments of natural resources, youth 3784

services, aging, and job and family services to guide them in 3785
making decisions about these programs; 3786

(12) Assist the state board of education in complying with 3787
section 3301.70 of the Revised Code and the chancellor of the 3788
board of regents in complying with division (B)(2) of section 3789
3333.043 of the Revised Code. 3790

(D) The commission shall in writing enter into an agreement 3791
with another state agency to serve as the commission's fiscal 3792
agent. Before entering into such an agreement, the commission 3793
shall inform the governor of the terms of the agreement and of the 3794
state agency designated to serve as the commission's fiscal agent. 3795
The fiscal agent shall be responsible for all the commission's 3796
fiscal matters and financial transactions, as specified in the 3797
agreement. Services to be provided by the fiscal agent include, 3798
but are not limited to, the following: 3799

(1) Preparing and processing payroll and other personnel 3800
documents that the commission executes as the appointing 3801
authority; 3802

(2) Maintaining ledgers of accounts and reports of account 3803
balances, and monitoring budgets and allotment plans in 3804
consultation with the commission; and 3805

(3) Performing other routine support services that the fiscal 3806
agent considers appropriate to achieve efficiency. 3807

(E)(1) The commission, in conjunction and consultation with 3808
the fiscal agent, has the following authority and responsibility 3809
relative to fiscal matters: 3810

(a) Sole authority to draw funds for any and all federal 3811
programs in which the commission is authorized to participate; 3812

(b) Sole authority to expend funds from their accounts for 3813
programs and any other necessary expenses the commission may incur 3814

and its subgrantees may incur; and 3815

(c) Responsibility to cooperate with and inform the fiscal 3816
agent fully of all financial transactions. 3817

(2) The commission shall follow all state procurement, 3818
fiscal, human resources, statutory, and administrative rule 3819
requirements. 3820

(3) The fiscal agent shall determine fees to be charged to 3821
the commission, which shall be in proportion to the services 3822
performed for the commission. 3823

(4) The commission shall pay fees owed to the fiscal agent 3824
from a general revenue fund of the commission or from any other 3825
fund from which the operating expenses of the commission are paid. 3826
Any amounts set aside for a fiscal year for the payment of these 3827
fees shall be used only for the services performed for the 3828
commission by the fiscal agent in that fiscal year. 3829

(F) The commission may accept and administer grants from any 3830
source, public or private, to carry out any of the commission's 3831
functions this section establishes. 3832

Sec. 122.121. (A) If a local organizing committee, endorsing 3833
municipality, or endorsing county enters into a joinder 3834
undertaking with a site selection organization, the local 3835
organizing committee, endorsing municipality, or endorsing county 3836
may apply to the director of development services, on a form and 3837
in the manner prescribed by the director, for a grant based on the 3838
projected incremental increase in the receipts from the tax 3839
imposed under section 5739.02 of the Revised Code within the 3840
market area designated under division (C) of this section, for the 3841
two-week period that ends at the end of the day after the date on 3842
which a game will be held, that is directly attributable, as 3843
determined by the director, to the preparation for and 3844

presentation of the game. The director shall determine the 3845
projected incremental increase in the tax imposed under section 3846
5739.02 of the Revised Code by using a formula approved by the 3847
destination marketing association international for event impact 3848
or another formula of similar purpose approved by the director. 3849
The local organizing committee, endorsing municipality, or 3850
endorsing county is eligible to receive a grant under this section 3851
only if the projected incremental increase in receipts from the 3852
tax imposed under section 5739.02 of the Revised Code, as 3853
determined by the director, exceeds two hundred fifty thousand 3854
dollars. The amount of the grant shall be not less than fifty per 3855
cent of the projected incremental increase in receipts, as 3856
determined by the director, but shall not exceed five hundred 3857
thousand dollars. The director shall not issue grants with a total 3858
value of more than one million dollars in any fiscal year, and 3859
shall not issue any grant before July 1, 2013. 3860

(B) If the director of development services approves an 3861
application for a local organizing committee, endorsing 3862
municipality, or endorsing county and that local organizing 3863
committee, endorsing municipality, or endorsing county enters into 3864
a joinder agreement with a site selection organization, the local 3865
organizing committee, endorsing municipality, or endorsing county 3866
shall file a copy of the joinder agreement with the director. The 3867
grant shall be used exclusively by the local organizing committee, 3868
endorsing municipality, or endorsing county to fulfill a portion 3869
of its obligations to a site selection organization under game 3870
support contracts, which obligations may include the payment of 3871
costs relating to the preparations necessary for the conduct of 3872
the game, including acquiring, renovating, or constructing 3873
facilities; to pay the costs of conducting the game; and to assist 3874
the local organizing committee, endorsing municipality, or 3875
endorsing county in providing assurances required by a site 3876

selection organization sponsoring one or more games. 3877

(C) For the purposes of division (A) of this section, the 3878
director of development services, in consultation with the tax 3879
commissioner, shall designate the market area for a game. The 3880
market area shall consist of the combined statistical area, as 3881
defined by the United States office of management and budget, in 3882
which an endorsing municipality or endorsing county is located. 3883

(D) A local organizing committee, endorsing municipality, or 3884
endorsing county shall provide information required by the 3885
director of development services and tax commissioner to enable 3886
the director and commissioner to fulfill their duties under this 3887
section, including annual audited statements of any financial 3888
records required by a site selection organization and data 3889
obtained by the local organizing committee, endorsing 3890
municipality, or endorsing county relating to attendance at a game 3891
and to the economic impact of the game. A local organizing 3892
committee, an endorsing municipality, or an endorsing county shall 3893
provide an annual audited financial statement if so required by 3894
the director and commissioner, not later than the end of the 3895
fourth month after the date the period covered by the financial 3896
statement ends. 3897

(E) Within thirty days after the game, the local organizing 3898
committee, endorsing municipality, or endorsing county shall 3899
report to the director of development services about the economic 3900
impact of the game. The report shall be in the form and substance 3901
required by the director, including, but not limited to, a final 3902
income statement for the event showing total revenue and 3903
expenditures and revenue and expenditures in the market area for 3904
the game, and ticket sales for the game and any related activities 3905
for which admission was charged. The director shall determine, 3906
based on the reported information and the exercise of reasonable 3907
judgment, the incremental increase in receipts from the tax 3908

imposed under section 5739.02 of the Revised Code directly 3909
attributable to the game. If the actual incremental increase in 3910
such receipts is less than the projected incremental increase in 3911
receipts, the director may require the local organizing committee, 3912
endorsing municipality, or endorsing county to refund to the state 3913
all or a portion of the grant. 3914

(F) No disbursement may be made under this section if the 3915
director of development services determines that it would be used 3916
for the purpose of soliciting the relocation of a professional 3917
sports franchise located in this state. 3918

(G) This section may not be construed as creating or 3919
requiring a state guarantee of obligations imposed on an endorsing 3920
municipality or endorsing county under a game support contract or 3921
any other agreement relating to hosting one or more games in this 3922
state. 3923

(H) The director may make grants under this section from the 3924
major sporting events site selection fund created in section 3925
4301.46 of the Revised Code or from any other money appropriated 3926
or allocated for that purpose. 3927

Sec. 122.17. (A) As used in this section: 3928

(1) "~~Income tax revenue~~ Payroll" means the total amount 3929
~~withheld under section 5747.06 of the Revised Code~~ taxable income 3930
paid by the ~~taxpayer~~ employer during the employer's taxable year, 3931
or during the calendar year that includes the employer's tax 3932
period, ~~from the compensation of~~ to each employee or each 3933
home-based employee employed in the project to the extent ~~the~~ 3934
~~employee's withholdings are~~ such payroll is not used to determine 3935
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 3936
~~revenue~~ Payroll" excludes amounts ~~withheld~~ paid before the day the 3937
taxpayer becomes eligible for the credit and retirement or other 3938
benefits paid or contributed by the employer to or on behalf of 3939

employees. 3940

(2) "~~Baseline income tax revenue~~ payroll" means ~~income tax~~ 3941
~~revenue~~ Ohio employee payroll, except that the applicable 3942
~~withholding~~ measurement period is the twelve months immediately 3943
preceding the date the tax credit authority approves the 3944
taxpayer's application or the date the tax credit authority 3945
receives the recommendation described in division (C)(2)(a) of 3946
this section, whichever occurs first, multiplied by the sum of one 3947
plus an annual pay increase factor to be determined by the tax 3948
credit authority. 3949

(3) "Ohio employee payroll" means the total taxable income 3950
paid by the employer during the employer's taxable year, or during 3951
the calendar year that includes the employer's tax period, to each 3952
employee employed in the project who is a resident of this state, 3953
as defined in section 5747.01 of the Revised Code, or to each 3954
home-based employee employed in the project, to the extent such 3955
payroll is not used to determine the credit under section 122.171 3956
of the Revised Code. "Ohio employee payroll" excludes amounts paid 3957
before the day the taxpayer becomes eligible for the credit and 3958
retirement or other benefits paid or contributed by the employer 3959
to or on behalf of employees. 3960

(4) "~~Excess income tax revenue~~ payroll" means ~~income tax~~ 3961
~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 3962
payroll. 3963

~~(4)~~(5) "Home-based employee" means an employee whose services 3964
are performed primarily from the employee's residence in this 3965
state exclusively for the benefit of the project and whose rate of 3966
pay is at least one hundred thirty-one per cent of the federal 3967
minimum wage under 29 U.S.C. 206. 3968

(6) "Full-time equivalent employees" means the quotient 3969
obtained by dividing the total number of hours for which employees 3970

were compensated for employment in the project by two thousand 3971
eighty. "Full-time equivalent employees" excludes hours that are 3972
counted for a credit under section 122.171 of the Revised Code. 3973

(7) "Metric evaluation date" means the date by which the 3974
taxpayer must meet all of the commitments included in the 3975
agreement. 3976

(B) The tax credit authority may make grants under this 3977
section to foster job creation in this state. Such a grant shall 3978
take the form of a refundable credit allowed against the tax 3979
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 3980
5747.02 or levied under Chapter 5751. of the Revised Code. The 3981
credit shall be claimed for the taxable years or tax periods 3982
specified in the taxpayer's agreement with the tax credit 3983
authority under division (D) of this section. With respect to 3984
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 3985
Chapter 5751. of the Revised Code, the credit shall be claimed in 3986
the order required under section 5726.98, 5733.98, 5747.98, or 3987
5751.98 of the Revised Code. The amount of the credit available 3988
for a taxable year or for a calendar year that includes a tax 3989
period equals the excess ~~income tax revenue~~ payroll for that year 3990
multiplied by the percentage specified in the agreement with the 3991
tax credit authority. ~~Any credit granted under this section~~ 3992
~~against the tax imposed by section 5733.06 or 5747.02 of the~~ 3993
~~Revised Code, to the extent not fully utilized against such tax~~ 3994
~~for taxable years ending prior to 2008, shall automatically be~~ 3995
~~converted without any action taken by the tax credit authority to~~ 3996
~~a credit against the tax levied under Chapter 5751. of the Revised~~ 3997
~~Code for tax periods beginning on or after July 1, 2008, provided~~ 3998
~~that the person to whom the credit was granted is subject to such~~ 3999
~~tax. The converted credit shall apply to those calendar years in~~ 4000
~~which the remaining taxable years specified in the agreement end.~~ 4001

(C)(1) A taxpayer or potential taxpayer who proposes a 4002

project to create new jobs in this state may apply to the tax 4003
credit authority to enter into an agreement for a tax credit under 4004
this section. 4005

An application shall not propose to include both home-based 4006
employees and employees who are not home-based employees in the 4007
computation of ~~income tax revenue~~ Ohio employee payroll for the 4008
purposes of the same tax credit agreement. If a taxpayer or 4009
potential taxpayer employs both home-based employees and employees 4010
who are not home-based employees in a project, the taxpayer shall 4011
submit separate applications for separate tax credit agreements 4012
for the project, one of which shall include home-based employees 4013
in the computation of ~~income tax revenue~~ Ohio employee payroll and 4014
one of which shall include all other employees in the computation 4015
of ~~income tax revenue~~ Ohio employee payroll. 4016

The director of development services shall prescribe the form 4017
of the application. After receipt of an application, the authority 4018
may enter into an agreement with the taxpayer for a credit under 4019
this section if it determines all of the following: 4020

(a) The taxpayer's project will increase payroll ~~and income~~ 4021
~~tax revenue~~; 4022

(b) The taxpayer's project is economically sound and will 4023
benefit the people of this state by increasing opportunities for 4024
employment and strengthening the economy of this state; 4025

(c) Receiving the tax credit is a major factor in the 4026
taxpayer's decision to go forward with the project. 4027

(2)(a) A taxpayer that chooses to begin the project prior to 4028
receiving the determination of the authority may, upon submitting 4029
the taxpayer's application to the authority, request that the 4030
chief investment officer of the nonprofit corporation formed under 4031
section 187.01 of the Revised Code and the director review the 4032
taxpayer's application and recommend to the authority that the 4033

taxpayer's application be considered. As soon as possible after 4034
receiving such a request, the chief investment officer and the 4035
director shall review the taxpayer's application and, if they 4036
determine that the application warrants consideration by the 4037
authority, make that recommendation to the authority not later 4038
than six months after the application is received by the 4039
authority. 4040

(b) The authority shall consider any taxpayer's application 4041
for which it receives a recommendation under division (C)(2)(a) of 4042
this section. If the authority determines that the taxpayer does 4043
not meet all of the criteria set forth in division (C)(1) of this 4044
section, the authority and the development services agency shall 4045
proceed in accordance with rules adopted by the director pursuant 4046
to division (I) of this section. 4047

(D) An agreement under this section shall include all of the 4048
following: 4049

(1) A detailed description of the project that is the subject 4050
of the agreement; 4051

(2)(a) The term of the tax credit, which, except as provided 4052
in division (D)(2)(b) of this section, shall not exceed fifteen 4053
years, and the first taxable year, or first calendar year that 4054
includes a tax period, for which the credit may be claimed; 4055

(b) If the tax credit is computed on the basis of home-based 4056
employees, the term of the credit shall expire on or before the 4057
last day of the taxable or calendar year ending before the 4058
beginning of the seventh year after September 6, 2012, the 4059
effective date of H.B. 327 of the 129th general assembly. 4060

(3) A requirement that the taxpayer shall maintain operations 4061
at the project location for at least the greater of seven years or 4062
the term of the credit plus three years; 4063

(4) The percentage, as determined by the tax credit 4064

authority, of excess ~~income tax revenue~~ payroll that will be 4065
allowed as the amount of the credit for each taxable year or for 4066
each calendar year that includes a tax period; 4067

(5) The pay increase factor to be applied to the taxpayer's 4068
baseline ~~income tax revenue~~ payroll; 4069

(6) A requirement that the taxpayer annually shall report to 4070
the director of development services ~~employment, tax withholding~~ 4071
full-time equivalent employees, payroll, Ohio employee payroll, 4072
investment, the provision of health care benefits and tuition 4073
reimbursement if required in the agreement, and other information 4074
the director needs to perform the director's duties under this 4075
section; 4076

(7) A requirement that the director of development services 4077
annually review the information reported under division (D)(6) of 4078
this section and verify compliance with the agreement; if the 4079
taxpayer is in compliance, a requirement that the director issue a 4080
certificate to the taxpayer stating that the information has been 4081
verified and identifying the amount of the credit that may be 4082
claimed for the taxable or calendar year; 4083

(8) A provision providing that the taxpayer may not relocate 4084
a substantial number of employment positions from elsewhere in 4085
this state to the project location unless the director of 4086
development services determines that the legislative authority of 4087
the county, township, or municipal corporation from which the 4088
employment positions would be relocated has been notified by the 4089
taxpayer of the relocation. 4090

For purposes of this section, the movement of an employment 4091
position from one political subdivision to another political 4092
subdivision shall be considered a relocation of an employment 4093
position unless the employment position in the first political 4094
subdivision is replaced. 4095

(9) If the tax credit is computed on the basis of home-based employees, that the tax credit may not be claimed by the taxpayer until the taxable year or tax period in which the taxpayer employs at least two hundred employees more than the number of employees the taxpayer employed on June 30, 2011.

(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term may take effect in the current taxable or calendar year.

(F) Projects that consist solely of point-of-final-purchase retail facilities are not eligible for a tax credit under this section. If a project consists of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project consisting of the nonretail facilities is eligible for a tax credit and only the excess ~~income tax revenue~~ payroll from the nonretail facilities shall be considered when computing the amount of the tax credit. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not eligible for a tax credit. Catalog distribution centers are not considered point-of-final-purchase retail facilities for the purposes of this division, and are eligible for tax credits under this section.

(G) Financial statements and other information submitted to the development services agency or the tax credit authority by an applicant or recipient of a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credit agreements under this section. Upon the

request of the tax commissioner or, if the applicant or recipient 4128
is an insurance company, upon the request of the superintendent of 4129
insurance, the chairperson of the authority shall provide to the 4130
commissioner or superintendent any statement or information 4131
submitted by an applicant or recipient of a tax credit in 4132
connection with the credit. The commissioner or superintendent 4133
shall preserve the confidentiality of the statement or 4134
information. 4135

(H) A taxpayer claiming a credit under this section shall 4136
submit to the tax commissioner or, if the taxpayer is an insurance 4137
company, to the superintendent of insurance, a copy of the 4138
director of development services' certificate of verification 4139
under division (D)(7) of this section with the taxpayer's tax 4140
report or return for the taxable year or for the calendar year 4141
that includes the tax period. Failure to submit a copy of the 4142
certificate with the report or return does not invalidate a claim 4143
for a credit if the taxpayer submits a copy of the certificate to 4144
the commissioner or superintendent within ~~sixty~~ thirty days after 4145
the commissioner or superintendent requests it. 4146

(I) The director of development services, after consultation 4147
with the tax commissioner and the superintendent of insurance and 4148
in accordance with Chapter 119. of the Revised Code, shall adopt 4149
rules necessary to implement this section, including rules that 4150
establish a procedure to be followed by the tax credit authority 4151
and the development services agency in the event the authority 4152
considers a taxpayer's application for which it receives a 4153
recommendation under division (C)(2)(a) of this section but does 4154
not approve it. The rules may provide for recipients of tax 4155
credits under this section to be charged fees to cover 4156
administrative costs of the tax credit program. The fees collected 4157
shall be credited to the business assistance fund created in 4158
section 122.174 of the Revised Code. At the time the director 4159

gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(K)(1) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the ~~requirement under division (D)(3) of this section~~ requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

~~(1)(a)~~ If the taxpayer fails to comply with the requirement under division (D)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project

location for a period less than or equal to the term of the 4192
credit, an amount not exceeding one hundred per cent of the sum of 4193
any credits allowed and received under this section; 4194

~~(2)~~(ii) If the taxpayer maintained operations at the project 4195
location for a period longer than the term of the credit, but less 4196
than the greater of seven years or the term of the credit plus 4197
three years, an amount not exceeding seventy-five per cent of the 4198
sum of any credits allowed and received under this section. 4199

(b) If, on the metric evaluation date, the taxpayer fails to 4200
substantially meet the job creation, payroll, or investment 4201
requirements included in the agreement, an amount determined at 4202
the discretion of the authority; 4203

(c) If the taxpayer fails to substantially maintain the 4204
number of new full-time equivalent employees or amount of payroll 4205
required under the agreement at any time during the term of the 4206
agreement after the metric evaluation date, an amount determined 4207
at the discretion of the authority. 4208

(2) If a taxpayer files for bankruptcy and fails as described 4209
in division (K)(1)(a), (b), or (c) of this section, the director 4210
may immediately commence an action to recoup an amount not 4211
exceeding one hundred per cent of the sum of any credits received 4212
by the taxpayer under this section. 4213

(3) In determining the portion of the tax credit to be 4214
refunded to this state, the tax credit authority shall consider 4215
the effect of market conditions on the taxpayer's project and 4216
whether the taxpayer continues to maintain other operations in 4217
this state. After making the determination, the authority shall 4218
certify the amount to be refunded to the tax commissioner or 4219
superintendent of insurance, as appropriate. If the amount is 4220
certified to the commissioner, the commissioner shall make an 4221
assessment for that amount against the taxpayer under Chapter 4222

5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

(L) On or before the first day of August each year, the director of development services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

(M) There is hereby created the tax credit authority, which consists of the director of development services and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. ~~Of the initial appointees, the members appointed by the governor shall serve a term of two years; the members appointed by the president of the senate and the speaker of the house of representatives shall serve a term of four years. Thereafter, terms~~ Terms of office shall be for four years. ~~Initial appointments to the authority shall be made within thirty days after January 13, 1993.~~ Each member shall serve on the authority

until the end of the term for which the member was appointed. 4255
Vacancies shall be filled in the same manner provided for original 4256
appointments. Any member appointed to fill a vacancy occurring 4257
prior to the expiration of the term for which the member's 4258
predecessor was appointed shall hold office for the remainder of 4259
that term. Members may be reappointed to the authority. Members of 4260
the authority shall receive their necessary and actual expenses 4261
while engaged in the business of the authority. The director of 4262
development services shall serve as chairperson of the authority, 4263
and the members annually shall elect a vice-chairperson from among 4264
themselves. Three members of the authority constitute a quorum to 4265
transact and vote on the business of the authority. The majority 4266
vote of the membership of the authority is necessary to approve 4267
any such business, including the election of the vice-chairperson. 4268

The director of development services may appoint a 4269
professional employee of the development services agency to serve 4270
as the director's substitute at a meeting of the authority. The 4271
director shall make the appointment in writing. In the absence of 4272
the director from a meeting of the authority, the appointed 4273
substitute shall serve as chairperson. In the absence of both the 4274
director and the director's substitute from a meeting, the 4275
vice-chairperson shall serve as chairperson. 4276

(N) For purposes of the credits granted by this section 4277
against the taxes imposed under sections 5725.18 and 5729.03 of 4278
the Revised Code, "taxable year" means the period covered by the 4279
taxpayer's annual statement to the superintendent of insurance. 4280

(O) On or before the first day of March of each of the five 4281
calendar years beginning with 2014, each taxpayer subject to an 4282
agreement with the tax credit authority under this section on the 4283
basis of home-based employees shall report the number of 4284
home-based employees and other employees employed by the taxpayer 4285
in this state to the development services agency. 4286

(P) On or before the first day of January of 2019, the 4287
director of development services shall submit a report to the 4288
governor, the president of the senate, and the speaker of the 4289
house of representatives on the effect of agreements entered into 4290
under this section in which the taxpayer included home-based 4291
employees in the computation of income tax revenue, as that term 4292
was defined in this section prior to the amendment of this section 4293
by H.B. 64 of the 131st general assembly. The report shall include 4294
information on the number of such agreements that were entered 4295
into in the preceding six years, a description of the projects 4296
that were the subjects of such agreements, and an analysis of 4297
nationwide home-based employment trends, including the number of 4298
home-based jobs created from July 1, 2011, through June 30, 2017, 4299
and a description of any home-based employment tax incentives 4300
provided by other states during that time. 4301

(Q) The director of development services may require any 4302
agreement entered into under this section for a tax credit 4303
computed on the basis of home-based employees to contain a 4304
provision that the taxpayer makes available health care benefits 4305
and tuition reimbursement to all employees. 4306

(R) Original agreements approved by the tax credit authority 4307
under this section in 2014 or 2015 before the effective date of 4308
this division may be revised at the request of the taxpayer to 4309
conform with the amendments to this section and sections 4310
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4311
H.B. 64 of the 131st general assembly, upon mutual agreement of 4312
the taxpayer and the development services agency, and approval by 4313
the tax credit authority. 4314

(S) Upon the request of a taxpayer subject to an agreement 4315
approved under this section before the effective date of this 4316
division, including agreements effective under this section as it 4317
existed before October 16, 2009, the tax credit authority shall 4318

amend the agreement as follows: 4319

(1) The percentage of excess income tax revenue allowed as 4320
the amount of the credit shall be increased by the same percentage 4321
that the income tax rates prescribed by section 5747.02 of the 4322
Revised Code have decreased since June 29, 2013, or the effective 4323
date of the agreement, whichever is later. The tax credit 4324
percentage shall thereafter be annually adjusted to account for 4325
any decreases in such income tax rates applicable to subsequent 4326
taxable years. 4327

(2) If the agreement requires the taxpayer to attain a 4328
threshold excess income tax revenue, as that term was defined in 4329
this section before its amendment by H.B. 64 of the 131st general 4330
assembly, the threshold shall be decreased by the same percentage 4331
that the income tax rates prescribed by section 5747.02 of the 4332
Revised Code have decreased since June 29, 2013, or the effective 4333
date of the agreement, whichever is later. The threshold shall 4334
thereafter be annually adjusted to account for any decreases in 4335
such income tax rates applicable to subsequent taxable years. 4336

Agreements amended under this division shall otherwise remain 4337
subject to this section as it existed before the amendment by H.B. 4338
64 of the 131st general assembly. Amendments authorized under this 4339
division apply to taxable years and calendar years ending on or 4340
after the effective date of the amendment. This division does not 4341
preclude a taxpayer from requesting that an eligible agreement be 4342
revised under division (R) of this section. 4343

Sec. 122.171. (A) As used in this section: 4344

(1) "Capital investment project" means a plan of investment 4345
at a project site for the acquisition, construction, renovation, 4346
or repair of buildings, machinery, or equipment, or for 4347
capitalized costs of basic research and new product development 4348
determined in accordance with generally accepted accounting 4349

principles, but does not include any of the following:	4350
(a) Payments made for the acquisition of personal property through operating leases;	4351 4352
(b) Project costs paid before January 1, 2002;	4353
(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	4354 4355 4356 4357
(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:	4358 4359
(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual <u>Ohio employee</u> payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;	4360 4361 4362 4363
(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:	4364 4365
(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;	4366 4367 4368 4369 4370 4371
(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;	4372 4373 4374 4375 4376 4377 4378
(iii) If the taxpayer is applying to enter into an agreement	4379

~~for a tax credit authorized under division (B)(3) of this section, 4380
at least five million dollars in the aggregate at the project site 4381
during a period of three consecutive calendar years, including the 4382
calendar year that includes a day of the taxpayer's taxable year 4383
or tax period with respect to which the credit is granted. 4384~~

(c) The taxpayer had a capital investment project reviewed 4385
and approved by the tax credit authority as provided in divisions 4386
(C), (D), and (E) of this section. 4387

(3) "Full-time equivalent employees" means the quotient 4388
obtained by dividing the total number of hours for which employees 4389
were compensated for employment in the project by two thousand 4390
eighty. "Full-time equivalent employees" shall exclude hours that 4391
are counted for a credit under section 122.17 of the Revised Code. 4392

(4) ~~"Income tax revenue Ohio employee payroll" means the 4393
total amount withheld under section 5747.06 of the Revised Code by 4394
the taxpayer during the taxable year, or during the calendar year 4395
that includes the tax period, from the compensation of all 4396
employees employed in the project whose hours of compensation are 4397
included in calculating the number of full time equivalent 4398
employees has the same meaning as in section 122.17 of the Revised 4399
Code. 4400~~

(5) "Manufacturer" has the same meaning as in section 4401
5739.011 of the Revised Code. 4402

(6) "Project site" means an integrated complex of facilities 4403
in this state, as specified by the tax credit authority under this 4404
section, within a fifteen-mile radius where a taxpayer is 4405
primarily operating as an eligible business. 4406

(7) "Related member" has the same meaning as in section 4407
5733.042 of the Revised Code as that section existed on the 4408
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4409
general assembly, September 29, 1997. 4410

(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credits credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the ~~recommendation determination~~ of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the ~~following credits credit~~ against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code:

~~(1) A nonrefundable credit to an eligible business;~~

~~(2) A refundable credit to an eligible business meeting the following conditions, provided that the director of budget and management, tax commissioner, superintendent of insurance in the case of an insurance company, and director of development services have recommended the granting of the credit to the tax credit authority before July 1, 2011:~~

~~(a) The business retains at least one thousand full-time equivalent employees at the project site.~~

~~(b) The business makes or causes to be made payments for a capital investment project of at least twenty-five million dollars in the aggregate at the project site during a period of three~~

~~consecutive calendar years, including the calendar year that 4442
includes a day of the business' taxable year or tax period with 4443
respect to which the credit is granted. 4444~~

~~(c) In 2010, the business received a written offer of 4445
financial incentives from another state of the United States that 4446
the director determines to be sufficient inducement for the 4447
business to relocate the business' operations from this state to 4448
that state. 4449~~

~~(3) A refundable credit to an eligible business with a total 4450
annual payroll of at least twenty million dollars, provided that 4451
the tax credit authority grants the tax credit on or after July 1, 4452
2011, and before January 1, 2014. 4453~~

The ~~credits~~ credit authorized in divisions ~~(B)(1), (2), and 4454
(3)~~ of this section may be granted for a period up to fifteen 4455
taxable years or, in the case of the tax levied by section 5736.02 4456
or 5751.02 of the Revised Code, for a period of up to fifteen 4457
calendar years. The credit amount for a taxable year or a calendar 4458
year that includes the tax period for which a credit may be 4459
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 4460
that year multiplied by the percentage specified in the agreement 4461
with the tax credit authority. ~~The percentage may not exceed 4462
seventy five per cent.~~ The credit shall be claimed in the order 4463
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4464
5747.98, or 5751.98 of the Revised Code. In determining the 4465
percentage and term of the credit, the tax credit authority shall 4466
consider both the number of full-time equivalent employees and the 4467
value of the capital investment project. The credit amount may not 4468
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4469
calendar year before the calendar year in which the tax credit 4470
authority specifies the tax credit is to begin, and the credit 4471
shall be claimed only for the taxable years or tax periods 4472
specified in the eligible business' agreement with the tax credit 4473

authority. In no event shall the credit be claimed for a taxable 4474
year or tax period terminating before the date specified in the 4475
agreement. ~~Any credit granted under this section against the tax 4476
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 4477
extent not fully utilized against such tax for taxable years 4478
ending prior to 2008, shall automatically be converted without any 4479
action taken by the tax credit authority to a credit against the 4480
tax levied under Chapter 5751. of the Revised Code for tax periods 4481
beginning on or after July 1, 2008, provided that the person to 4482
whom the credit was granted is subject to such tax. The converted 4483
credit shall apply to those calendar years in which the remaining 4484
taxable years specified in the agreement end.~~ 4485

If a nonrefundable credit allowed under ~~division (B)(1) of 4486
this section for a taxable year or tax period exceeds the 4487
taxpayer's tax liability for that year or period, the excess may 4488
be carried forward for the three succeeding taxable or calendar 4489
years, but the amount of any excess credit allowed in any taxable 4490
year or tax period shall be deducted from the balance carried 4491
forward to the succeeding year or period.~~ 4492

(C) A taxpayer that proposes a capital investment project to 4493
retain jobs in this state may apply to the tax credit authority to 4494
enter into an agreement for a tax credit under this section. The 4495
director of development services shall prescribe the form of the 4496
application. After receipt of an application, the authority shall 4497
forward copies of the application to the director of budget and 4498
management, the tax commissioner, and the superintendent of 4499
insurance in the case of an insurance company, ~~and the director of 4500
development services~~, each of whom shall review the application to 4501
determine the economic impact the proposed project would have on 4502
the state and the affected political subdivisions and shall submit 4503
a summary of their determinations and recommendations to the 4504
authority. The authority shall also forward a copy of the 4505

application to the director of development services, who shall 4506
review the application to determine the economic impact the 4507
proposed project would have on the state and the affected 4508
political subdivisions and shall submit a summary of their 4509
determinations and recommendations to the authority. 4510

(D) Upon review and consideration of the determinations and 4511
recommendations described in division (C) of this section, the tax 4512
credit authority may enter into an agreement with the taxpayer for 4513
a credit under this section if the authority determines all of the 4514
following: 4515

(1) The taxpayer's capital investment project will result in 4516
the retention of employment in this state. 4517

(2) The taxpayer is economically sound and has the ability to 4518
complete the proposed capital investment project. 4519

(3) The taxpayer intends to and has the ability to maintain 4520
operations at the project site for at least the greater of (a) the 4521
term of the credit plus three years, or (b) seven years. 4522

(4) Receiving the credit is a major factor in the taxpayer's 4523
decision to begin, continue with, or complete the project. 4524

~~(5) If the taxpayer is applying to enter into an agreement~~ 4525
~~for a tax credit authorized under division (B)(3) of this section,~~ 4526
~~the taxpayer's capital investment project will be located in the~~ 4527
~~political subdivision in which the taxpayer maintains its~~ 4528
~~principal place of business or maintains a unit or division with~~ 4529
~~at least four thousand two hundred employees at the project site.~~ 4530

(E) An agreement under this section shall include all of the 4531
following: 4532

(1) A detailed description of the project that is the subject 4533
of the agreement, including the amount of the investment, the 4534
period over which the investment has been or is being made, the 4535

number of full-time equivalent employees at the project site, and 4536
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 4537
generated. 4538

(2) The term of the credit, the percentage of the tax credit, 4539
the maximum annual value of tax credits that may be allowed each 4540
year, and the first year for which the credit may be claimed. 4541

(3) A requirement that the taxpayer maintain operations at 4542
the project site for at least the greater of (a) the term of the 4543
credit plus three years, or (b) seven years. 4544

~~(4)(a) In the case of a credit granted under division (B)(1) of this section,~~ a A requirement that the taxpayer retain at least 4545
five hundred full-time equivalent employees at the project site 4546
and within this state for the entire term of the credit, or a 4547
requirement that the taxpayer maintain an annual Ohio employee 4548
payroll of at least thirty-five million dollars for the entire 4549
term of the credit. 4550
4551

~~(b) In the case of a credit granted under division (B)(2) of this section,~~ a requirement that the taxpayer retain at least one 4552
thousand full time equivalent employees at the project site and 4553
within this state for the entire term of the credit. 4554
4555

~~(c) In the case of a credit granted under division (B)(3) of this section,~~ either of the following: 4556
4557

~~(i) A requirement that the taxpayer retain at least five hundred full time equivalent employees at the project site and within this state for the entire term of the credit and a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit;~~ 4558
4559
4560
4561
4562

~~(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty five million dollars for the entire term of the credit.~~ 4563
4564
4565

(5) A requirement that the taxpayer annually report to the 4566
director of development services ~~employment, tax withholding~~ 4567
full-time equivalent employees, Ohio employee payroll, capital 4568
investment, and other information the director needs to perform 4569
the director's duties under this section. 4570

(6) A requirement that the director of development services 4571
annually review the annual reports of the taxpayer to verify the 4572
information reported under division (E)(5) of this section and 4573
compliance with the agreement. Upon verification, the director 4574
shall issue a certificate to the taxpayer stating that the 4575
information has been verified and identifying the amount of the 4576
credit for the taxable year or calendar year that includes the tax 4577
period. In determining the number of full-time equivalent 4578
employees, no position shall be counted that is filled by an 4579
employee who is included in the calculation of a tax credit under 4580
section 122.17 of the Revised Code. 4581

(7) A provision providing that the taxpayer may not relocate 4582
a substantial number of employment positions from elsewhere in 4583
this state to the project site unless the director of development 4584
services determines that the taxpayer notified the legislative 4585
authority of the county, township, or municipal corporation from 4586
which the employment positions would be relocated. 4587

For purposes of this section, the movement of an employment 4588
position from one political subdivision to another political 4589
subdivision shall be considered a relocation of an employment 4590
position unless the movement is confined to the project site. The 4591
transfer of an employment position from one political subdivision 4592
to another political subdivision shall not be considered a 4593
relocation of an employment position if the employment position in 4594
the first political subdivision is replaced by another employment 4595
position. 4596

(8) A waiver by the taxpayer of any limitations periods 4597

relating to assessments or adjustments resulting from the 4598
taxpayer's failure to comply with the agreement. 4599

(F) If a taxpayer fails to meet or comply with any condition 4600
or requirement set forth in a tax credit agreement, the tax credit 4601
authority may amend the agreement to reduce the percentage or term 4602
of the credit. The reduction of the percentage or term may take 4603
effect in the current taxable or calendar year. 4604

(G) Financial statements and other information submitted to 4605
the department of development services or the tax credit authority 4606
by an applicant for or recipient of a tax credit under this 4607
section, and any information taken for any purpose from such 4608
statements or information, are not public records subject to 4609
section 149.43 of the Revised Code. However, the chairperson of 4610
the authority may make use of the statements and other information 4611
for purposes of issuing public reports or in connection with court 4612
proceedings concerning tax credit agreements under this section. 4613
Upon the request of the tax commissioner, or the superintendent of 4614
insurance in the case of an insurance company, the chairperson of 4615
the authority shall provide to the commissioner or superintendent 4616
any statement or other information submitted by an applicant for 4617
or recipient of a tax credit in connection with the credit. The 4618
commissioner or superintendent shall preserve the confidentiality 4619
of the statement or other information. 4620

(H) A taxpayer claiming a tax credit under this section shall 4621
submit to the tax commissioner or, in the case of an insurance 4622
company, to the superintendent of insurance, a copy of the 4623
director of development services' certificate of verification 4624
under division (E)(6) of this section with the taxpayer's tax 4625
report or return for the taxable year or for the calendar year 4626
that includes the tax period. Failure to submit a copy of the 4627
certificate with the report or return does not invalidate a claim 4628
for a credit if the taxpayer submits a copy of the certificate to 4629

the commissioner or superintendent within ~~sixty~~ thirty days after 4630
the commissioner or superintendent requests it. 4631

(I) For the purposes of this section, a taxpayer may include 4632
a partnership, a corporation that has made an election under 4633
subchapter S of chapter one of subtitle A of the Internal Revenue 4634
Code, or any other business entity through which income flows as a 4635
distributive share to its owners. A partnership, S-corporation, or 4636
other such business entity may elect to pass the credit received 4637
under this section through to the persons to whom the income or 4638
profit of the partnership, S-corporation, or other entity is 4639
distributed. The election shall be made on the annual report 4640
required under division (E)(5) of this section. The election 4641
applies to and is irrevocable for the credit for which the report 4642
is submitted. If the election is made, the credit shall be 4643
apportioned among those persons in the same proportions as those 4644
in which the income or profit is distributed. 4645

(J)(1) If the director of development services determines 4646
that a taxpayer that received a certificate under division (E)(6) 4647
of this section is not complying with the ~~requirement under~~ 4648
~~division (E)(3) of this section~~ requirements of the agreement, the 4649
director shall notify the tax credit authority of the 4650
noncompliance. After receiving such a notice, and after giving the 4651
taxpayer an opportunity to explain the noncompliance, the 4652
authority may terminate the agreement and require the taxpayer, or 4653
any related member or members that claimed the tax credit under 4654
division (N) of this section, to refund to the state all or a 4655
portion of the credit claimed in previous years, as follows: 4656

(1)(a) If the taxpayer fails to comply with the requirement 4657
under division (E)(3) of this section, an amount determined in 4658
accordance with the following: 4659

(i) If the taxpayer maintained operations at the project site 4660
for less than or equal to the term of the credit, an amount not to 4661

exceed one hundred per cent of the sum of any tax credits allowed 4662
and received under this section. 4663

~~(2)(ii)~~ If the taxpayer maintained operations at the project 4664
site longer than the term of the credit, but less than the greater 4665
of ~~(a) seven years or~~ the term of the credit plus three years, ~~or~~ 4666
~~(b) seven years~~, the amount required to be refunded shall not 4667
exceed seventy-five per cent of the sum of any tax credits allowed 4668
and received under this section. 4669

(b) If the taxpayer fails to substantially maintain both the 4670
number of full-time equivalent employees and the amount of Ohio 4671
employee payroll required under the agreement at any time during 4672
the term of the agreement or during the post-term reporting 4673
period, an amount determined at the discretion of the authority. 4674

(2) If a taxpayer files for bankruptcy and fails as described 4675
in division (J)(1)(a) or (b) of this section, the director may 4676
immediately commence an action to recoup an amount not exceeding 4677
one hundred per cent of the sum of any credits received by the 4678
taxpayer under this section. 4679

(3) In determining the portion of the credit to be refunded 4680
to this state, the authority shall consider the effect of market 4681
conditions on the taxpayer's project and whether the taxpayer 4682
continues to maintain other operations in this state. After making 4683
the determination, the authority shall certify the amount to be 4684
refunded to the tax commissioner or the superintendent of 4685
insurance. If the taxpayer, or any related member or members who 4686
claimed the tax credit under division (N) of this section, is not 4687
an insurance company, the commissioner shall make an assessment 4688
for that amount against the taxpayer under Chapter 5726., 5733., 4689
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 4690
any related member or members that claimed the tax credit under 4691
division (N) of this section, is an insurance company, the 4692
superintendent of insurance shall make an assessment under section 4693

5725.222 or 5729.102 of the Revised Code. The time limitations on 4694
assessments under those chapters and sections do not apply to an 4695
assessment under this division, but the commissioner or 4696
superintendent shall make the assessment within one year after the 4697
date the authority certifies to the commissioner or superintendent 4698
the amount to be refunded. 4699

(K) The director of development services, after consultation 4700
with the tax commissioner and the superintendent of insurance and 4701
in accordance with Chapter 119. of the Revised Code, shall adopt 4702
rules necessary to implement this section. The rules may provide 4703
for recipients of tax credits under this section to be charged 4704
fees to cover administrative costs of the tax credit program. The 4705
fees collected shall be credited to the business assistance fund 4706
created in section 122.174 of the Revised Code. At the time the 4707
director gives public notice under division (A) of section 119.03 4708
of the Revised Code of the adoption of the rules, the director 4709
shall submit copies of the proposed rules to the chairpersons of 4710
the standing committees on economic development in the senate and 4711
the house of representatives. 4712

(L) On or before the first day of August of each year, the 4713
director of development services shall submit a report to the 4714
governor, the president of the senate, and the speaker of the 4715
house of representatives on the tax credit program under this 4716
section. The report shall include information on the number of 4717
agreements that were entered into under this section during the 4718
preceding calendar year, a description of the project that is the 4719
subject of each such agreement, and an update on the status of 4720
projects under agreements entered into before the preceding 4721
calendar year. 4722

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 4723
issued under ~~division (B)(1)~~ of this section during any calendar 4724
year for capital investment projects reviewed and approved by the 4725

tax credit authority may not exceed the following amounts: 4726

~~(a)(1)~~ For 2010, thirteen million dollars; 4727

~~(b)(2)~~ For 2011 through 2023, the amount of the limit for the 4728
preceding calendar year plus thirteen million dollars; 4729

~~(c)(3)~~ For 2024 and each year thereafter, one hundred 4730
ninety-five million dollars. 4731

~~(2) The aggregate amount of tax credits authorized under 4732
divisions (B)(2) and (3) of this section and allowed to be claimed 4733
by taxpayers in any calendar year for capital improvement projects 4734
reviewed and approved by the tax credit authority in 2011, 2012, 4735
and 2013 combined shall not exceed twenty five million dollars. An 4736
amount equal to the aggregate amount of credits first authorized 4737
in calendar year 2011, 2012, and 2013 may be claimed over the 4738
ensuing period up to fifteen years, subject to the terms of 4739
individual tax credit agreements. 4740~~

The limitations in division (M) of this section do not apply 4741
to credits for capital investment projects approved by the tax 4742
credit authority before July 1, 2009. 4743

(N) This division applies only to an eligible business that 4744
is part of an affiliated group that includes a diversified savings 4745
and loan holding company or a grandfathered unitary savings and 4746
loan holding company, as those terms are defined in section 4747
5726.01 of the Revised Code. Notwithstanding any contrary 4748
provision of the agreement between such an eligible business and 4749
the tax credit authority, any credit granted under this section 4750
against the tax imposed by section 5725.18, 5729.03, 5733.06, 4751
5747.02, or 5751.02 of the Revised Code to the eligible business, 4752
at the election of the eligible business and without any action by 4753
the tax credit authority, may be shared with any member or members 4754
of the affiliated group that includes the eligible business, which 4755
member or members may claim the credit against the taxes imposed 4756

by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 4757
of the Revised Code. Credits shall be claimed by the eligible 4758
business in sequential order, as applicable, first claiming the 4759
credits to the fullest extent possible against the tax that the 4760
certificate holder is subject to, then against the tax imposed by, 4761
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 4762
lastly 5726.02 of the Revised Code. The credits may be allocated 4763
among the members of the affiliated group in such manner as the 4764
eligible business elects, but subject to the sequential order 4765
required under this division. This division applies to credits 4766
granted before, on, or after March 27, 2013, the effective date of 4767
H.B. 510 of the 129th general assembly. Credits granted before 4768
that effective date that are shared and allocated under this 4769
division may be claimed in those calendar years in which the 4770
remaining taxable years specified in the agreement end. 4771

As used in this division, "affiliated group" means a group of 4772
two or more persons with fifty per cent or greater of the value of 4773
each person's ownership interests owned or controlled directly, 4774
indirectly, or constructively through related interests by common 4775
owners during all or any portion of the taxable year, and the 4776
common owners. "Affiliated group" includes, but is not limited to, 4777
any person eligible to be included in a consolidated elected 4778
taxpayer group under section 5751.011 of the Revised Code or a 4779
combined taxpayer group under section 5751.012 of the Revised 4780
Code. 4781

(0) Upon the request of a taxpayer subject to an agreement 4782
approved under this section before the effective date of this 4783
division, including agreements effective under this section as it 4784
existed before October 16, 2009, the tax credit authority shall 4785
amend the agreement as follows: 4786

(1) The percentage of income tax revenue allowed as the 4787
amount of the credit shall be increased by the same percentage 4788

that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 29, 2013, or the effective date of the agreement, whichever is later. The tax credit percentage shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years.

(2) If the agreement requires the taxpayer to attain a threshold level of income tax revenue, as that term was defined in this section before its amendment by H.B. 64 of the 131st general assembly, the threshold shall be decreased by the same percentage that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 29, 2013, or the effective date of the agreement, whichever is later. The threshold shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years.

Agreements amended under this division shall otherwise remain subject to this section as it existed before its amendment by H.B. 64 of the 131st general assembly. Amendments authorized under this division apply to taxable years and calendar years ending on or after the effective date of the amendment.

Sec. 122.174. There is hereby created in the state treasury the business assistance fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to division (I) of section 121.17, division (K) of section 122.171, division (K) of section 122.175, division (G)(2) of section 122.85, division (C) of section 3735.672, and division (C) of section 5709.68 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of the business services division of the development services agency.

Sec. 122.175. (A) As used in this section:	4819
(1) "Capital investment project" means a plan of investment	4820
at a project site for the acquisition, construction, renovation,	4821
expansion, replacement, or repair of a computer data center or of	4822
computer data center equipment, but does not include any of the	4823
following:	4824
(a) Project costs paid before a date determined by the tax	4825
credit authority for each capital investment project;	4826
(b) Payments made to a related member as defined in section	4827
5733.042 of the Revised Code or to a consolidated elected taxpayer	4828
or a combined taxpayer as defined in section 5751.01 of the	4829
Revised Code.	4830
(2) "Computer data center" means a facility used or to be	4831
used primarily to house computer data center equipment used or to	4832
be used in conducting one or more computer data center businesses,	4833
as determined by the tax credit authority.	4834
(3) "Computer data center business" means, as may be further	4835
determined by the tax credit authority, a business that provides	4836
electronic information services as defined in division (Y)(1)(c)	4837
of section 5739.01 of the Revised Code, or that leases a facility	4838
to one or more such businesses. "Computer data center business"	4839
does not include providing electronic publishing as defined in	4840
division (LLL) of that section.	4841
(4) "Computer data center equipment" means tangible personal	4842
property used or to be used for any of the following:	4843
(a) To conduct a computer data center business, including	4844
equipment cooling systems to manage the performance of computer	4845
data center equipment;	4846
(b) To generate, transform, transmit, distribute, or manage	4847
electricity necessary to operate the tangible personal property	4848

used or to be used in conducting a computer data center business; 4849

(c) As building and construction materials sold to 4850
construction contractors for incorporation into a computer data 4851
center. 4852

(5) "Eligible computer data center" means a computer data 4853
center that satisfies all of the following requirements: 4854

(a) One or more taxpayers operating a computer data center 4855
business at the project site will, in the aggregate, make payments 4856
for a capital investment project of at least one hundred million 4857
dollars at the project site during a period of three consecutive 4858
calendar years; 4859

(b) One or more taxpayers operating a computer data center 4860
business at the project site will, in the aggregate, pay annual 4861
compensation that is subject to the withholding obligation imposed 4862
under section 5747.06 of the Revised Code of at least one million 4863
five hundred thousand dollars to employees employed at the project 4864
site for each year of the agreement beginning on or after the 4865
first day of the twenty-fifth month after the agreement was 4866
entered into under this section. 4867

(6) "Person" has the same meaning as in section 5701.01 of 4868
the Revised Code. 4869

(7) "Project site," "related member," and "tax credit 4870
authority" have the same meanings as in sections 122.17 and 4871
122.171 of the Revised Code. 4872

(8) "Taxpayer" means any person subject to the taxes imposed 4873
under Chapters 5739. and 5741. of the Revised Code. 4874

(B) The tax credit authority may completely or partially 4875
exempt from the taxes levied under Chapters 5739. and 5741. of the 4876
Revised Code the sale, storage, use, or other consumption of 4877
computer data center equipment used or to be used at an eligible 4878

computer data center. Any such exemption shall extend to charges 4879
for the delivery, installation, or repair of the computer data 4880
center equipment subject to the exemption under this section. 4881

(C) A taxpayer that proposes a capital improvement project 4882
for an eligible computer data center in this state may apply to 4883
the tax credit authority to enter into an agreement under this 4884
section authorizing a complete or partial exemption from the taxes 4885
imposed under Chapters 5739. and 5741. of the Revised Code on 4886
computer data center equipment purchased by the applicant or any 4887
other taxpayer that operates a computer data center business at 4888
the project site and used or to be used at the eligible computer 4889
data center. The director of development services shall prescribe 4890
the form of the application. After receipt of an application, the 4891
authority shall forward copies of the application to the director 4892
of budget and management, and the tax commissioner, ~~and the~~ 4893
~~director of development services,~~ each of whom shall review the 4894
application to determine the economic impact that the proposed 4895
eligible computer data center would have on the state and any 4896
affected political subdivisions and submit to the authority a 4897
summary of their determinations ~~and recommendations.~~ The authority 4898
shall also forward a copy of the application to the director of 4899
development services who shall review the application to determine 4900
the economic impact that the proposed eligible computer data 4901
center would have on the state and the affected political 4902
subdivisions and shall submit a summary of their determinations 4903
and recommendations to the authority. 4904

(D) Upon review and consideration of such determinations and 4905
recommendations, the tax credit authority may enter into an 4906
agreement with the applicant and any other taxpayer that operates 4907
a computer data center business at the project site for a complete 4908
or partial exemption from the taxes imposed under Chapters 5739. 4909
and 5741. of the Revised Code on computer data center equipment 4910

used or to be used at an eligible computer data center if the 4911
authority determines all of the following: 4912

(1) The capital investment project for the eligible computer 4913
data center will increase payroll and the amount of income taxes 4914
to be withheld from employee compensation pursuant to section 4915
5747.06 of the Revised Code. 4916

(2) The applicant is economically sound and has the ability 4917
to complete or effect the completion of the proposed capital 4918
investment project. 4919

(3) The applicant intends to and has the ability to maintain 4920
operations at the project site for the term of the agreement. 4921

(4) Receiving the exemption is a major factor in the 4922
applicant's decision to begin, continue with, or complete the 4923
capital investment project. 4924

(E) An agreement entered into under this section shall 4925
include all of the following: 4926

(1) A detailed description of the capital investment project 4927
that is the subject of the agreement, including the amount of the 4928
investment, the period over which the investment has been or is 4929
being made, the annual compensation to be paid by each taxpayer 4930
subject to the agreement to its employees at the project site, and 4931
the anticipated amount of income taxes to be withheld from 4932
employee compensation pursuant to section 5747.06 of the Revised 4933
Code. 4934

(2) The percentage of the exemption from the taxes imposed 4935
under Chapters 5739. and 5741. of the Revised Code for the 4936
computer data center equipment used or to be used at the eligible 4937
computer data center, the length of time the computer data center 4938
equipment will be exempted, and the first date on which the 4939
exemption applies. 4940

(3) A requirement that the computer data center remain an 4941
eligible computer data center during the term of the agreement and 4942
that the applicant maintain operations at the eligible computer 4943
data center during that term. An applicant does not violate the 4944
requirement described in division (E)(3) of this section if the 4945
applicant ceases operations at the eligible computer data center 4946
during the term of the agreement but resumes those operations 4947
within eighteen months after the date of cessation. The agreement 4948
shall provide that, in such a case, the applicant and any other 4949
taxpayer that operates a computer data center business at the 4950
project site shall not claim the tax exemption authorized in the 4951
agreement for any purchase of computer data center equipment made 4952
during the period in which the applicant did not maintain 4953
operations at the eligible computer data center. 4954

(4) A requirement that, for each year of the term of the 4955
agreement beginning on or after the first day of the twenty-fifth 4956
month after the date the agreement was entered into, one or more 4957
taxpayers operating a computer data center business at the project 4958
site will, in the aggregate, pay annual compensation that is 4959
subject to the withholding obligation imposed under section 4960
5747.06 of the Revised Code of at least one million five hundred 4961
thousand dollars to employees at the eligible computer data 4962
center. 4963

(5) A requirement that each taxpayer subject to the agreement 4964
annually report to the director of development services 4965
employment, tax withholding, capital investment, and other 4966
information required by the director to perform the director's 4967
duties under this section. 4968

(6) A requirement that the director of development services 4969
annually review the annual reports of each taxpayer subject to the 4970
agreement to verify the information reported under division (E)(5) 4971
of this section and compliance with the agreement. Upon 4972

verification, the director shall issue a certificate to each such taxpayer stating that the information has been verified and that the taxpayer remains eligible for the exemption specified in the agreement.

(7) A provision providing that the taxpayers subject to the agreement may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the appropriate taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. For purposes of this paragraph, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

(8) A waiver by each taxpayer subject to the agreement of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

(F) The term of an agreement under this section shall be determined by the tax credit authority, and the amount of the exemption shall not exceed one hundred per cent of such taxes that would otherwise be owed in respect to the exempted computer data center equipment.

(G) If any taxpayer subject to an agreement under this section fails to meet or comply with any condition or requirement set forth in the agreement, the tax credit authority may amend the agreement to reduce the percentage of the exemption or term during

which the exemption applies to the computer data center equipment 5005
used or to be used by the noncompliant taxpayer at an eligible 5006
computer data center. The reduction of the percentage or term may 5007
take effect in the current calendar year. 5008

(H) Financial statements and other information submitted to 5009
the department of development services or the tax credit authority 5010
by an applicant for or recipient of an exemption under this 5011
section, and any information taken for any purpose from such 5012
statements or information, are not public records subject to 5013
section 149.43 of the Revised Code. However, the chairperson of 5014
the authority may make use of the statements and other information 5015
for purposes of issuing public reports or in connection with court 5016
proceedings concerning tax exemption agreements under this 5017
section. Upon the request of the tax commissioner, the chairperson 5018
of the authority shall provide to the tax commissioner any 5019
statement or other information submitted by an applicant for or 5020
recipient of an exemption under this section. The tax commissioner 5021
shall preserve the confidentiality of the statement or other 5022
information. 5023

(I) The tax commissioner shall issue a direct payment permit 5024
under section 5739.031 of the Revised Code to each taxpayer 5025
subject to an agreement under this section. Such direct payment 5026
permit shall authorize the taxpayer to pay any sales and use taxes 5027
due on purchases of computer data center equipment used or to be 5028
used in an eligible computer data center and to pay any sales and 5029
use taxes due on purchases of tangible personal property or 5030
taxable services other than computer data center equipment used or 5031
to be used in an eligible computer data center directly to the tax 5032
commissioner. Each such taxpayer shall pay pursuant to such direct 5033
payment permit all sales tax levied on such purchases under 5034
sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of 5035
the Revised Code and all use tax levied on such purchases under 5036

sections 5741.02, 5741.021, 5741.022, ~~and 5741.023,~~ and 5741.024 5037
of the Revised Code, consistent with the terms of the agreement 5038
entered into under this section. 5039

During the term of an agreement under this section each 5040
taxpayer subject to the agreement shall submit to the tax 5041
commissioner a return that shows the amount of computer data 5042
center equipment purchased for use at the eligible computer data 5043
center, the amount of tangible personal property and taxable 5044
services other than computer data center equipment purchased for 5045
use at the eligible computer data center, the amount of tax under 5046
Chapter 5739. or 5741. of the Revised Code that would be due in 5047
the absence of the agreement under this section, the exemption 5048
percentage for computer data center equipment specified in the 5049
agreement, and the amount of tax due under Chapter 5739. or 5741. 5050
of the Revised Code as a result of the agreement under this 5051
section. Each such taxpayer shall pay the tax shown on the return 5052
to be due in the manner and at the times as may be further 5053
prescribed by the tax commissioner. Each such taxpayer shall 5054
include a copy of the director of development services' 5055
certificate of verification issued under division (E)(6) of this 5056
section. Failure to submit a copy of the certificate with the 5057
return does not invalidate the claim for exemption if the taxpayer 5058
submits a copy of the certificate to the tax commissioner within 5059
sixty days after the tax commissioner requests it. 5060

(J) If the director of development services determines that 5061
one or more taxpayers received an exemption from taxes due on the 5062
purchase of computer data center equipment purchased for use at a 5063
computer data center that no longer complies with the requirement 5064
under division (E)(3) of this section, the director shall notify 5065
the tax credit authority and, if applicable, the taxpayer that 5066
applied to enter the agreement for the exemption under division 5067
(C) ~~if~~ of this section of the noncompliance. After receiving such 5068

a notice, and after giving each taxpayer subject to the agreement 5069
an opportunity to explain the noncompliance, the authority may 5070
terminate the agreement and require each such taxpayer to pay to 5071
the state all or a portion of the taxes that would have been owed 5072
in regards to the exempt equipment in previous years, all as 5073
determined under rules adopted pursuant to division (K) of this 5074
section. In determining the portion of the taxes that would have 5075
been owed on the previously exempted equipment to be paid to this 5076
state by a taxpayer, the authority shall consider the effect of 5077
market conditions on the eligible computer data center, whether 5078
the taxpayer continues to maintain other operations in this state, 5079
and, with respect to agreements involving multiple taxpayers, the 5080
taxpayer's level of responsibility for the noncompliance. After 5081
making the determination, the authority shall certify to the tax 5082
commissioner the amount to be paid by each taxpayer subject to the 5083
agreement. The tax commissioner shall make an assessment for that 5084
amount against each such taxpayer under Chapter 5739. or 5741. of 5085
the Revised Code. The time limitations on assessments under those 5086
chapters do not apply to an assessment under this division, but 5087
the tax commissioner shall make the assessment within one year 5088
after the date the authority certifies to the tax commissioner the 5089
amount to be paid by the taxpayer. 5090

(K) The director of development services, after consultation 5091
with the tax commissioner and in accordance with Chapter 119. of 5092
the Revised Code, shall adopt rules necessary to implement this 5093
section. The rules may provide for recipients of tax exemptions 5094
under this section to be charged fees to cover administrative 5095
costs incurred in the administration of this section. The fees 5096
collected shall be credited to the business assistance fund 5097
created in section 122.174 of the Revised Code. At the time the 5098
director gives public notice under division (A) of section 119.03 5099
of the Revised Code of the adoption of the rules, the director 5100
shall submit copies of the proposed rules to the chairpersons of 5101

the standing committees on economic development in the senate and 5102
the house of representatives. 5103

(L) On or before the first day of August of each year, the 5104
director of development services shall submit a report to the 5105
governor, the president of the senate, and the speaker of the 5106
house of representatives on the tax exemption authorized under 5107
this section. The report shall include information on the number 5108
of agreements that were entered into under this section during the 5109
preceding calendar year, a description of the eligible computer 5110
data center that is the subject of each such agreement, and an 5111
update on the status of eligible computer data centers under 5112
agreements entered into before the preceding calendar year. 5113

(M) A taxpayer may be made a party to an existing agreement 5114
entered into under this section by the tax credit authority and 5115
another taxpayer or group of taxpayers. In such a case, the 5116
taxpayer shall be entitled to all benefits and bound by all 5117
obligations contained in the agreement and all requirements 5118
described in this section. When an agreement includes multiple 5119
taxpayers, each taxpayer shall be entitled to a direct payment 5120
permit as authorized in division (I) of this section. 5121

Sec. 122.177. (A) As used in this section: 5122

(1) "Business" means a sole proprietorship, a corporation for 5123
profit, or a pass-through entity as defined in section 5733.04 of 5124
the Revised Code. 5125

(2) "Career exploration internship" means a paid employment 5126
relationship between a student intern and a business in which the 5127
student intern acquires education, instruction, and experience 5128
relevant to the student intern's career aspirations. 5129

(3) "Student intern" means an individual who, at the time the 5130
business applies for a grant under division (B) of this section, 5131

meets both of the following criteria: 5132

(a) The individual is entitled to attend school in this 5133
state. 5134

(b) The individual is either between sixteen and eighteen 5135
years of age or is enrolled in grade eleven or twelve. 5136

(B) There is hereby created in the development services 5137
agency the career exploration internship program to award grants 5138
to businesses that employ a student intern in a career exploration 5139
internship. To qualify for a grant under the program, the career 5140
exploration internship shall be at least twenty weeks in duration 5141
and include at least two hundred hours of paid work and 5142
instruction in this state. To obtain a grant, the business shall 5143
apply to the development services agency before the starting date 5144
of the career exploration internship. The application shall 5145
include all of the following: 5146

(1) A brief description of the career exploration internship; 5147

(2) A signed statement by the student intern briefly 5148
describing the student intern's career aspirations and how the 5149
student intern believes this career exploration internship may 5150
help achieve those aspirations; 5151

(3) A signed statement by a principal or guidance counselor 5152
at the student intern's school or, in the case of a home schooled 5153
student, an individual responsible for administering instruction 5154
to the student intern, acknowledging that the employment 5155
opportunity qualifies as a career exploration internship and 5156
expressing intent to advise the student intern as provided in 5157
division (E) of this section; 5158

(4) The name, address, and telephone number of the business; 5159

(5) Any other information required by the development 5160
services agency. 5161

(C)(1) The development services agency shall review and make 5162
a determination with respect to each application submitted under 5163
division (B) of this section in the order in which the application 5164
is received. The agency shall not approve any application under 5165
this section that is received by the agency ~~more than three years~~ 5166
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5167
later than June 25, 2017, or that was submitted by a business that 5168
does not have substantial operations in this state. The agency may 5169
not otherwise deny an application unless the application is 5170
incomplete, the proposed employment relationship does not qualify 5171
as a career exploration internship for which a grant may be 5172
awarded under this section, the business is ineligible to receive 5173
a grant under division (D)(1) of this section, or the agency 5174
determines that approving the application would cause the amount 5175
that could be awarded to exceed the amount of money in the career 5176
exploration internship fund. 5177

(2) The agency shall send written notice of its determination 5178
to the applicant within thirty days after receiving the 5179
application. If the agency determines that the application shall 5180
not be approved, the notice shall include the reasons for such 5181
determination. 5182

(3) The agency's determination is final and may not be 5183
appealed for any reason. A business may submit a new or amended 5184
application under division (B) of this section at any time before 5185
or after receiving notice under division (C)(2) of this section. 5186

(D)(1) In any calendar year, the development services agency 5187
shall not award grants under this section to any business that has 5188
received grants for three career exploration internships in that 5189
calendar year. The agency shall not award a grant to a business 5190
unless the agency receives a report from the business within 5191
thirty days after the end of the career exploration internship or 5192
thirteen months after the approval of the application, whichever 5193

comes first, that includes all of the following:	5194
(a) The date the student intern began the internship;	5195
(b) The date the internship ended or a statement that the student will continue to be employed by the business;	5196 5197
(c) The total number of hours during the internship that the student intern was employed by the business;	5198 5199
(d) The total wages paid by the business to the student intern during the internship;	5200 5201
(e) A signed statement by the student intern briefly describing the duties performed during the internship and the skills and experiences gained throughout the internship;	5202 5203 5204
(f) Any other information required by the agency.	5205
(2) If the agency receives the report and determines that it contains all of the information and the statement required by division (D)(1) of this section and that the career exploration internship described in the report complies with all the provisions of this section, the agency shall award a grant to the business. The amount of the grant shall equal the lesser of the following:	5206 5207 5208 5209 5210 5211 5212
(a) Fifty per cent of the wages paid by the business to the student intern for the first twelve months following the date the application was approved;	5213 5214 5215
(b) Five thousand dollars.	5216
(E) The student intern and the principal, guidance counselor, or other qualified individual who signed the statement described in division (B)(3) of this section shall meet at least once in the thirty days following the end of the career exploration internship or in the thirteenth month following the start of the career exploration internship, whichever comes first. The purpose of the meeting is to discuss the student intern's experiences during the	5217 5218 5219 5220 5221 5222 5223

career exploration internship, consider the practical applications 5224
of these experiences to the student intern's career aspirations, 5225
and to establish or confirm goals for the student intern. If 5226
practicable, the meeting shall be in person. Otherwise, the 5227
meeting may be conducted over the telephone. 5228

(F) A business that receives a grant under this section may 5229
submit a new application under division (B) of this section for 5230
another career exploration internship with the same student 5231
intern. Such an application does not have to include the 5232
statements otherwise required by divisions (B)(2) and (3) of this 5233
section. 5234

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ 5235
~~August~~ until the ~~January of the third year that follows the year~~ 5236
~~that includes the effective date of H.B. 107 of the 130th general~~ 5237
~~assembly~~ August 2017, the development services agency shall 5238
compile a report indicating the number of career exploration 5239
internships approved by the agency under this section, the 5240
statements issued by the student interns under divisions (B)(2) 5241
and (D)(1)(e) of this section, the number of student interns that 5242
continued employment with the business after the termination of 5243
the career exploration internship, and the total amount of grants 5244
awarded under this section. The report shall not disclose any 5245
student interns' personally identifiable information. The agency 5246
shall provide copies of the report to the governor, the speaker 5247
and minority leader of the house of representatives, and the 5248
president and minority leader of the senate. 5249

(H) The development services agency may adopt rules necessary 5250
to administer this section in accordance with Chapter 119. of the 5251
Revised Code. 5252

(I) The career exploration internship fund is hereby created 5253
in the state treasury. The fund shall consist of a portion of the 5254
proceeds from the upfront license fees paid for the casino 5255

facilities authorized under Section 6(C) of Article XV, Ohio 5256
Constitution. Money in the fund shall be used by the development 5257
services agency to provide grants under this section. 5258

Sec. 122.64. (A) There is hereby established in the 5259
development services agency a business services division. The 5260
division shall be supervised by a deputy director appointed by the 5261
director of development services. 5262

The division is responsible for the administration of the 5263
state economic development financing programs established pursuant 5264
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5265
122.62, and Chapter 166. of the Revised Code. 5266

(B) The director of development services shall: 5267

(1) Receive applications for assistance pursuant to sections 5268
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5269
The director shall process the applications. 5270

(2) With the approval of the director of administrative 5271
services, establish salary schedules for employees of the various 5272
positions of employment with the division and assign the various 5273
positions to those salary schedules; 5274

(3) Employ and fix the compensation of financial consultants, 5275
appraisers, consulting engineers, superintendents, managers, 5276
construction and accounting experts, attorneys, and other agents 5277
for the assistance programs authorized pursuant to sections 122.17 5278
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5279
of the Revised Code as are necessary; 5280

(4) Supervise the administrative operations of the division; 5281

(5) On or before the first day of ~~August~~ October in each 5282
year, make an annual report of the activities and operations under 5283
assistance programs authorized pursuant to sections 122.39 and 5284
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5285

preceding fiscal year to the governor and the general assembly. 5286
Each such report shall set forth a complete operating and 5287
financial statement covering such activities and operations during 5288
the year in accordance with generally accepted accounting 5289
principles and shall be audited by a certified public accountant. 5290
The director of development services shall transmit a copy of the 5291
audited financial report to the office of budget and management. 5292

Sec. 122.85. (A) As used in this section and in sections 5293
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5294

(1) "Tax credit-eligible production" means a motion picture 5295
production certified by the director of development services under 5296
division (B) of this section as qualifying the motion picture 5297
company for a tax credit under section 5726.55, 5733.59, 5747.66, 5298
or 5751.54 of the Revised Code. 5299

(2) "Certificate owner" means a motion picture company to 5300
which a tax credit certificate is issued. 5301

(3) "Motion picture company" means an individual, 5302
corporation, partnership, limited liability company, or other form 5303
of business association producing a motion picture. 5304

(4) "Eligible production expenditures" means expenditures 5305
made after June 30, 2009, for goods or services purchased and 5306
consumed in this state by a motion picture company directly for 5307
the production of a tax credit-eligible production. 5308

"Eligible production expenditures" includes, but is not 5309
limited to, expenditures for resident and nonresident cast and 5310
crew wages, accommodations, costs of set construction and 5311
operations, editing and related services, photography, sound 5312
synchronization, lighting, wardrobe, makeup and accessories, film 5313
processing, transfer, sound mixing, special and visual effects, 5314
music, location fees, and the purchase or rental of facilities and 5315

equipment. 5316

(5) "Motion picture" means entertainment content created in 5317
whole or in part within this state for distribution or exhibition 5318
to the general public, including, but not limited to, 5319
feature-length films; documentaries; long-form, specials, 5320
miniseries, series, and interstitial television programming; 5321
interactive web sites; sound recordings; videos; music videos; 5322
interactive television; interactive games; video games; 5323
commercials; any format of digital media; and any trailer, pilot, 5324
video teaser, or demo created primarily to stimulate the sale, 5325
marketing, promotion, or exploitation of future investment in 5326
either a product or a motion picture by any means and media in any 5327
digital media format, film, or videotape, provided the motion 5328
picture qualifies as a motion picture. "Motion picture" does not 5329
include any television program created primarily as news, weather, 5330
or financial market reports, a production featuring current events 5331
or sporting events, an awards show or other gala event, a 5332
production whose sole purpose is fundraising, a long-form 5333
production that primarily markets a product or service or in-house 5334
corporate advertising or other similar productions, a production 5335
for purposes of political advocacy, or any production for which 5336
records are required to be maintained under 18 U.S.C. 2257 with 5337
respect to sexually explicit content. 5338

(B) For the purpose of encouraging and developing a strong 5339
film industry in this state, the director of development may 5340
certify a motion picture produced by a motion picture company as a 5341
tax credit-eligible production. In the case of a television 5342
series, the director may certify the production of each episode of 5343
the series as a separate tax credit-eligible production. A motion 5344
picture company shall apply for certification of a motion picture 5345
as a tax credit-eligible production on a form and in the manner 5346
prescribed by the director. Each application shall include the 5347

following information:	5348
(1) The name and telephone number of the motion picture production company;	5349 5350
(2) The name and telephone number of the company's contact person;	5351 5352
(3) A list of the first preproduction date through the last production date in Ohio;	5353 5354
(4) The Ohio production office address and telephone number;	5355
(5) The total production budget of the motion picture;	5356
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	5357 5358 5359
(7) The total percentage of the motion picture being shot in Ohio;	5360 5361
(8) The level of employment of cast and crew who reside in Ohio;	5362 5363
(9) A synopsis of the script;	5364
(10) The shooting script;	5365
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	5366 5367
(12) Documentation of financial ability to undertake and complete the motion picture;	5368 5369
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	5370 5371
(14) Any other information considered necessary by the director.	5372 5373
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the	5374 5375

~~director of development services'~~ request of the director of 5376
development services, the motion picture company shall present to 5377
the director sufficient evidence of reviewable progress. If the 5378
motion picture company fails to present sufficient evidence, the 5379
director may rescind the certification. Upon rescission, the 5380
director shall notify the applicant that the certification has 5381
been rescinded. Nothing in this section prohibits an applicant 5382
whose tax credit-eligible production certification has been 5383
rescinded from submitting a subsequent application for 5384
certification. 5385

(C)(1) A motion picture company whose motion picture has been 5386
certified as a tax credit-eligible production may apply to the 5387
director of development services on or after July 1, 2009, for a 5388
refundable credit against the tax imposed by section 5726.02, 5389
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5390
consultation with the tax commissioner shall prescribe the form 5391
and manner of the application and the information or documentation 5392
required to be submitted with the application. 5393

The credit is determined as follows: 5394

(a) If the total budgeted eligible production expenditures 5395
stated in the application submitted under division (B) of this 5396
section or the actual eligible production expenditures as finally 5397
determined under division (D) of this section, whichever is least, 5398
is less than or equal to three hundred thousand dollars, no credit 5399
is allowed; 5400

(b) If the total budgeted eligible production expenditures 5401
stated in the application submitted under division (B) of this 5402
section or the actual eligible production expenditures as finally 5403
determined under division (D) of this section, whichever is least, 5404
is greater than three hundred thousand dollars, the credit equals 5405
the sum of the following, subject to the limitation in division 5406
(C)(4) of this section: 5407

(i) Twenty-five per cent of the least of such budgeted or 5408
actual eligible expenditure amounts excluding budgeted or actual 5409
eligible expenditures for resident cast and crew wages; 5410

(ii) Thirty-five per cent of budgeted or actual eligible 5411
expenditures for resident cast and crew wages. 5412

(2) Except as provided in division (C)(4) of this section, if 5413
the director of development services approves a motion picture 5414
company's application for a credit, the director shall issue a tax 5415
credit certificate to the company. The director in consultation 5416
with the tax commissioner shall prescribe the form and manner of 5417
issuing certificates. The director shall assign a unique 5418
identifying number to each tax credit certificate and shall record 5419
the certificate in a register devised and maintained by the 5420
director for that purpose. The certificate shall state the amount 5421
of the eligible production expenditures on which the credit is 5422
based and the amount of the credit. Upon the issuance of a 5423
certificate, the director shall certify to the tax commissioner 5424
the name of the applicant, the amount of eligible production 5425
expenditures shown on the certificate, and any other information 5426
required by the rules adopted to administer this section. 5427

(3) The amount of eligible production expenditures for which 5428
a tax credit may be claimed is subject to inspection and 5429
examination by the tax commissioner or employees of the 5430
commissioner under section 5703.19 of the Revised Code and any 5431
other applicable law. Once the eligible production expenditures 5432
are finally determined under section 5703.19 of the Revised Code 5433
and division (D) of this section, the credit amount is not subject 5434
to adjustment unless the director determines an error was 5435
committed in the computation of the credit amount. 5436

(4) No tax credit certificate may be issued before the 5437
completion of the tax credit-eligible production. Not more than 5438
forty million dollars of tax credit may be allowed per fiscal 5439

biennium beginning on or after July 1, 2011, and not more than 5440
twenty million dollars may be allowed in the first year of the 5441
biennium. At any time, not more than five million dollars of tax 5442
credit may be allowed per tax credit-eligible production. 5443

(D) A motion picture company whose motion picture has been 5444
certified as a tax credit-eligible production shall engage, at the 5445
company's expense, an independent certified public accountant to 5446
examine the company's production expenditures to identify the 5447
expenditures that qualify as eligible production expenditures. The 5448
certified public accountant shall issue a report to the company 5449
and to the director of development services certifying the 5450
company's eligible production expenditures and any other 5451
information required by the director. Upon receiving and examining 5452
the report, the director may disallow any expenditure the director 5453
determines is not an eligible production expenditure. If the 5454
director disallows an expenditure, the director shall issue a 5455
written notice to the motion picture production company stating 5456
that the expenditure is disallowed and the reason for the 5457
disallowance. Upon examination of the report and disallowance of 5458
any expenditures, the director shall determine finally the lesser 5459
of the total budgeted eligible production expenditures stated in 5460
the application submitted under division (B) of this section or 5461
the actual eligible production expenditures for the purpose of 5462
computing the amount of the credit. 5463

(E) No credit shall be allowed under section 5726.55, 5464
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5465
director has reviewed the report and made the determination 5466
prescribed by division (D) of this section. 5467

(F) This state reserves the right to refuse the use of this 5468
state's name in the credits of any tax credit-eligible motion 5469
picture production. 5470

(G)(1) The director of development services in consultation 5471

with the tax commissioner shall adopt rules for the administration 5472
of this section, including rules setting forth and governing the 5473
criteria for determining whether a motion picture production is a 5474
tax credit-eligible production; activities that constitute the 5475
production of a motion picture; reporting sufficient evidence of 5476
reviewable progress; expenditures that qualify as eligible 5477
production expenditures; a competitive process for approving 5478
credits; and consideration of geographic distribution of credits. 5479
The rules shall be adopted under Chapter 119. of the Revised Code. 5480

(2) The director may require a reasonable application fee to 5481
cover administrative costs of the tax credit program. The fees 5482
collected shall be credited to the ~~motion picture tax credit~~ 5483
~~program operating~~ business assistance fund, which is hereby 5484
created in the ~~state treasury~~ section 122.174 of the Revised Code. 5485
~~The motion picture tax credit program operating fund shall consist~~ 5486
~~of all~~ All grants, gifts, fees, and contributions made to the 5487
director for marketing and promotion of the motion picture 5488
industry within this state shall also be credited to the fund. The 5489
director shall use money in the fund to pay expenses related to 5490
the administration of the Ohio film office and the credit 5491
authorized by this section and sections 5726.55-, 5733.59, 5492
5747.66, and 5751.54 of the Revised Code. 5493

Sec. 122.87. As used in sections 122.87 to 122.90 of the 5494
Revised Code: 5495

(A) "Surety company" means a company that is authorized by 5496
the department of insurance to issue bonds as surety. 5497

(B) "Minority business" means any of the following 5498
occupations: 5499

(1) Minority construction contractor; 5500

(2) Minority seller; 5501

(3) Minority service vendor. 5502

(C) "Minority construction contractor" means a person who is 5503
both a construction contractor and an owner of a minority business 5504
enterprise certified under division (B) of section 123.151 of the 5505
Revised Code. 5506

(D) "Minority seller" means a person who is both a seller of 5507
goods and an owner of a minority business enterprise listed on the 5508
special minority business enterprise bid notification list under 5509
~~division (B) of~~ section 125.08 of the Revised Code. 5510

(E) "Minority service vendor" means a person who is both a 5511
vendor of services and an owner of a minority business enterprise 5512
listed on the special minority business enterprise bid 5513
notification list under ~~division (B) of~~ section 125.08 of the 5514
Revised Code. 5515

(F) "Minority business enterprise" has the meaning given in 5516
section 122.71 of the Revised Code. 5517

(G) "EDGE business enterprise" means a sole proprietorship, 5518
association, partnership, corporation, limited liability 5519
corporation, or joint venture certified as a participant in the 5520
encouraging diversity, growth, and equity program by the director 5521
of administrative services under section 123.152 of the Revised 5522
Code. 5523

Sec. 122.95. As used in ~~sections 122.95 to 122.952~~ this 5524
section and section 122.951 of the Revised Code: 5525

(A) "Commercial or industrial areas" means areas zoned either 5526
commercial or industrial by the local zoning authority or an area 5527
not zoned, but in which there is located one or more commercial or 5528
industrial activities. 5529

(B) "Eligible county" means any of the following: 5530

(1) A county designated as being in the "Appalachian region" 5531

under the "Appalachian Regional Development Act of 1965," 79 Stat. 5532
5, 40 U.S.C. App. 403; 5533

(2) A county that is a "distressed area" as defined in 5534
section 122.16 of the Revised Code; 5535

(3) A county that within the previous calendar year has had a 5536
job loss numbering two hundred or more of which one hundred or 5537
more are manufacturing-related as reported in the notices prepared 5538
by the department of job and family services pursuant to the 5539
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 5540
(1988), 29 U.S.C. 2101 et seq., as amended. 5541

Sec. 122.951. (A) If the director of development services 5542
determines that a grant ~~from the industrial site improvement fund~~ 5543
may create new jobs or preserve existing jobs and employment 5544
opportunities in an eligible county, the director may grant up to 5545
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 5546
county for the purpose of acquiring commercial or industrial land 5547
or buildings and making improvements to commercial or industrial 5548
areas within the eligible county, including, but not limited to: 5549

(1) Expanding, remodeling, renovating, and modernizing 5550
buildings, structures, and other improvements; 5551

(2) Remediating environmentally contaminated property on 5552
which hazardous substances exist under conditions that have caused 5553
or would cause the property to be identified as contaminated by 5554
the Ohio or United States environmental protection agency; and 5555

(3) Infrastructure improvements, including, but not limited 5556
to, site preparation, including building demolition and removal; 5557
streets, roads, bridges, and traffic control devices; parking lots 5558
and facilities; water and sewer lines and treatment plants; gas, 5559
electric, and telecommunications, including broadband, hook-ups; 5560
and water and railway access improvements. 5561

A grant awarded under this section shall provide not more than seventy-five per cent of the estimated total cost of the project for which an application is submitted under this section. In addition, not more than ten per cent of the amount of the grant shall be used to pay the costs of professional services related to the project.

(B) An eligible county may apply to the director for a grant under this section in the form and manner prescribed by the director. The eligible county shall include on the application all information required by the director. The application shall require the eligible county to provide a detailed description of how the eligible county would use a grant to improve commercial or industrial areas within the eligible county, and to specify how a grant will lead to the creation of new jobs or the preservation of existing jobs and employment opportunities in the eligible county. The eligible county shall specify in the application the amount of the grant for which the eligible county is applying.

~~(C) An eligible county that receives a grant under this section is not eligible for any additional grants from the industrial site improvement fund in the fiscal year in which the grant is received and in the subsequent fiscal year.~~

~~(D)~~ An eligible county may designate a port authority, community improvement corporation as defined in section 122.71 of the Revised Code, or other economic development entity that is located in the county to apply for a grant under this section. If a port authority, community improvement corporation, or other economic development entity is so designated, references to an eligible county in this section include references to the authority, corporation, or other entity.

Sec. 123.10. (A) As used in this section and section 123.11 of the Revised Code, "public exigency" means an injury or

obstruction that occurs in any public works of the state 5593
~~maintained by the director of administrative services~~ and that 5594
materially impairs its immediate use or places in jeopardy 5595
property adjacent to it; an immediate danger of such an injury or 5596
obstruction; or an injury or obstruction, or an immediate danger 5597
of an injury or obstruction, that occurs in any public works of 5598
the state ~~maintained by the director of administrative services~~ 5599
and that materially impairs its immediate use or places in 5600
jeopardy property adjacent to it. 5601

(B) When a declaration of public exigency is issued pursuant 5602
to division (C) of this section, the Ohio facilities construction 5603
commission shall enter into contracts with proper persons for the 5604
performance of labor, the furnishing of materials, or the 5605
construction of any structures and buildings necessary to the 5606
maintenance, control, and management of the public works of the 5607
state or any part of those public works. Any contracts awarded for 5608
the work performed pursuant to the declaration of a public 5609
exigency may be awarded without competitive bidding or selection 5610
as set forth in Chapter 153. of the Revised Code. 5611

(C) The executive director of the Ohio facilities 5612
construction commission may issue a declaration of a public 5613
exigency on the executive director's own initiative or upon the 5614
request of the director of any state agency, a state institution 5615
of higher education as defined in division (A)(1) of section 5616
3345.12 of the Revised Code, or any other state instrumentality. 5617
The executive director's declaration shall identify the specific 5618
injury, obstruction, or danger that is the subject of the 5619
declaration and shall set forth a dollar limitation for the 5620
repair, removal, or prevention of that exigency under the 5621
declaration. 5622

Before any project to repair, remove, or prevent a public 5623
exigency under the executive director's declaration may begin, the 5624

executive director shall send notice of the project, in writing, 5625
to the director of budget and management and to the members of the 5626
controlling board. That notice shall detail the project to be 5627
undertaken to address the public exigency and shall include a copy 5628
of the executive director's declaration that establishes the 5629
monetary limitations on that project. 5630

Sec. 123.28. As used in this section and in section 123.281 5631
of the Revised Code: 5632

(A) "Culture" means any of the following: 5633

(1) Visual, musical, dramatic, graphic, design, and other 5634
arts, including, but not limited to, architecture, dance, 5635
literature, motion pictures, music, painting, photography, 5636
sculpture, and theater, and the provision of training or education 5637
in these arts; 5638

(2) The presentation or making available, in museums or other 5639
indoor or outdoor facilities, of principles of science and their 5640
development, use, or application in business, industry, or 5641
commerce or of the history, heritage, development, presentation, 5642
and uses of the arts described in division (A)(1) of this section 5643
and of transportation; 5644

(3) The preservation, presentation, or making available of 5645
features of archaeological, architectural, environmental, or 5646
historical interest or significance in a state historical facility 5647
or a local historical facility. 5648

(B) "Cultural organization" means either of the following: 5649

(1) A governmental agency or Ohio nonprofit corporation, 5650
including the Ohio historical society, that provides programs or 5651
activities in areas directly concerned with culture; 5652

(2) A regional arts and cultural district as defined in 5653
section 3381.01 of the Revised Code. 5654

(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has made an appropriation or has specifically authorized the spending of money or the making of rental payments relating to the financing of construction.

(D) "Cooperative ~~contract~~ use agreement" means a contract between the Ohio facilities construction commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.

(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.

(F) "Governmental agency" means a state agency, a state institution of higher education as defined in section 3345.12 of the Revised Code, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

(G) "Local contributions" means the value of an asset

provided by or on behalf of a cultural organization from sources 5685
other than the state, the value and nature of which shall be 5686
approved by the Ohio facilities construction commission, in its 5687
sole discretion. "Local contributions" may include the value of 5688
the site where a cultural project is to be constructed. All "local 5689
contributions," except a contribution attributable to such a site, 5690
shall be for the costs of construction of a cultural project or 5691
the creation or expansion of an endowment for the costs of 5692
operation of a cultural facility. 5693

(H) "Local historical facility" means a site or facility, 5694
other than a state historical facility, of archaeological, 5695
architectural, environmental, or historical interest or 5696
significance, or a facility, including a storage facility, 5697
appurtenant to the operations of such a site or facility, that is 5698
owned by a cultural organization and is used for or in connection 5699
with cultural activities, including the presentation or making 5700
available of culture to the public. 5701

(I) "Manage," "operate," or "management" means the provision 5702
of, or the exercise of control over the provision of, activities: 5703

(1) Relating to culture for an Ohio cultural facility, 5704
including as applicable, but not limited to, providing for 5705
displays, exhibitions, specimens, and models; booking of artists, 5706
performances, or presentations; scheduling; and hiring or 5707
contracting for directors, curators, technical and scientific 5708
staff, ushers, stage managers, and others directly related to the 5709
cultural activities in the facility; but not including general 5710
building services; 5711

(2) Relating to sports and athletic events for an Ohio sports 5712
facility, including as applicable, but not limited to, providing 5713
for booking of athletes, teams, and events; scheduling; and hiring 5714
or contracting for staff, ushers, managers, and others directly 5715
related to the sports and athletic events in the facility; but not 5716

including general building services.	5717
(J) "Ohio cultural facility" means any of the following:	5718
(1) The theaters located in the state office tower at 77 South High street in Columbus;	5719 5720
(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative <u>use</u> or management contract <u>agreement</u> with, the Ohio facilities construction commission.	5721 5722 5723 5724
(3) A state historical facility or a local historical facility.	5725 5726
(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	5727 5728 5729 5730
(L) "State historical facility" means a site or facility that has all of the following characteristics:	5731 5732
(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio historical society pursuant to the society's performance of public functions under sections 149.30 and 149.302 of the Revised Code.	5733 5734 5735 5736
(2) Its title must reside wholly or in part with the state, the society, or both the state and the society.	5737 5738
(3) It is managed directly by or is subject to a cooperative <u>use</u> or management contract <u>agreement</u> with the Ohio facilities construction commission and is used for or in connection with cultural activities, including the presentation or making available of culture to the public.	5739 5740 5741 5742 5743
(M) "Ohio sports facility" means all or a portion of a stadium, arena, tennis facility, motorsports complex, or other capital facility in this state. A primary purpose of the facility	5744 5745 5746

shall be to provide a site or venue for the presentation to the public of motorsports events, professional tennis tournaments, or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state. The facility shall be, in the case of a motorsports complex, owned by the state or governmental agency, or in all other instances, owned by or located on real property owned by the state or a governmental agency, and includes all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this section and section 123.281 of the Revised Code. A facility constructed as an Ohio sports facility may be both an Ohio cultural facility and an Ohio sports facility.

(N) "Motorsports" means sporting events in which motor vehicles are driven on a clearly demarcated tracked surface.

Sec. 123.281. (A) The Ohio facilities construction commission shall provide for the construction of a cultural project in conformity with Chapter 153. of the Revised Code, except for construction services provided on behalf of the state by a governmental agency or a cultural organization in accordance with divisions (B) and (C) of this section.

(B) In order for a governmental agency or a cultural organization to provide construction services on behalf of the state for a cultural project, other than a state historical facility, for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the governmental agency or cultural organization shall submit to the

Ohio facilities construction commission a cooperative <u>use</u>	5778
agreement that includes, but is not limited to, provisions that:	5779
(1) Specify how the proposed project will support culture, as	5780
defined in section 123.28 of the Revised Code;	5781
(2) Specify that the governmental agency or cultural	5782
organization has local contributions amounting to not less than	5783
fifty per cent of the total state funding for the cultural	5784
project;	5785
(3) Specify that the funds shall be used only for	5786
construction, as defined in section 123.28 of the Revised Code;	5787
(4) Identify the facility to be constructed, renovated,	5788
remodeled, or improved;	5789
(5) Specify that the project scope meets the intent and	5790
purpose of the project appropriation and that the project can be	5791
completed and ready for full occupancy <u>to support culture</u> without	5792
exceeding appropriated funds;	5793
(6) Specify that the governmental agency or cultural	5794
organization shall hold the Ohio facilities construction	5795
commission harmless from all liability for the operation and	5796
maintenance costs of the facility;	5797
(7) Specify that the agreement or any actions taken under it	5798
are not subject to Chapters <u>Chapter</u> 123. or 153. of the Revised	5799
Code, except for section <u>sections 123.20, 123.201, 123.21, 123.28,</u>	5800
<u>123.281, and</u> 153.011 of the Revised Code, and are subject to	5801
Chapter 4115. of the Revised Code; and	5802
(8) Provide that amendments to the agreement shall require	5803
the approval of the Ohio facilities construction commission.	5804
(C) In order for a cultural organization to provide	5805
construction services on behalf of the state for a state	5806
historical facility for which the general assembly has made an	5807

appropriation or specifically authorized the spending of money or 5808
the making of rental payments relating to the financing of the 5809
construction, the cultural organization shall submit to the Ohio 5810
facilities construction commission a cooperative use agreement 5811
that includes, but is not limited to, provisions that: 5812

(1) Specify how the proposed project will support culture, ~~as~~ 5813
~~defined in section 123.28 of the Revised Code;~~ 5814

(2) Specify that the funds shall be used only for 5815
construction, ~~as defined in section 123.28 of the Revised Code;~~ 5816

(3) Specify that not more than three per cent of the funds 5817
may be used by the cultural organization to administer the 5818
project; 5819

(4) Identify the facility to be constructed, renovated, 5820
remodeled, or improved; 5821

~~(4)~~(5) Specify that the project scope meets the intent and 5822
purpose of the project appropriation and that the project can be 5823
completed and ready ~~for full occupancy~~ to support culture without 5824
exceeding appropriated funds; 5825

~~(5)~~(6) Specify that the cultural organization shall hold the 5826
Ohio facilities construction commission harmless from all 5827
liability for the operation and maintenance costs of the facility; 5828

~~(6)~~(7) Specify that the agreement or any actions taken under 5829
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 5830
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 5831
and 123.281 of the Revised Code; and 5832

~~(7)~~(8) Provide that amendments to the agreement shall require 5833
the approval of the Ohio facilities construction commission. 5834

(D) For an Ohio sports facility that is financed in part by 5835
obligations issued under Chapter 154. of the Revised Code, 5836
construction services shall be provided on behalf of the state by 5837

or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code.

(E) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(3) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility.

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of this section, no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility that is a motorsports complex, unless, with respect to that facility, both of the following apply:

(1) Motorsports events shall be presented at the facility pursuant to a lease entered into with the owner of the facility. The term of the lease shall be for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of state bonds as determined using the guidelines for maximum maturities as provided under divisions (B) and (C) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the executive director of the Ohio facilities construction commission and to the treasurer of state.

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less than six months' advance notice if the organization intends to cease utilizing the facility prior to the expiration of that established period. Such a motorsports organization shall be liable to the state for any state funds used on the construction

costs of the facility. 5902

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 5903
this section, no state bond proceeds shall be spent on any Ohio 5904
sports facility that is a tennis facility, unless the owner or 5905
manager of the facility provides contractual commitments from a 5906
national or international professional tennis organization in a 5907
form acceptable to the Ohio facilities construction commission 5908
that assures that one or more sanctioned professional tennis 5909
events will be presented at the facility during each year that the 5910
bonds remain outstanding. 5911

Sec. 124.14. (A)(1) The director of administrative services 5912
shall establish, and may modify or rescind, ~~by rule,~~ a job 5913
classification plan for all positions, offices, and employments in 5914
the service of the state. The director shall group jobs within a 5915
classification so that the positions are similar enough in duties 5916
and responsibilities to be described by the same title, to have 5917
the same pay assigned with equity, and to have the same 5918
qualifications for selection applied. The director shall, ~~by rule,~~ 5919
assign a classification title to each classification within the 5920
classification plan. However, the director shall consider in 5921
establishing classifications, including classifications with 5922
parenthetical titles, and assigning pay ranges such factors as 5923
duties performed only on one shift, special skills in short supply 5924
in the labor market, recruitment problems, separation rates, 5925
comparative salary rates, the amount of training required, and 5926
other conditions affecting employment. The director shall describe 5927
the duties and responsibilities of the class, establish the 5928
qualifications for being employed in each position in the class, 5929
and file with the secretary of state a copy of specifications for 5930
all of the classifications. The director shall file new, 5931
additional, or revised specifications with the secretary of state 5932
before they are used. 5933

The director shall, ~~by rule,~~ assign each classification, 5934
either on a statewide basis or in particular counties or state 5935
institutions, to a pay range established under section 124.15 or 5936
section 124.152 of the Revised Code. The director may assign a 5937
classification to a pay range on a temporary basis for a period of 5938
six months. The director may establish, ~~by rule adopted under~~ 5939
~~Chapter 119. of the Revised Code,~~ experimental classification 5940
plans for some or all employees paid directly by warrant of the 5941
director of budget and management. ~~The rule~~ Any such experimental 5942
classification plan shall include specifications for each 5943
classification within the plan and shall specifically address 5944
compensation ranges, and methods for advancing within the ranges, 5945
for the classifications, which may be assigned to pay ranges other 5946
than the pay ranges established under section 124.15 or 124.152 of 5947
the Revised Code. 5948

(2) The director of administrative services may reassign to a 5949
proper classification those positions that have been assigned to 5950
an improper classification. If the compensation of an employee in 5951
such a reassigned position exceeds the maximum rate of pay for the 5952
employee's new classification, the employee shall be placed in pay 5953
step X and shall not receive an increase in compensation until the 5954
maximum rate of pay for that classification exceeds the employee's 5955
compensation. 5956

(3) The director may reassign an exempt employee, as defined 5957
in section 124.152 of the Revised Code, to a bargaining unit 5958
classification if the director determines that the bargaining unit 5959
classification is the proper classification for that employee. 5960
Notwithstanding Chapter 4117. of the Revised Code or instruments 5961
and contracts negotiated under it, these placements are at the 5962
director's discretion. 5963

(4) The director shall, ~~by rule,~~ assign related 5964
classifications, which form a career progression, to a 5965

classification series. The director shall, ~~by rule,~~ assign each 5966
classification in the classification plan a five-digit number, the 5967
first four digits of which shall denote the classification series 5968
to which the classification is assigned. When a career progression 5969
encompasses more than ten classifications, the director shall, ~~by~~ 5970
~~rule,~~ identify the additional classifications belonging to a 5971
classification series. The additional classifications shall be 5972
part of the classification series, notwithstanding the fact that 5973
the first four digits of the number assigned to the additional 5974
classifications do not correspond to the first four digits of the 5975
numbers assigned to other classifications in the classification 5976
series. 5977

(B) Division (A) of this section and sections 124.15 and 5978
124.152 of the Revised Code do not apply to the following persons, 5979
positions, offices, and employments: 5980

(1) Elected officials; 5981

(2) Legislative employees, employees of the legislative 5982
service commission, employees in the office of the governor, 5983
employees who are in the unclassified civil service and exempt 5984
from collective bargaining coverage in the office of the secretary 5985
of state, auditor of state, treasurer of state, and attorney 5986
general, and employees of the supreme court; 5987

(3) Any position for which the authority to determine 5988
compensation is given by law to another individual or entity; 5989

(4) Employees of the bureau of workers' compensation whose 5990
compensation the administrator of workers' compensation 5991
establishes under division (B) of section 4121.121 of the Revised 5992
Code. 5993

(C) The director may employ a consulting agency to aid and 5994
assist the director in carrying out this section. 5995

(D)(1) When the director proposes to modify a classification 5996

or the assignment of classes to appropriate pay ranges, the 5997
director shall ~~send written notice of the proposed rule to notify~~ 5998
the appointing authorities of the affected employees ~~thirty days~~ 5999
before a ~~hearing on~~ implementing the proposed rule modification. 6000
The director's notice shall include the effective date of the 6001
modification. The appointing authorities shall notify the affected 6002
employees regarding the proposed rule modification. ~~The director~~ 6003
~~also shall send those appointing authorities notice of any final~~ 6004
~~rule that is adopted within ten days after adoption.~~ 6005

(2) When the director proposes to reclassify any employee in 6006
the service of the state so that the employee is adversely 6007
affected, the director shall give to the employee affected and to 6008
the employee's appointing authority a written notice setting forth 6009
the proposed new classification, pay range, and salary. Upon the 6010
request of any classified employee in the service of the state who 6011
is not serving in a probationary period, the director shall 6012
perform a job audit to review the classification of the employee's 6013
position to determine whether the position is properly classified. 6014
The director shall give to the employee affected and to the 6015
employee's appointing authority a written notice of the director's 6016
determination whether or not to reclassify the position or to 6017
reassign the employee to another classification. An employee or 6018
appointing authority desiring a hearing shall file a written 6019
request for the hearing with the state personnel board of review 6020
within thirty days after receiving the notice. The board shall set 6021
the matter for a hearing and notify the employee and appointing 6022
authority of the time and place of the hearing. The employee, the 6023
appointing authority, or any authorized representative of the 6024
employee who wishes to submit facts for the consideration of the 6025
board shall be afforded reasonable opportunity to do so. After the 6026
hearing, the board shall consider anew the reclassification and 6027
may order the reclassification of the employee and require the 6028
director to assign the employee to such appropriate classification 6029

as the facts and evidence warrant. As provided in division (A)(1) 6030
of section 124.03 of the Revised Code, the board may determine the 6031
most appropriate classification for the position of any employee 6032
coming before the board, with or without a job audit. The board 6033
shall disallow any reclassification or reassignment classification 6034
of any employee when it finds that changes have been made in the 6035
duties and responsibilities of any particular employee for 6036
political, religious, or other unjust reasons. 6037

(E)(1) Employees of each county department of job and family 6038
services shall be paid a salary or wage established by the board 6039
of county commissioners. The provisions of section 124.18 of the 6040
Revised Code concerning the standard work week apply to employees 6041
of county departments of job and family services. A board of 6042
county commissioners may do either of the following: 6043

(a) Notwithstanding any other section of the Revised Code, 6044
supplement the sick leave, vacation leave, personal leave, and 6045
other benefits of any employee of the county department of job and 6046
family services of that county, if the employee is eligible for 6047
the supplement under a written policy providing for the 6048
supplement; 6049

(b) Notwithstanding any other section of the Revised Code, 6050
establish alternative schedules of sick leave, vacation leave, 6051
personal leave, or other benefits for employees not inconsistent 6052
with the provisions of a collective bargaining agreement covering 6053
the affected employees. 6054

(2) Division (E)(1) of this section does not apply to 6055
employees for whom the state employment relations board 6056
establishes appropriate bargaining units pursuant to section 6057
4117.06 of the Revised Code, except in either of the following 6058
situations: 6059

(a) The employees for whom the state employment relations 6060

board establishes appropriate bargaining units elect no 6061
representative in a board-conducted representation election. 6062

(b) After the state employment relations board establishes 6063
appropriate bargaining units for such employees, all employee 6064
organizations withdraw from a representation election. 6065

(F)(1) Notwithstanding any contrary provision of sections 6066
124.01 to 124.64 of the Revised Code, the board of trustees of 6067
each state university or college, as defined in section 3345.12 of 6068
the Revised Code, shall carry out all matters of governance 6069
involving the officers and employees of the university or college, 6070
including, but not limited to, the powers, duties, and functions 6071
of the department of administrative services and the director of 6072
administrative services specified in this chapter. Officers and 6073
employees of a state university or college shall have the right of 6074
appeal to the state personnel board of review as provided in this 6075
chapter. 6076

(2) Each board of trustees shall adopt rules under section 6077
111.15 of the Revised Code to carry out the matters of governance 6078
described in division (F)(1) of this section. Until the board of 6079
trustees adopts those rules, a state university or college shall 6080
continue to operate pursuant to the applicable rules adopted by 6081
the director of administrative services under this chapter. 6082

(G)(1) Each board of county commissioners may, by a 6083
resolution adopted by a majority of its members, establish a 6084
county personnel department to exercise the powers, duties, and 6085
functions specified in division (G) of this section. As used in 6086
division (G) of this section, "county personnel department" means 6087
a county personnel department established by a board of county 6088
commissioners under division (G)(1) of this section. 6089

(2)(a) Each board of county commissioners, by a resolution 6090
adopted by a majority of its members, may designate the county 6091

personnel department of the county to exercise the powers, duties, 6092
and functions specified in sections 124.01 to 124.64 and Chapter 6093
325. of the Revised Code with regard to employees in the service 6094
of the county, except for the powers and duties of the state 6095
personnel board of review, which powers and duties shall not be 6096
construed as having been modified or diminished in any manner by 6097
division (G)(2) of this section, with respect to the employees for 6098
whom the board of county commissioners is the appointing authority 6099
or co-appointing authority. 6100

(b) Nothing in division (G)(2) of this section shall be 6101
construed to limit the right of any employee who possesses the 6102
right of appeal to the state personnel board of review to continue 6103
to possess that right of appeal. 6104

(c) Any board of county commissioners that has established a 6105
county personnel department may contract with the department of 6106
administrative services, in accordance with division (H) of this 6107
section, another political subdivision, or an appropriate public 6108
or private entity to provide competitive testing services or other 6109
appropriate services. 6110

(3) After the county personnel department of a county has 6111
been established as described in division (G)(2) of this section, 6112
any elected official, board, agency, or other appointing authority 6113
of that county, upon written notification to the county personnel 6114
department, may elect to use the services and facilities of the 6115
county personnel department. Upon receipt of the notification by 6116
the county personnel department, the county personnel department 6117
shall exercise the powers, duties, and functions as described in 6118
division (G)(2) of this section with respect to the employees of 6119
that elected official, board, agency, or other appointing 6120
authority. 6121

(4) Each board of county commissioners, by a resolution 6122
adopted by a majority of its members, may disband the county 6123

personnel department. 6124

(5) Any elected official, board, agency, or appointing 6125
authority of a county may end its involvement with a county 6126
personnel department upon actual receipt by the department of a 6127
certified copy of the notification that contains the decision to 6128
no longer participate. 6129

(6) A county personnel department, in carrying out its 6130
duties, shall adhere to merit system principles with regard to 6131
employees of county departments of job and family services, child 6132
support enforcement agencies, and public child welfare agencies so 6133
that there is no threatened loss of federal funding for these 6134
agencies, and the county is financially liable to the state for 6135
any loss of federal funds due to the action or inaction of the 6136
county personnel department. 6137

(H) County agencies may contract with the department of 6138
administrative services for any human resources services, 6139
including, but not limited to, establishment and modification of 6140
job classification plans, competitive testing services, and 6141
periodic audits and reviews of the county's uniform application of 6142
the powers, duties, and functions specified in sections 124.01 to 6143
124.64 and Chapter 325. of the Revised Code with regard to 6144
employees in the service of the county. Nothing in this division 6145
modifies the powers and duties of the state personnel board of 6146
review with respect to employees in the service of the county. 6147
Nothing in this division limits the right of any employee who 6148
possesses the right of appeal to the state personnel board of 6149
review to continue to possess that right of appeal. 6150

(I) The director of administrative services shall establish 6151
the rate and method of compensation for all employees who are paid 6152
directly by warrant of the director of budget and management and 6153
who are serving in positions that the director of administrative 6154
services has determined impracticable to include in the state job 6155

classification plan. This division does not apply to elected 6156
officials, legislative employees, employees of the legislative 6157
service commission, employees who are in the unclassified civil 6158
service and exempt from collective bargaining coverage in the 6159
office of the secretary of state, auditor of state, treasurer of 6160
state, and attorney general, employees of the courts, employees of 6161
the bureau of workers' compensation whose compensation the 6162
administrator of workers' compensation establishes under division 6163
(B) of section 4121.121 of the Revised Code, or employees of an 6164
appointing authority authorized by law to fix the compensation of 6165
those employees. 6166

(J) The director of administrative services shall set the 6167
rate of compensation for all intermittent, seasonal, temporary, 6168
emergency, and casual employees in the service of the state who 6169
are not considered public employees under section 4117.01 of the 6170
Revised Code. Those employees are not entitled to receive employee 6171
benefits. This rate of compensation shall be equitable in terms of 6172
the rate of employees serving in the same or similar 6173
classifications. This division does not apply to elected 6174
officials, legislative employees, employees of the legislative 6175
service commission, employees who are in the unclassified civil 6176
service and exempt from collective bargaining coverage in the 6177
office of the secretary of state, auditor of state, treasurer of 6178
state, and attorney general, employees of the courts, employees of 6179
the bureau of workers' compensation whose compensation the 6180
administrator establishes under division (B) of section 4121.121 6181
of the Revised Code, or employees of an appointing authority 6182
authorized by law to fix the compensation of those employees. 6183

Sec. 124.15. (A) Board and commission members appointed prior 6184
to July 1, 1991, shall be paid a salary or wage in accordance with 6185
the following schedules of rates: 6186

Schedule B		Pay Ranges and Step Values				6187
Range		Step 1	Step 2	Step 3	Step 4	6188
23	Hourly	5.72	5.91	6.10	6.31	6189
	Annually	11897.60	12292.80	12688.00	13124.80	6190
		Step 5	Step 6			6191
	Hourly	6.52	6.75			6192
	Annually	13561.60	14040.00			6193
		Step 1	Step 2	Step 3	Step 4	6194
24	Hourly	6.00	6.20	6.41	6.63	6195
	Annually	12480.00	12896.00	13332.80	13790.40	6196
		Step 5	Step 6			6197
	Hourly	6.87	7.10			6198
	Annually	14289.60	14768.00			6199
		Step 1	Step 2	Step 3	Step 4	6200
25	Hourly	6.31	6.52	6.75	6.99	6201
	Annually	13124.80	13561.60	14040.00	14539.20	6202
		Step 5	Step 6			6203
	Hourly	7.23	7.41			6204
	Annually	15038.40	15412.80			6205
		Step 1	Step 2	Step 3	Step 4	6206
26	Hourly	6.63	6.87	7.10	7.32	6207
	Annually	13790.40	14289.60	14768.00	15225.60	6208
		Step 5	Step 6			6209
	Hourly	7.53	7.77			6210
	Annually	15662.40	16161.60			6211
		Step 1	Step 2	Step 3	Step 4	6212
27	Hourly	6.99	7.23	7.41	7.64	6213
	Annually	14534.20	15038.40	15412.80	15891.20	6214
		Step 5	Step 6	Step 7		6215
	Hourly	7.88	8.15	8.46		6216
	Annually	16390.40	16952.00	17596.80		6217
		Step 1	Step 2	Step 3	Step 4	6218
						6219

28	Hourly	7.41	7.64	7.88	8.15	6220
	Annually	15412.80	15891.20	16390.40	16952.00	6221
		Step 5	Step 6	Step 7		6222
	Hourly	8.46	8.79	9.15		6223
	Annually	17596.80	18283.20	19032.00		6224
		Step 1	Step 2	Step 3	Step 4	6225
29	Hourly	7.88	8.15	8.46	8.79	6226
	Annually	16390.40	16952.00	17596.80	18283.20	6227
		Step 5	Step 6	Step 7		6228
	Hourly	9.15	9.58	10.01		6229
	Annually	19032.00	19926.40	20820.80		6230
		Step 1	Step 2	Step 3	Step 4	6231
30	Hourly	8.46	8.79	9.15	9.58	6232
	Annually	17596.80	18283.20	19032.00	19926.40	6233
		Step 5	Step 6	Step 7		6234
	Hourly	10.01	10.46	10.99		6235
	Annually	20820.80	21756.80	22859.20		6236
		Step 1	Step 2	Step 3	Step 4	6237
31	Hourly	9.15	9.58	10.01	10.46	6238
	Annually	19032.00	19962.40	20820.80	21756.80	6239
		Step 5	Step 6	Step 7		6240
	Hourly	10.99	11.52	12.09		6241
	Annually	22859.20	23961.60	25147.20		6242
		Step 1	Step 2	Step 3	Step 4	6243
32	Hourly	10.01	10.46	10.99	11.52	6244
	Annually	20820.80	21756.80	22859.20	23961.60	6245
		Step 5	Step 6	Step 7	Step 8	6246
	Hourly	12.09	12.68	13.29	13.94	6247
	Annually	25147.20	26374.40	27643.20	28995.20	6248
		Step 1	Step 2	Step 3	Step 4	6249
33	Hourly	10.99	11.52	12.09	12.68	6250
	Annually	22859.20	23961.60	25147.20	26374.40	6251
		Step 5	Step 6	Step 7	Step 8	6252

	Hourly	13.29	13.94	14.63	15.35	6253
	Annually	27643.20	28995.20	30430.40	31928.00	6254
		Step 1	Step 2	Step 3	Step 4	6255
34	Hourly	12.09	12.68	13.29	13.94	6256
	Annually	25147.20	26374.40	27643.20	28995.20	6257
		Step 5	Step 6	Step 7	Step 8	6258
	Hourly	14.63	15.35	16.11	16.91	6259
	Annually	30430.40	31928.00	33508.80	35172.80	6260
		Step 1	Step 2	Step 3	Step 4	6261
35	Hourly	13.29	13.94	14.63	15.35	6262
	Annually	27643.20	28995.20	30430.40	31928.00	6263
		Step 5	Step 6	Step 7	Step 8	6264
	Hourly	16.11	16.91	17.73	18.62	6265
	Annually	33508.80	35172.80	36878.40	38729.60	6266
		Step 1	Step 2	Step 3	Step 4	6267
36	Hourly	14.63	15.35	16.11	16.91	6268
	Annually	30430.40	31928.00	33508.80	35172.80	6269
		Step 5	Step 6	Step 7	Step 8	6270
	Hourly	17.73	18.62	19.54	20.51	6271
	Annually	36878.40	38729.60	40643.20	42660.80	6272
	Schedule C					6273
		Pay Range and Values				6274
	Range	Minimum		Maximum		6275
41	Hourly	10.44		15.72		6276
	Annually	21715.20		32697.60		6277
42	Hourly	11.51		17.35		6278
	Annually	23940.80		36088.00		6279
43	Hourly	12.68		19.12		6280
	Annually	26374.40		39769.60		6281
44	Hourly	13.99		20.87		6282
	Annually	29099.20		43409.60		6283
45	Hourly	15.44		22.80		6284
	Annually	32115.20		47424.00		6285

46 Hourly	17.01	24.90	6286
Annually	35380.80	51792.00	6287
47 Hourly	18.75	27.18	6288
Annually	39000.00	56534.40	6289
48 Hourly	20.67	29.69	6290
Annually	42993.60	61755.20	6291
49 Hourly	22.80	32.06	6292
Annually	47424.00	66684.80	6293

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 6294
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 6296
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 6299
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and 6315
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determine whether certain benefits or payments provided to the 6318
employees covered by those agreements should also be provided to 6319
employees in the service of the state who are exempt from 6320
collective bargaining coverage and are paid in accordance with 6321
section 124.152 of the Revised Code or are listed in division 6322
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 6323
the review, the director of administrative services, with the 6324
approval of the director of budget and management, may provide to 6325
some or all of these employees any payment or benefit, except for 6326
salary, contained in such a collective bargaining agreement even 6327
if it is similar to a payment or benefit already provided by law 6328
to some or all of these employees. Any payment or benefit so 6329
provided shall not exceed the highest level for that payment or 6330
benefit specified in such a collective bargaining agreement. The 6331
director of administrative services shall not provide, and the 6332
director of budget and management shall not approve, any payment 6333
or benefit to such an employee under this division unless the 6334
payment or benefit is provided pursuant to a collective bargaining 6335
agreement to a state employee who is in a position with similar 6336
duties as, is supervised by, or is employed by the same appointing 6337
authority as, the employee to whom the benefit or payment is to be 6338
provided. 6339

As used in this division, "payment or benefit already 6340
provided by law" includes, but is not limited to, bereavement, 6341
personal, vacation, administrative, and sick leave, disability 6342
benefits, holiday pay, and pay supplements provided under the 6343
Revised Code, but does not include wages or salary. 6344

(E) New employees paid in accordance with schedule B of 6345
division (A) of this section or schedule E-1 of section 124.152 of 6346
the Revised Code shall be employed at the minimum rate established 6347
for the range unless otherwise provided. Employees with 6348
qualifications that are beyond the minimum normally required for 6349

the position and that are determined by the director to be 6350
exceptional may be employed in, or may be transferred or promoted 6351
to, a position at an advanced step of the range. Further, in time 6352
of a serious labor market condition when it is relatively 6353
impossible to recruit employees at the minimum rate for a 6354
particular classification, the entrance rate may be set at an 6355
advanced step in the range by the director of administrative 6356
services. This rate may be limited to geographical regions of the 6357
state. Appointments made to an advanced step under the provision 6358
regarding exceptional qualifications shall not affect the step 6359
assignment of employees already serving. However, anytime the 6360
hiring rate of an entire classification is advanced to a higher 6361
step, all incumbents of that classification being paid at a step 6362
lower than that being used for hiring, shall be advanced beginning 6363
at the start of the first pay period thereafter to the new hiring 6364
rate, and any time accrued at the lower step will be used to 6365
calculate advancement to a succeeding step. If the hiring rate of 6366
a classification is increased for only a geographical region of 6367
the state, only incumbents who work in that geographical region 6368
shall be advanced to a higher step. When an employee in the 6369
unclassified service changes from one state position to another or 6370
is appointed to a position in the classified service, or if an 6371
employee in the classified service is appointed to a position in 6372
the unclassified service, the employee's salary or wage in the new 6373
position shall be determined in the same manner as if the employee 6374
were an employee in the classified service. When an employee in 6375
the unclassified service who is not eligible for step increases is 6376
appointed to a classification in the classified service under 6377
which step increases are provided, future step increases shall be 6378
based on the date on which the employee last received a pay 6379
increase. If the employee has not received an increase during the 6380
previous year, the date of the appointment to the classified 6381
service shall be used to determine the employee's annual step 6382

advancement eligibility date. In reassigning any employee to a 6383
classification resulting in a pay range increase or to a new pay 6384
range as a result of a promotion, an increase pay range 6385
adjustment, or other classification change resulting in a pay 6386
range increase, the director shall assign such employee to the 6387
step in the new pay range that will provide an increase of 6388
approximately four per cent if the new pay range can accommodate 6389
the increase. When an employee is being assigned to a 6390
classification or new pay range as the result of a class plan 6391
change, if the employee has completed a probationary period, the 6392
employee shall be placed in a step no lower than step two of the 6393
new pay range. If the employee has not completed a probationary 6394
period, the employee may be placed in step one of the new pay 6395
range. Such new salary or wage shall become effective on such date 6396
as the director determines. 6397

(F) If employment conditions and the urgency of the work 6398
require such action, the director of administrative services may, 6399
upon the application of a department head, authorize payment at 6400
any rate established within the range for the class of work, for 6401
work of a casual or intermittent nature or on a project basis. 6402
Payment at such rates shall not be made to the same individual for 6403
more than three calendar months in any one calendar year. Any such 6404
action shall be subject to the approval of the director of budget 6405
and management as to the availability of funds. This section and 6406
sections 124.14 and 124.152 of the Revised Code do not repeal any 6407
authority of any department or public official to contract with or 6408
fix the compensation of professional persons who may be employed 6409
temporarily for work of a casual nature or for work on a project 6410
basis. 6411

(G)(1) Except as provided in divisions (G)(2) and (3) of this 6412
section, each state employee paid in accordance with schedule B of 6413
this section or schedule E-1 of section 124.152 of the Revised 6414

Code shall be eligible for advancement to succeeding steps in the 6415
range for the employee's class or grade according to the schedule 6416
established in this division. Beginning on the first day of the 6417
pay period within which the employee completes the prescribed 6418
probationary period in the employee's classification with the 6419
state, each employee shall receive an automatic salary adjustment 6420
equivalent to the next higher step within the pay range for the 6421
employee's class or grade. 6422

Except as provided in divisions (G)(2) and (3) of this 6423
section, each employee paid in accordance with schedule E-1 of 6424
section 124.152 of the Revised Code shall be eligible to advance 6425
to the next higher step until the employee reaches the top step in 6426
the range for the employee's class or grade, if the employee has 6427
maintained satisfactory performance in accordance with criteria 6428
established by the employee's appointing authority. Those step 6429
advancements shall not occur more frequently than once in any 6430
twelve-month period. 6431

When an employee is promoted, the step entry date shall be 6432
set to account for a probationary period. When an employee is 6433
reassigned to a higher pay range, the step entry date shall be set 6434
to allow an employee who is not at the highest step of the range 6435
to receive a step advancement one year from the reassignment date. 6436
Step advancement shall not be affected by demotion. A promoted 6437
employee shall advance to the next higher step of the pay range on 6438
the first day of the pay period in which the required probationary 6439
period is completed. Step advancement shall become effective at 6440
the beginning of the pay period within which the employee attains 6441
the necessary length of service. Time spent on authorized leave of 6442
absence shall be counted for this purpose. 6443

If determined to be in the best interest of the state 6444
service, the director of administrative services may, either 6445
statewide or in selected agencies, adjust the dates on which 6446

annual step advancements are received by employees paid in 6447
accordance with schedule E-1 of section 124.152 of the Revised 6448
Code. 6449

(2)(a) There shall be a moratorium on annual step 6450
advancements under division (G)(1) of this section beginning June 6451
21, 2009, through June 20, 2011. Step advancements shall resume 6452
with the pay period beginning June 21, 2011. Upon the resumption 6453
of step advancements, there shall be no retroactive step 6454
advancements for the period the moratorium was in effect. The 6455
moratorium shall not affect an employee's performance evaluation 6456
schedule. 6457

An employee who begins a probationary period before June 21, 6458
2009, shall advance to the next step in the employee's pay range 6459
at the end of probation, and then become subject to the 6460
moratorium. An employee who is hired, promoted, or reassigned to a 6461
higher pay range between June 21, 2009, through June 20, 2011, 6462
shall not advance to the next step in the employee's pay range 6463
until the next anniversary of the employee's date of hire, 6464
promotion, or reassignment that occurs on or after June 21, 2011. 6465

(b) The moratorium under division (G)(2)(a) of this section 6466
shall apply to the employees of the secretary of state, the 6467
auditor of state, the treasurer of state, and the attorney 6468
general, who are subject to this section unless the secretary of 6469
state, the auditor of state, the treasurer of state, or the 6470
attorney general decides to exempt the office's employees from the 6471
moratorium and so notifies the director of administrative services 6472
in writing on or before July 1, 2009. 6473

(3) Employees in intermittent positions shall be employed at 6474
the minimum rate established for the pay range for their 6475
classification and are not eligible for step advancements. 6476

(H) Employees in appointive managerial or professional 6477

positions paid in accordance with schedule C of this section or 6478
schedule E-2 of section 124.152 of the Revised Code may be 6479
appointed at any rate within the appropriate pay range. This rate 6480
of pay may be adjusted higher or lower within the respective pay 6481
range at any time the appointing authority so desires as long as 6482
the adjustment is based on the employee's ability to successfully 6483
administer those duties assigned to the employee. Salary 6484
adjustments shall not be made more frequently than once in any 6485
six-month period under this provision to incumbents holding the 6486
same position and classification. 6487

(I) When an employee is assigned to duty outside this state, 6488
the employee may be compensated, upon request of the department 6489
head and with the approval of the director of administrative 6490
services, at a rate not to exceed fifty per cent in excess of the 6491
employee's current base rate for the period of time spent on that 6492
duty. 6493

(J) Unless compensation for members of a board or commission 6494
is otherwise specifically provided by law, the director of 6495
administrative services shall establish the rate and method of 6496
payment for members of boards and commissions pursuant to the pay 6497
schedules listed in section 124.152 of the Revised Code. 6498

(K) Regular full-time employees in positions assigned to 6499
classes within the instruction and education administration series 6500
under the ~~rules~~ job classification plans of the director of 6501
administrative services, except certificated employees on the 6502
instructional staff of the state school for the blind or the state 6503
school for the deaf, whose positions are scheduled to work on the 6504
basis of an academic year rather than a full calendar year, shall 6505
be paid according to the pay range assigned by ~~such rules~~ the 6506
applicable job classification plan, but only during those pay 6507
periods included in the academic year of the school where the 6508
employee is located. 6509

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year

that begins on the ensuing first day of July, teacher salary 6541
schedules with the highest minimum salaries for a teacher with a 6542
bachelor's degree and no experience; 6543

(c) Divide the sum of such six highest minimum salaries by 6544
ten thousand five hundred sixty; 6545

(d) Multiply each per cent determined in division (L)(1)(a) 6546
of this section by the quotient obtained in division (L)(1)(c) of 6547
this section; 6548

(e) One hundred five per cent of each product thus obtained 6549
shall be the hourly rate for the corresponding level of training, 6550
experience, or other professional qualification in the schedule 6551
for the ensuing fiscal year. 6552

(2) Annually, assign each certificated employee on the 6553
instructional staff of the superintendent's respective school to 6554
an hourly rate on the schedule that is commensurate with the 6555
employee's training, experience, and other professional 6556
qualifications. 6557

If an employee is employed on the basis of an academic year, 6558
the employee's annual salary shall be calculated by multiplying 6559
the employee's assigned hourly rate times one thousand seven 6560
hundred sixty. If an employee is not employed on the basis of an 6561
academic year, the employee's annual salary shall be calculated in 6562
accordance with the following formula: 6563

(a) Multiply the number of days the employee is required to 6564
work pursuant to the employee's contract by eight; 6565

(b) Multiply the product of division (L)(2)(a) of this 6566
section by the employee's assigned hourly rate. 6567

Each employee shall be paid an annual salary in biweekly 6568
installments. The amount of each installment shall be calculated 6569
by dividing the employee's annual salary by the number of biweekly 6570

installments to be paid during the year. 6571

Sections 124.13 and 124.19 of the Revised Code do not apply 6572
to an employee who is paid under this division. 6573

As used in this division, "academic year" means the number of 6574
days in each school year that the schools are required to be open 6575
for instruction with pupils in attendance. Upon completing an 6576
academic year, an employee paid under this division shall be 6577
deemed to have completed one year of service. An employee paid 6578
under this division is eligible to receive a pay supplement under 6579
division (L)(1), (2), or (3) of section 124.181 of the Revised 6580
Code for which the employee qualifies, but is not eligible to 6581
receive a pay supplement under division (L)(4) or (5) of that 6582
section. An employee paid under this division is eligible to 6583
receive a pay supplement under division (L)(6) of section 124.181 6584
of the Revised Code for which the employee qualifies, except that 6585
the supplement is not limited to a maximum of five per cent of the 6586
employee's regular base salary in a calendar year. 6587

(M) Division (A) of this section does not apply to "exempt 6588
employees," as defined in section 124.152 of the Revised Code, who 6589
are paid under that section. 6590

Notwithstanding any other provisions of this chapter, when an 6591
employee transfers between bargaining units or transfers out of or 6592
into a bargaining unit, the director of administrative services 6593
shall establish the employee's compensation and adjust the maximum 6594
leave accrual schedule as the director deems equitable. 6595

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 6596
of this section, any employee paid in accordance with schedule B 6597
of section 124.15 or schedule E-1 or schedule E-1 for step seven 6598
only of section 124.152 of the Revised Code is eligible for the 6599
pay supplements provided in this section upon application by the 6600
appointing authority substantiating the employee's qualifications 6601

for the supplement and with the approval of the director of 6602
administrative services except as provided in division (E) of this 6603
section. 6604

(B)(1) Except as provided in section 124.183 of the Revised 6605
Code, in computing any of the pay supplements provided in this 6606
section for an employee paid in accordance with schedule B of 6607
section 124.15 of the Revised Code, the classification salary base 6608
shall be the minimum hourly rate of the pay range, provided in 6609
that section, in which the employee is assigned at the time of 6610
computation. 6611

(2) Except as provided in section 124.183 of the Revised 6612
Code, in computing any of the pay supplements provided in this 6613
section for an employee paid in accordance with schedule E-1 of 6614
section 124.152 of the Revised Code, the classification salary 6615
base shall be the minimum hourly rate of the pay range, provided 6616
in that section, in which the employee is assigned at the time of 6617
computation. 6618

(3) Except as provided in section 124.183 of the Revised 6619
Code, in computing any of the pay supplements provided in this 6620
section for an employee paid in accordance with schedule E-1 for 6621
step seven only of section 124.152 of the Revised Code, the 6622
classification salary base shall be the minimum hourly rate in the 6623
corresponding pay range, provided in schedule E-1 of that section, 6624
to which the employee is assigned at the time of the computation. 6625

(C) The effective date of any pay supplement, except as 6626
provided in section 124.183 of the Revised Code or unless 6627
otherwise provided in this section, shall be determined by the 6628
director. 6629

(D) The director shall, by rule, establish standards 6630
regarding the administration of this section. 6631

(E)(1) Except as otherwise provided in this division, 6632

beginning on the first day of the pay period within which the 6633
employee completes five years of total service with the state 6634
government or any of its political subdivisions, each employee in 6635
positions paid in accordance with schedule B of section 124.15 of 6636
the Revised Code or in accordance with schedule E-1 or schedule 6637
E-1 for step seven only of section 124.152 of the Revised Code 6638
shall receive an automatic salary adjustment equivalent to two and 6639
one-half per cent of the classification salary base, to the 6640
nearest whole cent. Each employee shall receive thereafter an 6641
annual adjustment equivalent to one-half of one per cent of the 6642
employee's classification salary base, to the nearest whole cent, 6643
for each additional year of qualified employment until a maximum 6644
of ten per cent of the employee's classification salary base is 6645
reached. The granting of longevity adjustments shall not be 6646
affected by promotion, demotion, or other changes in 6647
classification held by the employee, nor by any change in pay 6648
range for the employee's class or grade. Longevity pay adjustments 6649
shall become effective at the beginning of the pay period within 6650
which the employee completes the necessary length of service, 6651
except that when an employee requests credit for prior service, 6652
the effective date of the prior service credit and of any 6653
longevity adjustment shall be the first day of the pay period 6654
following approval of the credit by the director of administrative 6655
services. No employee, other than an employee who submits proof of 6656
prior service within ninety days after the date of the employee's 6657
hiring, shall receive any longevity adjustment for the period 6658
prior to the director's approval of a prior service credit. Time 6659
spent on authorized leave of absence shall be counted for this 6660
purpose. 6661

(2) An employee who has retired in accordance with the 6662
provisions of any retirement system offered by the state and who 6663
is employed by the state or any political subdivision of the state 6664
on or after June 24, 1987, shall not have prior service with the 6665

state or any political subdivision of the state counted for the 6666
purpose of determining the amount of the salary adjustment 6667
provided under this division. 6668

(3) There shall be a moratorium on employees' receipt under 6669
this division of credit for service with the state government or 6670
any of its political subdivisions during the period from July 1, 6671
2003, through June 30, 2005. In calculating the number of years of 6672
total service under this division, no credit shall be included for 6673
service during the moratorium. The moratorium shall apply to the 6674
employees of the secretary of state, the auditor of state, the 6675
treasurer of state, and the attorney general, who are subject to 6676
this section unless the secretary of state, the auditor of state, 6677
the treasurer of state, or the attorney general decides to exempt 6678
the office's employees from the moratorium and so notifies the 6679
director of administrative services in writing on or before July 6680
1, 2003. 6681

If an employee is exempt from the moratorium, receives credit 6682
for a period of service during the moratorium, and takes a 6683
position with another entity in the state government or any of its 6684
political subdivisions, either during or after the moratorium, and 6685
if that entity's employees are or were subject to the moratorium, 6686
the employee shall continue to retain the credit. However, if the 6687
moratorium is in effect upon the taking of the new position, the 6688
employee shall cease receiving additional credit as long as the 6689
employee is in the position, until the moratorium expires. 6690

(F) When an exceptional condition exists that creates a 6691
temporary or a permanent hazard for one or more positions in a 6692
class paid in accordance with schedule B of section 124.15 of the 6693
Revised Code or in accordance with schedule E-1 or schedule E-1 6694
for step seven only of section 124.152 of the Revised Code, a 6695
special hazard salary adjustment may be granted for the time the 6696
employee is subjected to the hazardous condition. All special 6697

hazard conditions shall be identified for each position and 6698
incidence from information submitted to the director on an 6699
appropriate form provided by the director and categorized into 6700
standard conditions of: some unusual hazard not common to the 6701
class; considerable unusual hazard not common to the class; and 6702
exceptional hazard not common to the class. 6703

(1) A hazardous salary adjustment of five per cent of the 6704
employee's classification salary base may be applied in the case 6705
of some unusual hazardous condition not common to the class for 6706
those hours worked, or a fraction of those hours worked, while the 6707
employee was subject to the unusual hazard condition. 6708

(2) A hazardous salary adjustment of seven and one-half per 6709
cent of the employee's classification salary base may be applied 6710
in the case of some considerable hazardous condition not common to 6711
the class for those hours worked, or a fraction of those hours 6712
worked, while the employee was subject to the considerable hazard 6713
condition. 6714

(3) A hazardous salary adjustment of ten per cent of the 6715
employee's classification salary base may be applied in the case 6716
of some exceptional hazardous condition not common to the class 6717
for those hours worked, or a fraction of those hours worked, when 6718
the employee was subject to the exceptional hazard condition. 6719

(4) Each claim for temporary hazard pay shall be submitted as 6720
a separate payment and shall be subject to an administrative audit 6721
by the director as to the extent and duration of the employee's 6722
exposure to the hazardous condition. 6723

(G) When a full-time employee whose salary or wage is paid 6724
directly by warrant of the director of budget and management and 6725
who also is eligible for overtime under the "Fair Labor Standards 6726
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 6727
ordered by the appointing authority to report back to work after 6728

termination of the employee's regular work schedule and the 6729
employee reports, the employee shall be paid for such time. The 6730
employee shall be entitled to four hours at the employee's total 6731
rate of pay or overtime compensation for the actual hours worked, 6732
whichever is greater. This division does not apply to work that is 6733
a continuation of or immediately preceding an employee's regular 6734
work schedule. 6735

(H) When a certain position or positions paid in accordance 6736
with schedule B of section 124.15 of the Revised Code or in 6737
accordance with schedule E-1 or schedule E-1 for step seven only 6738
of section 124.152 of the Revised Code require the ability to 6739
speak or write a language other than English, a special pay 6740
supplement may be granted to attract bilingual individuals, to 6741
encourage present employees to become proficient in other 6742
languages, or to retain qualified bilingual employees. The 6743
bilingual pay supplement provided in this division may be granted 6744
in the amount of five per cent of the employee's classification 6745
salary base for each required foreign language and shall remain in 6746
effect as long as the bilingual requirement exists. 6747

(I) The director of administrative services may establish a 6748
shift differential for employees. The differential shall be paid 6749
to employees in positions working in other than the regular or 6750
first shift. In those divisions or agencies where only one shift 6751
prevails, no shift differential shall be paid regardless of the 6752
hours of the day that are worked. The director and the appointing 6753
authority shall designate which positions shall be covered by this 6754
division. 6755

(J) ~~Whenever an employee is assigned to work~~ An appointing 6756
authority may assign an employee to work in a higher level 6757
position for a continuous period of more than two weeks but no 6758
more than two years ~~because of a vacancy, the~~. The employee's pay 6759
~~may~~ shall be established at a rate that is approximately four per 6760

cent above the employee's current base rate for the period the 6761
employee occupies the position, provided that this temporary 6762
~~occupancy~~ assignment is approved by the director. Employees paid 6763
under this division shall continue to receive any of the pay 6764
supplements due them under other divisions of this section based 6765
on the step one base rate for their normal classification. 6766

(K) If a certain position, or positions, within a class paid 6767
in accordance with schedule B of section 124.15 of the Revised 6768
Code or in accordance with schedule E-1 or schedule E-1 for step 6769
seven only of section 124.152 of the Revised Code are mandated by 6770
state or federal law or regulation or other regulatory agency or 6771
other certification authority to have special technical 6772
certification, registration, or licensing to perform the functions 6773
which are under the mandate, a special professional achievement 6774
pay supplement may be granted. This special professional 6775
achievement pay supplement shall not be granted when all 6776
incumbents in all positions in a class require a license as 6777
provided in the classification description published by the 6778
department of administrative services; to licensees where no 6779
special or extensive training is required; when certification is 6780
granted upon completion of a stipulated term of in-service 6781
training; when an appointing authority has required certification; 6782
or any other condition prescribed by the director. 6783

(1) Before this supplement may be applied, evidence as to the 6784
requirement must be provided by the agency for each position 6785
involved, and certification must be received from the director as 6786
to the director's concurrence for each of the positions so 6787
affected. 6788

(2) The professional achievement pay supplement provided in 6789
this division shall be granted in an amount up to ten per cent of 6790
the employee's classification salary base and shall remain in 6791
effect as long as the mandate exists. 6792

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a

supplementary compensation schedule for those licensed physicians 6824
employed by the agency, board, or commission in positions 6825
requiring a licensed physician. The supplementary compensation 6826
schedule, together with the compensation otherwise authorized by 6827
this chapter, shall provide for the total compensation for these 6828
employees to range appropriately, but not necessarily uniformly, 6829
for each classification title requiring a licensed physician, in 6830
accordance with a schedule approved by the state controlling 6831
board. The individual salary levels recommended for each such 6832
physician employed shall be approved by the director. 6833
Notwithstanding section 124.11 of the Revised Code, such personnel 6834
are in the unclassified civil service. 6835

(2) The director of administrative services may approve 6836
supplementary compensation for the director of health, if the 6837
director is a licensed physician, in accordance with a 6838
supplementary compensation schedule approved under division (M)(1) 6839
of this section or in accordance with another supplementary 6840
compensation schedule the director of administrative services 6841
considers appropriate. The supplementary compensation shall not 6842
exceed twenty per cent of the director of health's base rate of 6843
pay. 6844

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 6845
117.42, and 131.02 of the Revised Code, the state shall not 6846
institute any civil action to recover and shall not seek 6847
reimbursement for overpayments made in violation of division (E) 6848
of this section or division (C) of section 9.44 of the Revised 6849
Code for the period starting after June 24, 1987, and ending on 6850
October 31, 1993. 6851

(O) Employees of the office of the treasurer of state who are 6852
exempt from collective bargaining coverage may be granted a merit 6853
pay supplement of up to one and one-half per cent of their step 6854
rate. The rate at which this supplement is granted shall be based 6855

on performance standards established by the treasurer of state. 6856
Any supplements granted under this division shall be administered 6857
on an annual basis. 6858

(P) Intermittent employees appointed under section 124.30 of 6859
the Revised Code are not eligible for the pay supplements provided 6860
by this section. 6861

(Q) Employees of the office of the auditor of state who are 6862
exempt from collective bargaining and who are paid in accordance 6863
with schedule E-1 or in accordance with schedule E-1 for step 7 6864
only and are paid a salary or wage in accordance with the schedule 6865
of rates in division (B) or (C) of section 124.152 of the Revised 6866
Code shall receive a reduction of two per cent in their hourly and 6867
annual pay calculation beginning with the pay period that 6868
immediately follows July 1, 2009. 6869

Sec. 124.392. (A) As used in this section: 6870

(1) "Exempt employee" has the same meaning as in section 6871
124.152 of the Revised Code. 6872

(2) "Fiscal emergency" means a fiscal emergency declared by 6873
the governor under section 126.05 of the Revised Code. 6874

(B) The director of administrative services may establish a 6875
voluntary cost savings program for exempt employees. 6876

(C) The director of administrative services shall establish a 6877
mandatory cost savings program applicable to exempt employees. 6878
Subject to division (C)(1) of this section, the program may 6879
include, but is not limited to, a loss of pay or loss of holiday 6880
pay as determined by the director. The program may be administered 6881
differently among exempt employees based on their classifications, 6882
appointment categories, appointing authorities, or other relevant 6883
distinctions. 6884

(1) Each full-time exempt employee shall participate in the 6885

program for a total of eighty hours of mandatory cost savings in 6886
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 6887
employee shall participate in the program by not receiving holiday 6888
pay during both fiscal year 2010 and fiscal year 2011. Each 6889
employee of the secretary of state, auditor of state, treasurer of 6890
state, and attorney general shall participate in the program 6891
unless the secretary of state, auditor of state, treasurer of 6892
state, or attorney general decides to exempt the officer's 6893
employees from the program and so notifies the director of 6894
administrative services in writing on or before July 1, 2009. 6895

After July 1, 2009, the secretary of state, auditor of state, 6896
treasurer of state, or attorney general may decide to begin 6897
participation in the program for eighty hours or less and shall 6898
notify the director of administrative services in writing. The 6899
secretary of state, auditor of state, treasurer of state, or 6900
attorney general and the director shall mutually agree upon an 6901
implementation date. 6902

(2) After June 30, 2011, the director of administrative 6903
services, in consultation with the director of budget and 6904
management, may implement mandatory cost savings days applicable 6905
to exempt employees in the event of a fiscal emergency. Each 6906
employee of the secretary of state, auditor of state, treasurer of 6907
state, and attorney general shall participate in the mandatory 6908
cost savings days unless the secretary of state, auditor of state, 6909
treasurer of state, or attorney general decides to exempt the 6910
officer's employees from the mandatory cost savings days and so 6911
notifies the director of administrative services in the manner the 6912
director of administrative services prescribes by rule adopted 6913
under this section. 6914

(D) The director shall adopt rules in accordance with Chapter 6915
119. of the Revised Code to provide for the administration of the 6916
voluntary cost savings program and the mandatory cost savings 6917

program and ~~days~~. 6918

(E) Cost savings days provided pursuant to this section or by 6919
a labor-management contract or agreement shall be considered 6920
remuneration for purposes of section 4141.31 of the Revised Code. 6921

~~(F) The cost savings fund is hereby created in the state 6922
treasury. Savings accrued through employee participation in the 6923
mandatory cost savings program and in mandatory cost savings days 6924
shall be allocated to the fund. The fund may be used to pay 6925
employees who participated in the mandatory cost savings program 6926
or in mandatory cost savings days. Any investment earnings of the 6927
fund shall be credited to the fund. 6928~~

~~Sec. 125.02. Except as to the adjutant general for military 6929
supplies and services, the capital capitol square review and 6930
advisory board, the general assembly, the judicial branch, and 6931
institutions administered by boards of trustees, the (A) The 6932
department of administrative services ~~may~~ shall establish 6933
contracts for supplies and services, including telephone, other 6934
telecommunications, and computer services, for the use of state 6935
agencies, ~~or~~ and may establish such contracts for the use of any 6936
political subdivision as described in division (B) of section 6937
125.04 of the Revised Code, except for the following: 6938~~

(1) The adjutant general for military supplies and services; 6939

(2) The general assembly; 6940

(3) The judicial branch; 6941

(4) State institutions of higher education; 6942

(5) State elected officials as set forth in section 125.041 6943
of the Revised Code; 6944

(6) The capitol square review and advisory board. 6945

~~The department~~ The entities set forth in divisions (A)(1) to 6946

(6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department. 6947
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(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase. 6951
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(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services. 6956
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(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work. 6961
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(E) The director may enter into cooperative purchasing agreements to purchase supplies or services with the following: 6968
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(1) The entities set forth in divisions (A)(1) to (5) of this section; 6970
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(2) One or more other states; 6972

(3) Groups of states; 6973

(4) The United States or any department, division, or agency of the United States; 6974
6975

(5) Other purchasing consortia; 6976

(6) The department of transportation; or 6977

(7) Any political subdivision of this state described in 6978
division (B) of section 125.04 of the Revised Code. 6979

(F) The United States or any department, division, or agency 6980
of the United States, one or more other states, groups of states, 6981
other purchasing consortia, or any agency, commission, or 6982
authority established under an interstate compact or agreement may 6983
purchase supplies and services from contracts established by the 6984
department of administrative services. 6985

(G) Except as provided in section 125.04 of the Revised Code, 6986
the department of administrative services shall purchase any 6987
policy of insurance, including a surety or fidelity bond, covering 6988
officers or employees of a state agency, for which the annual 6989
premium is more than one thousand dollars and which the state may 6990
procure. The department shall purchase the insurance in conformity 6991
with sections 125.04 to 125.15 of the Revised Code. As used in 6992
this division, "annual premium" means the total premium for one 6993
year for one type of insurance regardless of the number of 6994
policies. 6995

Sec. 125.035. (A) Except as otherwise provided in the Revised 6996
Code, a state agency wanting to purchase supplies or services 6997
shall make the purchase subject to the requirements of an 6998
applicable first or second requisite procurement program described 6999
in this section, or obtain a determination from the department of 7000
administrative services that the purchase is not subject to a 7001
first or second requisite procurement program. State agencies 7002
shall submit a purchase request to the department of 7003
administrative services unless the department has determined the 7004
request does not require a review. The director of administrative 7005
services shall adopt rules under Chapter 119. of the Revised Code 7006
to provide for the manner of carrying out the function and the 7007

power and duties imposed upon and vested in the director by this section. 7008
7009

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request: 7010
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7012

(1) Ohio penal industries within the department of rehabilitation and correction; and 7013
7014

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 7015
7016
7017

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 7018
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(1) Business enterprise program at the department of opportunities for Ohioans with disabilities as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7021
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7024
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7027
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7029

(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 7030
7031

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7032
7033

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7034
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code. 7069
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(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee. 7078
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Sec. 125.04. ~~(A) Except as provided in division (D) of this section, the department of administrative services shall determine what supplies and services are purchased by or for state agencies. Whenever the department of administrative services makes any change or addition to the lists of supplies and services that it determines to purchase for state agencies, it shall provide a list to the agencies of the changes or additions. Except for the requirements of division (B) of this section, section 125.092, and~~ 7093
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division (B) of section 125.11 of the Revised Code, sections 7101
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 7102
apply to or affect ~~the educational state~~ institutions of ~~the state~~ 7103
higher education. 7104

(B)(1) As used in this division: 7105

(a) "Chartered nonpublic school" has the same meaning as in 7106
section 3310.01 of the Revised Code. 7107

(b) "Emergency medical service organization" has the same 7108
meaning as in section 4765.01 of the Revised Code. 7109

(c) "Governmental agency" means a political subdivision or 7110
special district in this state established by or under law, or any 7111
combination of these entities; the United States or any 7112
department, division, or agency of the United States; one or more 7113
other states or groups of states; other purchasing consortia; and 7114
any agency, commission, or authority established under an 7115
interstate compact or agreement. 7116

(d) "Political subdivision" means any county, township, 7117
municipal corporation, school district, conservancy district, 7118
township park district, park district created under Chapter 1545. 7119
of the Revised Code, regional transit authority, regional airport 7120
authority, regional water and sewer district, or port authority. 7121
"Political subdivision" also includes any other political 7122
subdivision described in the Revised Code that has been approved 7123
by the department to participate in the department's contracts 7124
under this division. 7125

~~(d)~~(e) "Private fire company" has the same meaning as in 7126
section 9.60 of the Revised Code. 7127

(f) "State institution of higher education" has the meaning 7128
defined in section 3345.011 of the Revised Code. 7129

(2) Subject to division (C) of this section, the department 7130

of administrative services may permit a state institution of 7131
higher education, governmental agency, political subdivision, 7132
county board of elections, private fire company, private, 7133
nonprofit emergency medical service organization, or chartered 7134
nonpublic school to participate in contracts into which the 7135
department has entered for the purchase of supplies and services. 7136
The department may charge the entity a reasonable fee to cover the 7137
administrative costs the department incurs as a result of 7138
participation by the entity in such a purchase contract. 7139

A political subdivision desiring to participate in such 7140
purchase contracts shall file with the department a certified copy 7141
of an ordinance or resolution of the legislative authority or 7142
governing board of the political subdivision. The resolution or 7143
ordinance shall request that the political subdivision be 7144
authorized to participate in such contracts and shall agree that 7145
the political subdivision will be bound by such terms and 7146
conditions as the department prescribes and that it will directly 7147
pay the vendor under each purchase contract. A board of elections 7148
desiring to participate in such purchase contracts shall file with 7149
the purchasing authority a written request for inclusion in the 7150
program. A private fire company, private, nonprofit emergency 7151
medical service organization, or chartered nonpublic school 7152
desiring to participate in such purchase contracts shall file with 7153
the department a written request for inclusion in the program 7154
signed by the chief officer of the company, organization, or 7155
chartered nonpublic school. A governmental agency desiring to 7156
participate in such purchase contracts shall file with the 7157
department a written request for inclusion in the program. A state 7158
institution of higher education desiring to participate in such 7159
purchase contracts shall file with the department a certified copy 7160
of resolution of the board of trustees or similar authorizing 7161
body. The resolution shall request that the state institution of 7162
higher education be authorized to participate in such contracts. 7163

A request for inclusion shall include an agreement to be bound by such terms and conditions as the department prescribes and to make direct payments to the vendor under each purchase contract.

The department shall include in its annual report, an estimate of the ~~cost it incurs by permitting~~ purchases made by state institutions of higher education, governmental agencies, political subdivisions, county boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools ~~to participate in~~ from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires.

(3) Purchases made by a political subdivision or a county board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under this division.

(C) A political subdivision as defined in division (B) of this section or a county board of elections may purchase supplies or services from another party, including a political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision or county board of elections can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision or county board of elections makes under this division are exempt from any

competitive selection procedures otherwise required by law. A 7196
political subdivision or county board of elections that makes any 7197
purchase under this division shall maintain sufficient information 7198
regarding the purchase to verify that the political subdivision or 7199
county board of elections satisfied the conditions for making a 7200
purchase under this division. Nothing in this division restricts 7201
any action taken by a county or township as authorized by division 7202
(B)(1) of section 9.48 of the Revised Code. 7203

(D) This section does not apply to supplies or services 7204
~~required by the legislative or judicial branches, the capitol~~ 7205
~~square review and advisory board, the adjutant general for~~ 7206
~~military supplies and services, to supplies or services purchased~~ 7207
by a state agency directly as provided in ~~division (A), (B), or~~ 7208
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 7209
supplies or services for the emergency management agency as 7210
provided in section ~~125.023~~ 125.061 of the Revised Code. 7211

Sec. 125.041. (A) Nothing in sections 125.02, ~~125.03~~ 125.04 7212
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 7213
of the Revised Code shall be construed as limiting the attorney 7214
general, auditor of state, secretary of state, or treasurer of 7215
state in any of the following: 7216

~~(A)~~(1) Purchases for less than the dollar amounts for the 7217
purchase of supplies or services determined ~~pursuant to division~~ 7218
~~(E)~~ of under section 125.05 of the Revised Code; 7219

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 7220
the purchase of supplies or services determined ~~pursuant to~~ 7221
~~division (E)~~ of under section 125.05 of the Revised Code with the 7222
approval of the controlling board, if that approval is required by 7223
section 127.16 of the Revised Code; 7224

~~(C)~~(3) The final determination of the nature or quantity 7225
making of any purchase of supplies or services ~~to be purchased~~ 7226

pursuant to <u>under division (B) of section 125.06 125.02 or under</u>	7227
<u>division (G) of section 125.035 of the Revised Code;</u>	7228
(D) <u>(4)</u> The final determination and disposal of excess and surplus supplies;	7229 7230
(E) <u>(5)</u> The inventory of state property;	7231
(F) <u>(6)</u> The purchase of printing;	7232
(G) <u>(7)</u> Activities related to information technology development and use;	7233 7234
(H) <u>(8)</u> The fleet management program.	7235
<u>(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.</u>	7236 7237 7238 7239 7240
Sec. 125.05. Except as provided in division (F) <u>(D)</u> of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (D) <u>(C)</u> of this section.	7241 7242 7243
(A) Subject to division (E) of this section, a <u>A</u> state agency may, without competitive selection, make any purchase of supplies or services that cost twenty five <u>less than fifty</u> thousand dollars or less after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.	7244 7245 7246 7247 7248 7249 7250 7251 7252 7253
(B) Subject to division (E) of this section and in accordance with section 125.051 of the Revised Code, a state agency may make purchases of supplies and services that cost more than twenty five	7254 7255 7256

~~thousand dollars but less than fifty thousand dollars if the~~ 7257
~~purchases are made under the direction of an employee of the~~ 7258
~~agency who is certified by the department to make purchases and if~~ 7259
~~the purchases comply with the department's purchasing procedures.~~ 7260
Section 127.16 of the Revised Code does not apply to purchases 7261
made under this division. ~~Until the certification effective date~~ 7262
~~established by the department in rules adopted under section~~ 7263
~~125.051 of the Revised Code, state agencies may make purchases of~~ 7264
~~supplies and services that cost more than twenty five thousand~~ 7265
~~dollars but less than fifty thousand dollars in the same manner as~~ 7266
~~provided in division (A) of this section.~~ 7267

(B) A state agency shall make purchases of supplies and 7268
services that cost fifty thousand dollars or more through the 7269
department of administrative services and the process provided in 7270
section 125.035 of the Revised Code, unless the department grants 7271
a waiver under divisions (D) or (E) of that section and a release 7272
and permit under division (G) of that section. 7273

~~(C) Subject to division (E) of this section, a state agency~~ 7274
~~wanting to purchase supplies or services that cost more than~~ 7275
~~twenty five thousand dollars shall, unless otherwise authorized by~~ 7276
~~law, make the purchase from or through the department. The~~ 7277
~~department shall make the purchase by competitive selection. If~~ 7278
~~the director of administrative services determines that it is not~~ 7279
~~possible or not advantageous to the state for the department to~~ 7280
~~make the purchase, the department shall grant the agency a release~~ 7281
~~and permit under section 125.06 of the Revised Code to make the~~ 7282
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 7283
~~purchases the department makes under this section.~~ 7284

~~(D)~~ An agency that has been granted a release and permit 7285
under division (G) of section 125.035 of the Revised Code to make 7286
a purchase may make the purchase without competitive selection if 7287
after making the purchase the cumulative purchase threshold as 7288

computed under division (E) of section 127.16 of the Revised Code 7289
would: 7290

(1) Be exceeded and the controlling board approves the 7291
purchase; 7292

(2) Not be exceeded and the department of administrative 7293
services approves the purchase. 7294

~~(E) Not later than the thirty-first day of January of each 7295
even numbered year, the directors of administrative services and 7296
budget and management shall review and recommend to the general 7297
assembly, if necessary, adjustments to the amounts specified in 7298
divisions (A) to (C) of this section and division (B) of section 7299
127.16 of the Revised Code. 7300~~

~~(F)~~(D) If the department of education or the Ohio education 7301
computer network determines that it can purchase software services 7302
or supplies for specified school districts at a price less than 7303
the price for which the districts could purchase the same software 7304
services or supplies for themselves, the department or network 7305
shall certify that fact to the department of administrative 7306
services and, acting as an agent for the specified school 7307
districts, shall make that purchase without following the 7308
provisions in divisions (A) to (D) of this section. 7309

Sec. 125.061. (A) During the period of an emergency as 7310
defined in section 5502.21 of the Revised Code, the department of 7311
administrative services may suspend, for the emergency management 7312
agency established in section 5502.022 of the Revised Code or any 7313
other state agency participating in response and recovery 7314
activities as defined in section 5502.21 of the Revised Code, the 7315
purchasing and contracting requirements contained in Chapter 125. 7316
and any requirement of Chapter 153. of the Revised Code that 7317
otherwise would apply to the agency. The director of public safety 7318
or the executive director of the emergency management agency shall 7319

make the request for the suspension of these requirements to the 7320
department of administrative services concurrently with the 7321
request to the governor or the president of the United States for 7322
the declaration of an emergency. The governor also shall include 7323
in any proclamation the governor issues declaring an emergency 7324
language requesting the suspension of those requirements during 7325
the period of the emergency. 7326

(B) Before any purchase may be made under a suspension 7327
authorized by this section, the director of administrative 7328
services shall send notice of the suspension as approved under 7329
division (A) of this section to the director of budget and 7330
management and to the members of the controlling board. The notice 7331
shall provide details of the request for suspension and shall 7332
include a copy of the director's approval. 7333

(C) Purchases made by state agencies under this section are 7334
exempt from the requirements of section 127.16 of the Revised 7335
Code, except that state agencies making purchases under this 7336
section shall file a report with the president of the controlling 7337
board describing all such purchases made by the agency during the 7338
period covered by the emergency declaration. The report shall be 7339
filed within ninety days after the declaration expires. 7340

Sec. 125.07. (A) In accordance with rules the director shall 7341
adopt under Chapter 119. of the Revised Code, the director of 7342
administrative services may make purchases by competitive sealed 7343
bid. The competitive sealed bid, at a minimum, shall contain a 7344
detailed description of the supplies or services to be purchased, 7345
terms and conditions of the sale, and any other information the 7346
director considers to be necessary for the intended purchase. 7347
Competitive sealed bids shall be awarded as provided in section 7348
125.11 of the Revised Code. 7349

~~(B)~~ The department of administrative services, in making a purchase by competitive selection pursuant to ~~division (C) of section 125.05 of the Revised Code~~ sealed bid, shall give notice in the following manner:

~~(A)(1)~~ The department shall advertise the intended purchases by notice ~~that is posted by mail or electronic means and that is~~ for the benefit of competing persons producing or dealing in the supplies or services to be purchased, ~~including, but not limited to, the persons whose names appear on the appropriate list provided for in section 125.08 of the Revised Code.~~ The notice may be in the form of the bid or proposal document or of a listing in a periodic bulletin, or in any other electronic form the director of administrative services considers appropriate to sufficiently notify ~~qualified~~ competing persons of the intended purchases.

~~(B)(2)~~ The notice required under this division ~~(A) of this section~~ shall include the time and place where bids ~~or proposals~~ will be accepted and opened, or, when bids are made in a reverse auction, the time when bids will be accepted; the conditions under which bids ~~or proposals~~ will be received; the terms of the proposed purchases; and an itemized list of the supplies or services to be purchased and the estimated quantities or amounts of them.

~~(C)(3)~~ The ~~posting of the~~ notice required under this division ~~(A) of this section~~ shall be completed by posted the number of days ~~the director determines~~ preceding the day when the bids ~~or proposals~~ will be opened or accepted that the director determines sufficient to enable interested bidders to prepare their bids.

~~(D)~~ The department also shall maintain, in a public place in its office, a bulletin board upon which it shall post and maintain a copy of the notice required under division (A) of this section for at least the number of days the director determines under ~~division (C) of this section~~ preceding the day of the opening or

~~acceptance of the bids or proposals. The failure to so 7382
additionally post the notice shall invalidate all proceedings had 7383
and any contract entered into pursuant to the proceedings. 7384~~

~~Sec. 125.08. (A) The department of administrative services 7385
may divide the state into purchasing districts wherein supplies or 7386
services are to be delivered and shall describe those districts on 7387
all applications for the notification list provided for in this 7388
section. 7389~~

~~Any person may have that person's name and address, or the 7390
name and address of an agent, placed on the competitive selection 7391
notification list of the department of administrative services by 7392
sending to the department the person's name and address, together 7393
with a list of the supplies or services described in the manner 7394
prescribed by the department produced or dealt in by the person 7395
with a request for such listing, a list of the districts in which 7396
the person desires to participate, and all other information the 7397
director of administrative services may prescribe. Whenever any 7398
name and address together with a list of the supplies or services 7399
produced or dealt in is so listed, the department shall post 7400
notice, as provided in division (A) of section 125.07 of the 7401
Revised Code, for the benefit of the persons listed on the 7402
notification list that are qualified Ohio business enterprises, 7403
which shall include Ohio penal industries as defined by rule of 7404
the director of administrative services, or have a significant 7405
Ohio presence in this state's economy, except that, in those 7406
circumstances in which the director considers it in the best 7407
interest of this state, the director shall post notice, as 7408
provided in division (A) of section 125.07 of the Revised Code, 7409
for the benefit of all persons listed on the notification list. 7410
The department need only provide competitive selection documents 7411
for a proposed contract to persons who specifically request the 7412
documents. 7413~~

~~The director may remove a person from the notification list 7414
and place the person on an inactive list if the person fails to 7415
respond to any notices of proposed purchases that appear in four 7416
consecutive bulletins or other forms of notification that list 7417
those notices. Upon written request to the director by the person 7418
so removed, the director may return the person to the notification 7419
list if the person provides sufficient evidence regarding intent 7420
to offer bids or proposals to the state. The director shall not 7421
remove any person from the list without notice to the person. The 7422
notice may be a part of the notices of proposed purchase. 7423~~

~~(B) Any person who is certified by the equal employment 7424
opportunity coordinator of the department of administrative 7425
services in accordance with the rules adopted under division 7426
(B)(1) of section 123.151 of the Revised Code as a minority 7427
business enterprise may have that person's name placed on a 7428
special minority business enterprise notification list to be used 7429
in connection with contracts awarded under section 125.081 of the 7430
Revised Code. The minority business enterprise notification list 7431
shall be used for bidding on contracts set aside for minority 7432
business enterprises only. In all other respects, the list shall 7433
be maintained and used in the same manner and according to the 7434
same procedures as the notification list provided for under 7435
division (A) of this section, except that a firm shall not be 7436
removed from the list unless the coordinator determines that the 7437
firm is no longer a minority business enterprise. A minority 7438
business enterprise may have its name placed on both the 7439
notification lists provided for in this section. 7440~~

~~(C) The director of administrative services may require an 7441
annual registration fee for the listings provided for in division 7442
(A) or (B) of this section. This fee shall not be more than ten 7443
dollars. The department may charge a fee for any compilation of 7444
descriptions of supplies or services. This fee shall be reasonable 7445~~

~~and shall not exceed the cost required to maintain the 7446
notification lists and provide for the distribution of the 7447
proposed purchase to the persons whose names appear on the lists. 7448~~

Sec. 125.081. (A) From the purchases that the department of 7449
administrative services is required by law to make through 7450
competitive selection, the director of administrative services 7451
shall select a number of such purchases, the aggregate value of 7452
which equals approximately fifteen per cent of the estimated total 7453
value of all such purchases to be made in the current fiscal year. 7454
The director shall set aside the purchases selected for 7455
competition only by minority business enterprises, as defined in 7456
division (E)(1) of section 122.71 of the Revised Code. The 7457
competitive selection procedures for such purchases set aside 7458
shall be the same as for all other purchases the department is 7459
required to make through competitive selection, except that only 7460
minority business enterprises certified by the equal employment 7461
opportunity coordinator of the department of administrative 7462
services in accordance with the rules adopted under division 7463
(B)(1) of section 123.151 of the Revised Code and listed by the 7464
director under ~~division (B) of~~ section 125.08 of the Revised Code 7465
shall be qualified to compete. 7466

(B) To the extent that any agency of the state, other than 7467
the department of administrative services, the legislative and 7468
judicial branches, boards of elections, and the adjutant general, 7469
is authorized to make purchases, the agency shall set aside a 7470
number of purchases, the aggregate value of which equals 7471
approximately fifteen per cent of the aggregate value of such 7472
purchases for the current fiscal year for competition by minority 7473
business enterprises only. The procedures for such purchases shall 7474
be the same as for all other such purchases made by the agency, 7475
except that only minority business enterprises certified by the 7476
equal employment opportunity coordinator in accordance with rules 7477

adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 125.082. (A) When purchasing equipment, materials, or 7510
supplies, the general assembly; the offices of all elected state 7511
officers; all departments, boards, offices, commissions, agencies, 7512
institutions, including, without limitation, state-supported 7513
institutions of higher education, and other instrumentalities of 7514
this state; the supreme court; all courts of appeals; and all 7515
courts of common pleas, may purchase recycled products in 7516
accordance with ~~the guidelines adopted under division (B) of this~~ 7517
~~section if the products are available and meet the performance~~ 7518
~~specifications of the procuring entities. Purchases of recycled~~ 7519
~~products shall comply with any rules adopted under division (C) of~~ 7520
~~this section~~ by the director of administrative services. 7521

(B) The director of administrative services shall adopt rules 7522
in accordance with Chapter 119. of the Revised Code establishing 7523
guidelines for the procurement of recycled products pursuant to 7524
division (A) of this section. ~~To the extent practicable, the~~ 7525
~~guidelines shall do all of the following:~~ 7526

~~(1) Be consistent with and substantially equivalent to any~~ 7527
~~relevant regulations adopted by the administrator of the United~~ 7528
~~States environmental protection agency pursuant to the "Resource~~ 7529
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 7530
~~6921, as amended;~~ 7531

~~(2) Establish the minimum percentage of recycled materials~~ 7532
~~the various products shall contain in order to be considered~~ 7533
~~"recycled" for the purposes of division (A) of this section;~~ 7534

~~(3) So far as practicable and economically feasible,~~ 7535
~~incorporate specifications for recycled content materials to~~ 7536
~~promote the use and purchase of recycled products by state~~ 7537
~~agencies.~~ 7538

~~(C) The director may adopt rules in accordance with Chapter~~ 7539
~~119. of the Revised Code establishing a maximum percentage by~~ 7540

~~which the cost of recycled products purchased under division (A) 7541
of this section may exceed the cost of comparable products made of 7542
virgin materials. 7543~~

~~(D) The department of administrative services and the 7544
environmental protection agency annually shall prepare and submit 7545
to the governor, president of the senate, and speaker of the house 7546
of representatives a report that describes, so far as practicable, 7547
the value and types of recycled products that are purchased with 7548
moneys disbursed from the state treasury by the general assembly; 7549
the offices of all elected state officers; and all departments, 7550
boards, offices, commissions, agencies, and institutions of this 7551
state. 7552~~

Sec. 125.10. (A) The department of administrative services 7553
may require that all competitive sealed bids, competitive sealed 7554
proposals, and bids received in a reverse auction be accompanied 7555
by a performance bond or other ~~cash surety~~ financial assurance 7556
acceptable to the director of administrative services, in the sum 7557
and with the sureties it prescribes, payable to the state, and 7558
conditioned that the person submitting the bid or proposal, if 7559
that person's bid or proposal is accepted, will faithfully execute 7560
the terms of the contract and promptly make deliveries of the 7561
supplies purchased. 7562

(B) A sealed copy of each competitive sealed bid or 7563
competitive sealed proposal shall be filed with the department 7564
prior to the time specified in the notice for opening of the bids 7565
or proposals. All competitive sealed bids and competitive sealed 7566
proposals shall be publicly opened in the office of the department 7567
at the time specified in the notice. A representative of the 7568
auditor of state shall be present at the opening of all 7569
competitive sealed bids and competitive sealed proposals, and 7570
shall certify the opening of each competitive sealed bid and 7571

competitive sealed proposal. No competitive sealed bid or 7572
competitive sealed proposal shall be considered valid unless it is 7573
so certified. 7574

Sec. 125.11. (A) Subject to division (B) of this section, 7575
contracts awarded pursuant to a reverse auction under section 7576
125.072 of the Revised Code or pursuant to competitive sealed 7577
bidding, including contracts awarded under section 125.081 of the 7578
Revised Code, shall be awarded to the lowest responsive and 7579
responsible bidder ~~on each item~~ in accordance with section 9.312 7580
of the Revised Code. When the contract is for meat products as 7581
defined in section 918.01 of the Revised Code or poultry products 7582
as defined in section 918.21 of the Revised Code, only those bids 7583
received from vendors ~~offering products from establishments on the~~ 7584
~~current list of meat and poultry vendors established and~~ 7585
~~maintained by the director of administrative services under~~ 7586
~~section 125.17 of the Revised Code~~ under inspection of the United 7587
States department of agriculture or who are licensed by the Ohio 7588
department of agriculture shall be eligible for acceptance. The 7589
department of administrative services may accept or reject any or 7590
all bids in whole or by items, except that when the contract is 7591
for services or products available from a qualified nonprofit 7592
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 7593
4115.35 of the Revised Code, the contract shall be awarded to that 7594
agency. 7595

(B) Prior to awarding a contract under division (A) of this 7596
section, the department of administrative services or the state 7597
agency responsible for evaluating a contract for the purchase of 7598
products shall evaluate the bids received according to the 7599
criteria and procedures established pursuant to divisions (C)(1) 7600
and (2) of section 125.09 of the Revised Code for determining if a 7601
product is produced or mined in the United States and if a product 7602
is produced or mined in this state. The department or other state 7603

agency shall first ~~remove~~ consider bids that offer products that 7604
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 7605
States. From among the remaining bids, the department or other 7606
state agency shall select the lowest responsive and responsible 7607
bid, in accordance with section 9.312 of the Revised Code, from 7608
among the bids that offer products that have been produced or 7609
mined in this state where sufficient competition can be generated 7610
within this state to ensure that compliance with these 7611
requirements will not result in an excessive price for the product 7612
or acquiring a disproportionately inferior product. 7613

(C) Division (B) of this section applies to contracts for 7614
which competitive bidding is waived by the controlling board. 7615

(D) Division (B) of this section does not apply to the 7616
purchase by the division of liquor control of spirituous liquor. 7617

(E) The director of administrative services shall publish in 7618
the form of a model act for use by counties, townships, municipal 7619
corporations, or any other political subdivision described in 7620
division (B) of section 125.04 of the Revised Code, a system of 7621
preferences for products mined and produced in this state and in 7622
the United States and for Ohio-based contractors. The model act 7623
shall reflect substantial equivalence to the system of preferences 7624
in purchasing and public improvement contracting procedures under 7625
which the state operates pursuant to this chapter and section 7626
153.012 of the Revised Code. To the maximum extent possible, 7627
consistent with the Ohio system of preferences in purchasing and 7628
public improvement contracting procedures, the model act shall 7629
incorporate all of the requirements of the federal "Buy America 7630
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 7631
the rules adopted under that act. 7632

Before and during the development and promulgation of the 7633
model act, the director shall consult with appropriate statewide 7634
organizations representing counties, townships, and municipal 7635

corporations so as to identify the special requirements and 7636
concerns these political subdivisions have in their purchasing and 7637
public improvement contracting procedures. The director shall 7638
promulgate the model act by rule adopted pursuant to Chapter 119. 7639
of the Revised Code and shall revise the act as necessary to 7640
reflect changes in this chapter or section 153.012 of the Revised 7641
Code. 7642

The director shall make available copies of the model act, 7643
supporting information, and technical assistance to any township, 7644
county, or municipal corporation wishing to incorporate the 7645
provisions of the act into its purchasing or public improvement 7646
contracting procedure. 7647

Sec. 125.112. (A) As used in this section: 7648

(1) "Agency" means a department created under section 121.02 7649
of the Revised Code. 7650

(2) "Entity" means, whether for profit or nonprofit, a 7651
corporation, association, partnership, limited liability company, 7652
sole proprietorship, or other business entity. "Entity" does not 7653
include an individual who receives state assistance that is not 7654
related to the individual's business. 7655

(3)(a) "State award" means a contract awarded by the state 7656
costing over twenty-five thousand dollars. 7657

(b) "State award" does not include compensation received as 7658
an employee of the state or any state financial assistance and 7659
expenditure received from the general assembly or any legislative 7660
agency, any court or judicial agency, the secretary of state, 7661
auditor of state, treasurer of state, or attorney general and 7662
their respective offices. 7663

(B) The department of administrative services shall establish 7664
and maintain a single searchable web site, accessible by the 7665

public at no cost, that includes all of the following information 7666
for each state award: 7667

(1) The name of the entity receiving the award; 7668

(2) The amount of the award; 7669

(3) Information on the award, the agency or other 7670
instrumentality of the state that is providing the award, and the 7671
commodity code; 7672

(4) Any other relevant information determined by the 7673
department of administrative services. 7674

(C) The department of administrative services may consult 7675
with other state agencies in the development, establishment, 7676
operation, and support of the web site required by division (B) of 7677
this section. State awards shall be posted on the web site within 7678
thirty days after being made. The department of administrative 7679
services shall provide an opportunity for public comment as to the 7680
utility of the web site required by division (B) of this section 7681
and any suggested improvements. 7682

(D) The web site required by division (B) of this section 7683
shall be fully operational not later than one year after ~~the~~ 7684
~~effective date of this section~~ December 30, 2008, and shall 7685
include information on state awards made in fiscal year 2008 and 7686
thereafter. It shall also provide an electronic link to the daily 7687
journals of the senate and house of representatives. 7688

(E) The director of administrative services shall submit to 7689
the general assembly an annual report regarding the implementation 7690
of the web site established pursuant to division (B) of this 7691
section. The report shall include data regarding the usage of the 7692
web site and any public comments on the utility of the site, 7693
including recommendations for improving data quality and 7694
collection. The director shall post each report on the web site. 7695

(F) Each agency awarding a grant to an entity in fiscal year 2008 and thereafter shall establish and maintain a separate web site listing the name of the entity receiving each grant, the grant amount, information on each grant, and any other relevant information determined by the department of administrative services. Each agency shall provide the link to such a web site to the department of administrative services within a reasonable time after ~~the effective date of this section~~ December 30, 2008, and shall thereafter update its web site within thirty days of awarding a new grant. Not later than one year after ~~the effective date of this section~~ December 30, 2008, the department of administrative services shall establish and maintain a separate web site, accessible to the public at no cost, which contains the links to the agency web sites required by this division.

(G) ~~The~~ At the end of the closeout year, the attorney general shall ~~monitor the compliance of~~ determine the extent to which an entity has complied with the terms and conditions, including performance metrics, ~~if any,~~ of a state award for economic development received by that entity. As necessary, the agency that makes and administers the state award for economic development shall assist the attorney general with that ~~monitoring~~ determination. The attorney general shall submit to the general assembly pursuant to section 101.68 of the Revised Code an annual report regarding the level of compliance of each such ~~entities~~ entity with the terms and conditions, including ~~any~~ performance metrics, of their state awards for economic development. When the attorney general determines appropriate and to the extent that an entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "state Closeout year" means the calendar year by which

an entity that receives a state award for economic development 7729
must comply with a performance metric specified in the terms and 7730
conditions of the award. "State award for economic development" 7731
means state financial assistance and expenditure in any of the 7732
following forms: grants, subgrants, loans, awards, cooperative 7733
agreements, or other similar and related forms of financial 7734
assistance and contracts, subcontracts, purchase orders, task 7735
orders, delivery orders, or other similar and related 7736
transactions. "State award for economic development" does not 7737
include compensation received as an employee of the state or any 7738
state financial assistance and expenditure received from the 7739
general assembly or any legislative agency, any court or judicial 7740
agency, the secretary of state, auditor of state, treasurer of 7741
state, or attorney general and their respective offices. 7742

(H) Nothing in this section shall be construed as requiring 7743
the disclosure of information that is not a public record under 7744
section 149.43 of the Revised Code. 7745

Sec. 125.13. (A) As used in this section: 7746

(1) "Emergency medical service organization" has the same 7747
meaning as in section 4765.01 of the Revised Code. 7748

(2) "Private fire company" has the same meaning as in section 7749
9.60 of the Revised Code. 7750

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 7751
~~Revised Code, whenever~~ Whenever a state agency ~~determines that it~~ 7752
has excess or surplus supplies, it shall notify the director of 7753
administrative services. ~~Upon request by the director and on~~ On 7754
forms provided by the director, the state agency shall furnish to 7755
the director a list of ~~all those~~ its excess and surplus supplies 7756
~~and an appraisal of their value, including the location of the~~ 7757
supplies and whether the supplies are currently in the agency's 7758
control. 7759

(C) The Upon receipt of notification and at no cost to the 7760
state agency, the director of administrative services shall make 7761
arrangements for their disposition and shall take immediate 7762
control of a state agency's excess and surplus supplies, except 7763
for the following excess and surplus supplies: 7764

(1) Excess or surplus supplies that have a value below the 7765
minimum value that the director establishes for excess and surplus 7766
supplies under division (F) of this section; 7767

(2) Excess or surplus supplies that the director has 7768
authorized an agency to donate to a ~~public entity~~ governmental 7769
agency, including, but not limited to, public schools and surplus 7770
computers and computer equipment transferred to a public school 7771
under division ~~(H)~~(G) of this section; 7772

(3) Excess or surplus supplies that an agency trades in as 7773
full or partial payment when purchasing a replacement item; 7774

(4) Hazardous property; 7775

(5) Excess or surplus supplies that the director has 7776
authorized to be part of an interagency transfer; 7777

(6) Excess or surplus supplies that are donated under 7778
division (H) of this section. 7779

(D) The director shall inventory excess and surplus supplies 7780
in the director's control and post on a public web site a list of 7781
the supplies available for acquisition. The director may have the 7782
supplies repaired. The director shall not charge a fee for the 7783
collection or transportation of excess and surplus supplies. 7784

(E) The director may do ~~either~~ any of the following: 7785

(1) Dispose of declared surplus or excess supplies in the 7786
director's control by sale, lease, donation, or transfer. If the 7787
director does so, the director shall dispose of those supplies in 7788
any of the following ~~order of priority~~ manners: 7789

(a) To state agencies <u>or by interagency trade;</u>	7790
(b) To state-supported or state-assisted institutions of higher education;	7791 7792
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	7793 7794 7795 7796
(d) To nonpublic elementary and secondary schools chartered by the state board of education under section 3301.16 of the Revised Code;	7797 7798 7799
(e) <u>To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state;</u>	7800 7801 7802
(f) To the general public by auction, sealed bid, sale, or negotiation.	7803 7804
(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.	7805 7806 7807 7808 7809 7810 7811 7812 7813 7814 7815 7816
(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed	7817 7818 7819 7820

to purchase, lease, or receive any such supplies. The director may 7821
dispose of declared surplus or excess supplies, including motor 7822
vehicles, in the director's control as the director determines 7823
proper if such supplies cannot be disposed of pursuant to division 7824
(E) of this section. The director shall by rule establish a 7825
minimum value for excess and surplus supplies and prescribe 7826
procedures for a state agency to follow in disposing of excess and 7827
surplus supplies in its control that have a value below the 7828
minimum value established by the director. 7829

~~(G) No state supported or state assisted institution of 7830
higher education, tax supported agency, municipal corporation, or 7831
other political subdivision of this state, private fire company, 7832
or private, nonprofit emergency medical service organization shall 7833
sell, lease, or transfer excess or surplus supplies acquired under 7834
this section to private entities or the general public at a price 7835
greater than the price it originally paid for those supplies. 7836~~

~~(H) The director of administrative services may authorize any 7837
state agency to transfer surplus computers and computer equipment 7838
that are not needed by other state agencies directly to an 7839
accredited public school within the state. The computers and 7840
computer equipment may be repaired or refurbished prior to 7841
transfer. The state agency may charge a service fee to the public 7842
schools for the property not to exceed the direct cost of 7843
repairing or refurbishing it. The state agency shall deposit such 7844
funds into the account used for repair or refurbishment. 7845~~

~~(H) Excess and surplus supplies of food shall be exempt from 7846
this section and may be donated directly to nonprofit food 7847
pantries and institutions without notification to the director of 7848
administrative services. 7849~~

Sec. 125.27. (A) There is hereby created in the state 7850
treasury the building improvement fund. The fund shall retain the 7851

interest earned. 7852

(B) The fund shall consist of any ~~payments made by intrastate~~ 7853
~~transfer voucher from the appropriation item for office building~~ 7854
~~operating payments~~ money transferred or deposited into the fund 7855
pursuant to section 125.28 of the Revised Code. 7856

(C) The fund shall be used for major maintenance or 7857
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 7858
~~state office tower, Toledo government center, Senator Oliver R.~~ 7859
~~Oeasek government office building, and Vern Riffe center for~~ 7860
~~government and the arts~~ facilities maintained by the department of 7861
administrative services. 7862

Sec. 125.28. (A)(1) ~~Each state agency that is supported in~~ 7863
~~whole or in part by nongeneral revenue fund money and that~~ 7864
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 7865
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 7866
~~government office building, Vern Riffe center for government and~~ 7867
~~the arts, capitol square, or governor's mansion shall reimburse~~ 7868
~~the general revenue fund for the cost of occupying the space in~~ 7869
~~the ratio that the occupied space in each facility attributable to~~ 7870
~~the nongeneral revenue fund money bears to the total space~~ 7871
~~occupied by the state agency in the facility.~~ 7872

(2) ~~All agencies that occupy space in the old blind school or~~ 7873
~~that occupy warehouse space in the general services facility shall~~ 7874
~~reimburse the department of administrative services for the cost~~ 7875
~~of occupying the space. The director of administrative services~~ 7876
~~shall determine the amount of debt service, if any, to be charged~~ 7877
~~to building tenants~~ reimbursable cost of space in state-owned or 7878
state-leased facilities and shall collect reimbursements for it. 7879

(3) ~~Each agency that is supported in whole or in part by~~ 7880
~~nongeneral revenue fund money and that occupies space in any other~~ 7881

~~facility or facilities owned and maintained by the department of 7882
administrative services or space in the general services facility 7883
other than warehouse space shall reimburse the department for the 7884
cost of occupying the space, including debt service, if any, in 7885
the ratio that the occupied space in each facility attributable to 7886
the nongeneral revenue fund money bears to the total space 7887
occupied by the state agency in the facility that cost. 7888~~

(B) ~~The director of administrative services may provide 7889
building maintenance services and minor construction project 7890
management services to any state agency and may collect 7891
reimbursements for the cost of providing those services. 7892~~

(C) All money collected by the department of administrative 7893
services for operating expenses of facilities owned or maintained 7894
by the department shall be deposited into the state treasury to 7895
the credit of the building management fund, which is hereby 7896
~~created, or to the credit of the building operation fund, which is 7897
hereby created.~~ All money collected by the department for minor 7898
construction project management services shall be deposited into 7899
the state treasury to the credit of the minor construction project 7900
management fund, which is hereby created. All money collected for 7901
~~debt service~~ depreciation and related costs shall be deposited 7902
into the general revenue building improvement fund created under 7903
section 125.27 of the Revised Code or deposited into the building 7904
management fund and then transferred by the director of budget and 7905
management to the building improvement fund. 7906

~~(D) The director of administrative services shall determine 7907
the reimbursable cost of space in state owned or state leased 7908
facilities and shall collect reimbursements for that cost. 7909~~

Sec. 125.31. (A) The department of administrative services 7910
shall have supervision of all public printing except as follows: 7911

(1) Printing for the general assembly shall be the sole 7912

responsibility of the clerk of the senate and the clerk of the 7913
house of representatives unless the clerk of the senate or the 7914
clerk of the house of representatives chooses either of the 7915
options specified in section 101.523 or 101.524 of the Revised 7916
Code. 7917

(2) Printing for the Ohio arts council shall be under the 7918
supervision of the council. 7919

(3) Printing for the capitol square review and advisory board 7920
shall be under the supervision of the board. 7921

~~(4) Printing for the bureau of workers' compensation shall be 7922
under the supervision of the administrator of workers' 7923
compensation unless the administrator requests the department to 7924
supervise printing for the bureau. 7925~~

~~(5) Printing for state-supported institutions of higher 7926
education shall be under the supervision of the department of 7927
purchasing of each such institution or the department or officer 7928
within each institution that performs the functions of a 7929
department of purchasing. 7930~~

(B) The department of administrative services shall 7931
determine, except as otherwise specifically provided by law, the 7932
number of copies to be printed of each publication or document, 7933
the source of reproduction, the manner of binding, quality of 7934
paper, the general kind, size, and spacing of type to be used in 7935
all reports, publications, bulletins, documents, or pamphlets 7936
printed at public expense. 7937

The department shall not use its authority to curtail the 7938
release of public information by any elected state official. 7939

(C) For the purposes of sections 125.31 to 125.76 of the 7940
Revised Code, all functions, powers, and duties assigned to the 7941
department of administrative services are considered to be 7942
assigned to the division of state printing within the department 7943

of administrative services. 7944

Sec. 125.36. If the department of administrative services is 7945
of the opinion that any bids or proposals should be rejected in 7946
the interest of the state, it may reject any or all bids or 7947
proposals and advertise the invitation to bid or the request for 7948
proposals a second time. If after the second advertisement for 7949
bids or proposals the department determines that any or all bids 7950
or proposals are not in the interest of the state, it may purchase 7951
the various ~~kinds of paper~~ printing goods and services required at 7952
the lowest price for which such ~~paper~~ printing goods and services 7953
can be obtained in the open market. 7954

Sec. 125.38. If ~~such a bond is~~ required by the department of 7955
administrative services, a bid or proposal for a term contract for 7956
~~paper printing goods and services, including final printed~~ 7957
product, shall be accompanied by a bond to the state, in a sum 7958
specified in the invitation to bid or request for proposals, 7959
executed by the ~~bidder~~ offeror, with either one corporate or two 7960
personal sureties, satisfactory to the department, conditioned for 7961
the performance of the contract awarded the ~~bidder~~ offeror, and 7962
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 7963
damages, of any excess of cost over the bid or proposal of such 7964
~~bidder~~ offeror, which the state may be obliged to pay for such 7965
~~paper printing goods and services~~ by reason of the failure of the 7966
~~bidder~~ offeror to complete the contract. ~~This~~ A bid or proposal 7967
unaccompanied by such bond shall not be considered, and this bond 7968
shall be void if no contract is awarded to the ~~bidder,~~ and no bid 7969
~~unaccompanied by such bond shall be entertained by the department~~ 7970
offeror. 7971

Sec. 125.39. If the contractor fails to furnish ~~paper~~ 7972
printing goods and services according to the terms of the 7973

contract, the department of administrative services shall purchase 7974
the required ~~paper~~ printing goods and services on the open market 7975
after notifying the contractor in writing of such action, and the 7976
cost in excess of the contract shall be collected from the 7977
contractor or the posted bond, if a bond was provided. 7978

Sec. 125.42. (A) No agency, officer, board, or commission, 7979
except the clerk of the senate and the clerk of the house of 7980
representatives, shall print or cause to be printed at the public 7981
expense, any report, bulletin, document, or pamphlet, unless such 7982
report, bulletin, document, or pamphlet is first submitted to, and 7983
the printing thereof approved by, the department of administrative 7984
services. If ~~such~~ the department approves the printing, it shall 7985
determine the form of such printing and the number of copies. 7986

If such approval is given, the department shall cause the 7987
same to be printed and bound as provided by sections ~~125.47 to~~ 7988
~~125.56~~ 125.49 and 125.51 of the Revised Code, except as otherwise 7989
provided by section 125.45 of the Revised Code; and when printed, 7990
such publications or forms shall be delivered to the ordering 7991
officer, board, commission, or department, or sold at a price not 7992
to exceed the total cost. 7993

(B) The department of administrative services annually shall 7994
set a maximum cost per page and a maximum total cost for the 7995
printing by any board, commission, council, or other public body 7996
of the state of any annual report or any other report that it is 7997
required by law to produce. No board, commission, council, or 7998
other public body of the state shall expend or incur the 7999
expenditure of any amount in excess of these maximum amounts 8000
without the prior approval of the department. This division does 8001
not apply to the general assembly or any court. 8002

Sec. 125.43. The department of administrative services shall 8003

~~examine and correct the proof sheets of the printing for the~~ 8004
~~state, and see that the work is any printing services are executed~~ 8005
~~in accordance with law, and when necessary, prepare indexes for~~ 8006
~~the public documents.~~ The printing of all publications approved by 8007
the department of administrative services shall be ordered through 8008
it and it shall see that the number of copies ordered is received 8009
from the printer and delivered to the proper department. 8010

Sec. 125.45. (A) The department of administrative services 8011
shall maintain facilities to perform office reproduction services 8012
for all boards, commissions, or departments ~~except for the bureau~~ 8013
~~of workers' compensation.~~ Upon written application to the 8014
department of administrative services, permission may be granted 8015
to a board, commission, or department to perform such services 8016
outside the central facility and such permission shall state the 8017
extent of the services which the department, board, or commission 8018
shall perform. 8019

(B) Office reproduction services ~~using stencils, masters, or~~ 8020
~~plates~~ are restricted to duplicating equipment not larger than 8021
seventeen by twenty-two inches. Not to exceed five thousand press 8022
impressions shall be produced of any such order except that up to 8023
one thousand production copies may be produced of any item 8024
consisting of multiple pages and except that over five thousand, 8025
but not more than ten thousand, press impressions may be produced 8026
if the director of administrative services determines that there 8027
is an emergency due to the timing of service delivery or another 8028
factor that may cause financial hardship to the state. 8029

~~Nothing in this section precludes the bureau from entering~~ 8030
~~into a contract with the department of administrative services for~~ 8031
~~the department to perform office reproduction services for the~~ 8032
~~bureau.~~ 8033

(C) No state agency, other than the department of 8034

administrative services, shall perform printing or office 8035
reproduction services for political subdivisions. 8036

Sec. 125.49. Each bid or proposal for state printing shall 8037
state specifically the price at which the ~~bidder~~ offeror will 8038
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 8039
the ~~classes of printing invitation to bid or request for~~ 8040
proposals, including the necessary binding covered by such bid or 8041
proposal. 8042

Sec. 125.51. After careful examination and computation of 8043
each ~~proposal~~ bid, within thirty days the department of 8044
administrative services shall award the contract for such printing 8045
to the lowest responsive and responsible bidder, in accordance 8046
with section 9.312 of the Revised Code, having proper facilities 8047
to ~~insure~~ ensure prompt performance of the work. No contract shall 8048
be awarded unless it contains an agreement for the completion of 8049
the work within the time fixed by the department, but the time so 8050
fixed may be extended by the department if deemed in the best 8051
interest of the state. 8052

Sec. 125.58. The department of administrative services shall 8053
promptly notify each successful ~~bidder~~ offeror of the acceptance 8054
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 8055
such ~~bidder~~ offeror fails to execute the contract because of death 8056
or other cause, or if the ~~bidder~~ offeror fails to execute the work 8057
required by the contract in a proper manner and with reasonable 8058
promptness, or the contract is abandoned, or its execution is 8059
temporarily suspended, the department may enter into a contract 8060
with another person for the prompt execution of the work for the 8061
lowest price which may be obtained. Before any work is relet in 8062
consequence of the misconduct or default of the contractor, the 8063
department shall give the contractor written notice thereof. The 8064

department of administrative services may set a daily penalty 8065
charge for late orders, provided the penalty schedule and amount 8066
are stated in the invitation to bid or request for proposals for 8067
the printing. 8068

Sec. 125.601. ~~(A) Not later than July 1, 2007, the~~ The 8069
director of administrative services shall establish the office of 8070
procurement from community rehabilitation programs within the 8071
department of administrative services. The director shall 8072
designate an employee of the department to serve as administrator 8073
of the office. 8074

~~(B) Not later than July 1, 2007, the director shall abolish 8075
the state committee for the purchase of products and services 8076
provided by persons with severe disabilities in accordance with 8077
section 4115.36 of the Revised Code. 8078~~

Sec. 125.607. (A) Before purchasing any supply or service, a 8079
governmental ordering office shall determine, in compliance with 8080
section 125.035 of the Revised Code, whether the supply or service 8081
is on the procurement list maintained by the office of procurement 8082
from community rehabilitation programs. If the supply or service 8083
is on the list at an established fair market price, the government 8084
ordering office shall purchase it from the qualified nonprofit 8085
agency or approved agent at that price. 8086

(B) If the supply or service is on the procurement list but a 8087
fair market price has not been established, the government 8088
ordering office shall attempt to negotiate an agreement with one 8089
or more of the listed qualified nonprofit agencies or approved 8090
agents. The office of procurement from community rehabilitation 8091
programs may accept as fair market price an agreement negotiated 8092
between the government ordering office and a qualified nonprofit 8093
agency or approved agent. 8094

(C) If an agreement is not successfully negotiated, the 8095
office may establish a fair market price, or it may release a 8096
government ordering office from the requirements of this section. 8097

(D) A purchase under divisions (A) to (C) of this section is 8098
not subject to any competitive selection or competitive bidding 8099
requirements, notwithstanding any other provision of law. 8100

(E) The department of administrative services has the 8101
authority to structure or regulate competition among qualified 8102
nonprofit agencies for the overall benefit of the program. 8103

Sec. 125.609. The ~~office of procurement from community~~ 8104
~~rehabilitation programs~~ department of administrative services, on 8105
its own or pursuant to a request from a government ordering 8106
office, may release a government ordering office from compliance 8107
with sections 125.60 to 125.6012 of the Revised Code. If the 8108
~~office~~ department determines that compliance is not possible or 8109
not advantageous, or if conditions prescribed in rules as may be 8110
adopted under section 125.603 of the Revised Code for granting a 8111
release are met, the ~~office~~ department may grant a release. The 8112
release shall be in writing, and shall specify the supplies or 8113
services to which it applies, the period of time during which it 8114
is effective, and the reason for which it is granted. 8115

Sec. 125.76. All printing and binding for the state, not 8116
authorized by sections 125.43 to 125.71 or section 3345.10 of the 8117
Revised Code, except for maps and printing that is the sole 8118
responsibility of the clerk of the senate or the clerk of the 8119
house of representatives, shall be subject to such sections so far 8120
as practical, and whether provided for by law or resolution of the 8121
general assembly the department of administrative services shall 8122
advertise for bids or proposals and let contracts therefor as 8123
provided in such sections. 8124

Sec. 125.901. (A) There is hereby established the Ohio 8125
geographically referenced information program council within the 8126
department of administrative services to coordinate the property 8127
owned by the state. The department of administrative services 8128
shall provide administrative support for the council. 8129

(B) The council shall consist of the following fifteen 8130
members: 8131

(1) The state chief information officer, or the officer's 8132
designee, who shall serve as the council chair; 8133

(2) The director of ~~the department of~~ natural resources, or 8134
the director's designee; 8135

(3) The director of transportation, or the director's 8136
designee; 8137

(4) The director of environmental protection, or the 8138
director's designee; 8139

(5) The director of development services, or the director's 8140
designee; 8141

(6) The treasurer of state, or the treasurer of state's 8142
designee; 8143

(7) ~~An individual appointed by the governor from the 8144
organization that represents the state's county auditors;~~ 8145

(8) ~~An individual appointed by the governor from the 8146
organization that represents the state's county commissioners;~~ 8147

(9) ~~An individual appointed by the governor from the 8148
organization that represents the state's county engineers;~~ 8149

(10) ~~An individual appointed by the governor from the 8150
organization that represents the state's regional councils;~~ 8151

(11) ~~Two individuals appointed by the governor from the 8152
organization that represents the state's municipal governments,~~ 8153

~~one of whom shall represent a municipality with a population of 8154
fewer than one hundred thousand people and one of whom shall 8155
represent a municipality with a population of one hundred thousand 8156
or more people; 8157~~

~~(12) An individual appointed by the governor representing the 8158
interests of the regulated utilities in this state; 8159~~

~~(13) An individual appointed by the governor representing the 8160
interests of a public university; 8161~~

~~(14) The attorney general, or the attorney general's 8162
designee; 8163~~

(8) The director of higher education or the director's 8164
designee; 8165

(9) The chief of the division of oil and gas resources 8166
management in the department of natural resources or the chief's 8167
designee; 8168

(10) The director of public safety or the director's 8169
designee; 8170

(11) The executive director of the county auditors' 8171
association or the executive director's designee; 8172

(12) The executive director of the county commissioners' 8173
association or the executive director's designee; 8174

(13) The executive director of the county engineers' 8175
association or the executive director's designee; 8176

(14) The executive director of the Ohio municipal league or 8177
the executive director's designee; 8178

(15) The executive director of the Ohio townships association 8179
or the executive director's designee. 8180

~~(C) The governor shall make initial appointments for the 8181
members as provided in this section within a reasonable time. The 8182~~

~~members appointed to the council by the governor pursuant to this~~ 8183
~~section shall serve two year terms, with each term ending on the~~ 8184
~~same day of the same month as did the term that it succeeds. The~~ 8185
~~chair of the council shall appoint a new member to fill any~~ 8186
~~vacancy created by a member appointed by the governor before the~~ 8187
~~expiration of that member's term. Otherwise, vacancies shall be~~ 8188
~~filled in the same manner as provided in division (B) of this~~ 8189
~~section. Any member appointed to fill a vacancy occurring prior to~~ 8190
~~the expiration date of the term for which a predecessor was~~ 8191
~~appointed shall hold office as a member for the remainder of that~~ 8192
~~term. A member shall continue in office subsequent to the~~ 8193
~~expiration date of the member's term until the member's successor~~ 8194
~~takes office or until a period of sixty days has elapsed,~~ 8195
~~whichever occurs first. All members may be reappointed Members of~~ 8196
~~the council shall serve without compensation.~~ 8197

Sec. 128.021. (A) Not later than January 1, 2014, and in 8198
accordance with Chapter 119. of the Revised Code, the steering 8199
committee shall adopt rules that establish technical and 8200
operational standards for public safety answering points eligible 8201
to receive disbursements under section 128.55 of the Revised Code. 8202
The rules shall incorporate industry standards and best practices 8203
for wireless 9-1-1 services. Public safety answering points shall 8204
comply with the standards not later than two years after the 8205
effective date of the rules adopting the standards. 8206

(B) Not later than one year after the effective date of this 8207
amendment, and in accordance with Chapter 119. of the Revised 8208
Code, the steering committee shall conduct an assessment of the 8209
operational standards for public safety answering points developed 8210
under division (A) of this section and revise the standards as 8211
necessary to ensure that the operational standards contain the 8212
following: 8213

(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter; 8214
8215
8216

(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations. 8217
8218
8219

Sec. 128.40. There is hereby created within the department of 8220
administrative services the 9-1-1 program office, headed by an 8221
administrator in the unclassified civil service pursuant to 8222
division (A)(9) of section 124.11 of the Revised Code. The 8223
administrator shall be appointed by and serve at the pleasure of 8224
the director of administrative services and shall report directly 8225
to the state chief information officer. The program office shall 8226
~~administer~~ oversee administration of the wireless 9-1-1 government 8227
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 8228
~~Revised Code,~~ the wireless 9-1-1 program fund, and the next 8229
generation 9-1-1 fund. 8230

Sec. 128.54. (A) ~~Beginning January 1, 2014:~~ 8231

(1) For the purpose of receiving, distributing, and 8232
accounting for amounts received from the wireless 9-1-1 charges 8233
imposed under section 128.42 of the Revised Code, the following 8234
funds are created in the state treasury: 8235

(a) The wireless 9-1-1 government assistance fund; 8236

(b) The wireless 9-1-1 administrative fund; 8237

(c) The wireless 9-1-1 program fund; 8238

(d) The next generation 9-1-1 fund. 8239

(2) Amounts remitted under section 128.46 of the Revised Code 8240
shall be paid to the treasurer of state for deposit as follows: 8241

(a) Ninety-seven per cent to the wireless 9-1-1 government 8242

assistance fund. All interest earned on the wireless 9-1-1 8243
government assistance fund shall be credited to the fund. 8244

(b) One per cent to the wireless 9-1-1 administrative fund; 8245

(c) Two per cent to the 9-1-1 program fund. 8246

(3) The tax commissioner shall use the wireless 9-1-1 8247
administrative fund to defray the costs incurred in carrying out 8248
this chapter. 8249

(4) The steering committee shall use the 9-1-1 program fund 8250
to defray the costs incurred by the steering committee in carrying 8251
out this chapter. 8252

(5) Annually, the tax commissioner ~~and the steering~~ 8253
~~committee~~, after paying administrative costs under division (A)(3) 8254
of this section, shall transfer any excess remaining in the 8255
wireless 9-1-1 administrative ~~funds~~ fund to the next generation 8256
9-1-1 fund, created under this section. 8257

(B) ~~The~~ At the direction of the steering committee, the tax 8258
commissioner shall transfer the funds remaining in the wireless 8259
9-1-1 government assistance fund ~~after the disbursements made~~ 8260
~~under division (B)(1) of section 128.55 of the Revised Code~~ to the 8261
credit of the next generation 9-1-1 fund. All interest earned on 8262
the next generation 9-1-1 fund shall be credited to the fund. 8263

(C) From the wireless 9-1-1 government assistance fund, the 8264
director of budget and management shall, as funds are available, 8265
transfer to the tax refund fund, created under section 5703.052 of 8266
the Revised Code, amounts equal to the refunds certified by the 8267
tax commissioner under division (D) of section 128.47 of the 8268
Revised Code. 8269

Sec. 128.55. (A) ~~Prior to January 1, 2014, the steering~~ 8270
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 8271
~~assistance fund to each county in the same manner as the 2012~~ 8272

~~disbursements, in accordance with divisions (A) and (B) of section 8273
4931.64 of the Revised Code as those divisions existed prior to 8274
the effective date of H.B. 360 of the 129th general assembly, 8275
December 20, 2012. 8276~~

~~(B) Beginning January 1, 2014: 8277~~

(1) The tax commissioner, not later than the last day of each 8278
month, shall disburse moneys from the wireless 9-1-1 government 8279
assistance fund, plus any accrued interest on the fund, to each 8280
county treasurer. 8281

(a) If there are sufficient funds in the wireless 9-1-1 8282
government assistance fund, each county treasurer shall receive 8283
the same amount distributed to that county by the public utilities 8284
commission in the corresponding calendar month in 2013. ~~If any 8285
excess remains after these distributions are made, the tax 8286
commissioner shall transfer that excess to the next generation 8287
9-1-1 fund. 8288~~

(b) If the funds available are insufficient to make the 8289
distributions as provided in division ~~(B)~~(A)(1)(a) of this 8290
section, each county's share shall be reduced in proportion to the 8291
amounts received in the corresponding calendar month in 2013, 8292
until the total amount to be distributed to the counties is 8293
equivalent to the amount available in the wireless 9-1-1 8294
government assistance fund. Any shortfall in distributions 8295
resulting from insufficient funds from a previous month shall be 8296
remedied in the following month. 8297

(2) The tax commissioner shall disburse moneys from the next 8298
generation 9-1-1 fund in accordance with the guidelines 8299
established under section 128.022 of the Revised Code. 8300

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 8301
disbursement under division (A) ~~or (B)(1)~~ of this section, the 8302

county shall disburse, in accordance with the allocation formula 8303
set forth in the final plan, the amount the county so received to 8304
any other subdivisions in the county and any regional councils of 8305
governments in the county that pay the costs of a public safety 8306
answering point providing wireless enhanced 9-1-1 under the plan. 8307

~~(D)~~(C) Nothing in this chapter affects the authority of a 8308
subdivision operating or served by a public safety answering point 8309
of a 9-1-1 system or a regional council of governments operating a 8310
public safety answering point of a 9-1-1 system to use, as 8311
provided in the final plan for the system or in an agreement under 8312
section 128.09 of the Revised Code, any other authorized revenue 8313
of the subdivision or the regional council of governments for the 8314
purposes of providing basic or enhanced 9-1-1. 8315

Sec. 128.57. Except as otherwise provided in section 128.571 8316
of the Revised Code: 8317

(A) A countywide 9-1-1 system receiving a disbursement under 8318
section 128.55 of the Revised Code shall provide countywide 8319
wireless enhanced 9-1-1 in accordance with this chapter beginning 8320
as soon as reasonably possible after receipt of the first 8321
disbursement or, if that service is already implemented, shall 8322
continue to provide such service. Except as provided in divisions 8323
(B), (C), and (E) of this section, a disbursement shall be used 8324
solely for the purpose of paying either or both of the following: 8325

(1) Any costs of designing, upgrading, purchasing, leasing, 8326
programming, installing, testing, or maintaining the necessary 8327
data, hardware, software, and trunking required for the public 8328
safety answering point or points of the 9-1-1 system to provide 8329
wireless enhanced 9-1-1, which costs are incurred before or on or 8330
after May 6, 2005, and consist of such additional costs of the 8331
9-1-1 system over and above any costs incurred to provide wireline 8332
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 8333

up to twenty-five thousand dollars of the disbursements received 8334
on or after January 1, 2009, may be applied to data, hardware, and 8335
software that automatically alerts personnel receiving a 9-1-1 8336
call that a person at the subscriber's address or telephone number 8337
may have a mental or physical disability, of which that personnel 8338
shall inform the appropriate emergency service provider. On or 8339
after the provision of technical and operational standards 8340
pursuant to section 128.021 of the Revised Code, a regional 8341
council of governments operating a public safety answering point 8342
or a subdivision shall consider the standards before incurring any 8343
costs described in this division. 8344

(2) Any costs of training the staff of the public safety 8345
answering point or points to provide wireless enhanced 9-1-1, 8346
which costs are incurred before or on or after May 6, 2005. 8347

(B) A subdivision or a regional council of governments that 8348
certifies to the steering committee that it has paid the costs 8349
described in divisions (A)(1) and (2) of this section and is 8350
providing countywide wireless enhanced 9-1-1 may use disbursements 8351
received under section 128.55 of the Revised Code to pay any of 8352
its personnel costs of one or more public safety answering points 8353
providing countywide wireless enhanced 9-1-1. 8354

(C) After receiving its July 2013 disbursement under division 8355
(A) of section 128.55 of the Revised Code as that division existed 8356
prior to the amendments to that division by H. B. 64 of the 131st 8357
general assembly, a regional council of governments operating a 8358
public safety answering point or a subdivision may use any 8359
remaining balance of disbursements it received under that 8360
division, as it existed prior to the amendments to it by H. B. 64 8361
of the 131st general assembly, to pay any of its costs of 8362
providing countywide wireless 9-1-1, including the personnel costs 8363
of one or more public safety answering points providing that 8364
service. 8365

(D) The costs described in divisions (A), (B), (C), and (E) 8366
of this section may include any such costs payable pursuant to an 8367
agreement under division (J) of section 128.03 of the Revised 8368
Code. 8369

(E)(1) No disbursement to a countywide 9-1-1 system for costs 8370
of a public safety answering point shall be made from the wireless 8371
9-1-1 government assistance fund or the next generation 9-1-1 fund 8372
unless the public safety answering point meets the standards set 8373
by rule of the steering committee under section 128.021 of the 8374
Revised Code. 8375

(2) The steering committee shall monitor compliance with the 8376
standards and shall notify the tax commissioner to suspend 8377
disbursements to a countywide 9-1-1 system that fails to meet the 8378
standards. Upon receipt of this notification, the commissioner 8379
shall suspend disbursements until the commissioner is notified of 8380
compliance with the standards. 8381

(F) The auditor of state may audit and review each county's 8382
expenditures of funds received from the wireless 9-1-1 government 8383
assistance fund to verify that the funds were used in accordance 8384
with the requirements of this chapter. 8385

Sec. 131.025. The attorney general shall enter into an 8386
agreement with the United States secretary of the treasury to 8387
participate in the federal treasury offset program for the 8388
collection of the following debts certified to the attorney 8389
general pursuant to section 131.02 of the Revised Code: 8390

(A) State income tax obligations pursuant to 26 U.S.C. 8391
6402(e); 8392

(B) Covered unemployment compensation debts pursuant to 26 8393
U.S.C. 6402(f). 8394

Sec. 131.34. (A) No moneys shall be transferred between funds 8395

or between state agencies on an intrastate transfer voucher, or by 8396
any other procedure, unless such a transfer is a payment for goods 8397
or services or a service subscription or unless such a transfer is 8398
required or authorized by law. 8399

(B)(1) Any state agency that has provided goods or services 8400
or a service subscription to another state agency may, ~~if the~~ 8401
~~providing agency does not receive payment from the receiving~~ 8402
~~agency within thirty days after delivering the goods or services~~ 8403
~~and submitting an invoice requesting payment for them,~~ certify to 8404
the director of budget and management ~~that~~ both of the following: 8405

(a) That the goods or services have been delivered and the or 8406
that the service subscription has been initiated; 8407

(b) The amount that is due for them the goods and services or 8408
the service subscription. 8409

(2) A providing agency may make such certification only if it 8410
does not receive payment from the receiving agency within thirty 8411
days after: 8412

(a) Delivering the goods or services or initiating the 8413
service subscription; 8414

(b) Submitting an invoice requesting payment for the goods 8415
and services or the service subscription. 8416

(C) If the director determines that all or part of the 8417
certified amount should have been paid by the receiving agency and 8418
that the receiving agency has an unobligated balance in an 8419
appropriation for the payment, ~~he~~ the director may transfer the 8420
amount that should have been paid from the appropriate fund of the 8421
receiving agency to the appropriate fund of the providing agency 8422
on an intrastate transfer voucher. 8423

(D) For the purposes of this section, "service subscription" 8424
means an ongoing service provided to a state agency by another 8425

state agency for which an estimated payment is made in advance and 8426
final payment due is determined based on actual use. 8427

Sec. 131.35. (A) With respect to the federal funds received 8428
into any fund of the state from which transfers may be made under 8429
division (D) of section 127.14 of the Revised Code: 8430

(1) No state agency may make expenditures of any federal 8431
funds, whether such funds are advanced prior to expenditure or as 8432
reimbursement, unless such expenditures are made pursuant to 8433
specific appropriations of the general assembly, are authorized by 8434
the controlling board pursuant to division (A)(5) of this section, 8435
or are authorized by an executive order issued in accordance with 8436
section 107.17 of the Revised Code, and until an allotment has 8437
been approved by the director of budget and management. All 8438
federal funds received by a state agency shall be reported to the 8439
director within fifteen days of the receipt of such funds or the 8440
notification of award, whichever occurs first. The director shall 8441
prescribe the forms and procedures to be used when reporting the 8442
receipt of federal funds. 8443

(2) If the federal funds received are greater than the amount 8444
of such funds appropriated by the general assembly for a specific 8445
purpose, the total appropriation of federal and state funds for 8446
such purpose shall remain at the amount designated by the general 8447
assembly, except that the expenditure of federal funds received in 8448
excess of such specific appropriation may be authorized by the 8449
controlling board, subject to division (D) of this section. 8450

(3) To the extent that the expenditure of excess federal 8451
funds is authorized, the controlling board may transfer a like 8452
amount of general revenue fund appropriation authority from the 8453
affected agency to the emergency purposes appropriation of the 8454
controlling board, if such action is permitted under federal 8455
regulations. 8456

(4) Additional funds may be created by the controlling board 8457
to receive revenues not anticipated in an appropriations act for 8458
the biennium in which such new revenues are received. ~~Expenditures~~ 8459
Subject to division (D) of this section, expenditures from such 8460
additional funds may be authorized by the controlling board, but 8461
such authorization shall not extend beyond the end of the biennium 8462
in which such funds are created. 8463

(5) Controlling board authorization for a state agency to 8464
make an expenditure of federal funds constitutes authority for the 8465
agency to participate in the federal program providing the funds, 8466
and the agency is not required to obtain an executive order under 8467
section 107.17 of the Revised Code to participate in the federal 8468
program. 8469

(B) With respect to nonfederal funds received into the 8470
waterways safety fund, the wildlife fund, and any fund of the 8471
state from which transfers may be made under division (D) of 8472
section 127.14 of the Revised Code: 8473

(1) No state agency may make expenditures of any such funds 8474
unless the expenditures are made pursuant to specific 8475
appropriations of the general assembly. 8476

(2) If the receipts received into any fund are greater than 8477
the amount appropriated, the appropriation for that fund shall 8478
remain at the amount designated by the general assembly or, 8479
subject to division (D) of this section, as increased and approved 8480
by the controlling board. 8481

(3) Additional funds may be created by the controlling board 8482
to receive revenues not anticipated in an appropriations act for 8483
the biennium in which such new revenues are received. ~~Expenditures~~ 8484
Subject to division (D) of this section, expenditures from such 8485
additional funds may be authorized by the controlling board, but 8486
such authorization shall not extend beyond the end of the biennium 8487

in which such funds are created. 8488

(C) The controlling board shall not authorize more than ten 8489
per cent of additional spending from the occupational licensing 8490
and regulatory fund, created in section 4743.05 of the Revised 8491
Code, in excess of any appropriation made by the general assembly 8492
to a licensing agency except an appropriation for costs related to 8493
the examination or reexamination of applicants for a license. As 8494
used in this division, "licensing agency" and "license" have the 8495
same meanings as in section 4745.01 of the Revised Code. 8496

(D)(1) The amount of any expenditure authorized under 8497
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8498
specific or related purpose or item in any fiscal year shall not 8499
exceed ten per cent of the amount appropriated by the general 8500
assembly for that specific or related purpose or item for that 8501
fiscal year, or ten million dollars, whichever amount is less. 8502

(2) The controlling board may not create any additional funds 8503
under division (A)(4) or (B)(3) of this section if the revenue 8504
received that was not anticipated in an appropriation act exceeds 8505
ten million dollars. 8506

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 8507
and 2151.655 of the Revised Code, in other sections of the Revised 8508
Code that make reference to this chapter unless the context does 8509
not permit, and in related proceedings, unless otherwise expressly 8510
provided: 8511

(A) "Acquisition" as applied to real or personal property 8512
includes, among other forms of acquisition, acquisition by 8513
exercise of a purchase option, and acquisition of interests in 8514
property, including, without limitation, easements and 8515
rights-of-way, and leasehold and other lease interests initially 8516
extending or extendable for a period of at least sixty months. 8517

(B) "Anticipatory securities" means securities, including 8518
notes, issued in anticipation of the issuance of other securities. 8519

(C) "Board of elections" means the county board of elections 8520
of the county in which the subdivision is located. If the 8521
subdivision is located in more than one county, "board of 8522
elections" means the county board of elections of the county that 8523
contains the largest portion of the population of the subdivision 8524
or that otherwise has jurisdiction in practice over and 8525
customarily handles election matters relating to the subdivision. 8526

(D) "Bond retirement fund" means the bond retirement fund 8527
provided for in section 5705.09 of the Revised Code, and also 8528
means a sinking fund or any other special fund, regardless of the 8529
name applied to it, established by or pursuant to law or the 8530
proceedings for the payment of debt charges. Provision may be made 8531
in the applicable proceedings for the establishment in a bond 8532
retirement fund of separate accounts relating to debt charges on 8533
particular securities, or on securities payable from the same or 8534
common sources, and for the application of moneys in those 8535
accounts only to specified debt charges on specified securities or 8536
categories of securities. Subject to law and any provisions in the 8537
applicable proceedings, moneys in a bond retirement fund or 8538
separate account in a bond retirement fund may be transferred to 8539
other funds and accounts. 8540

(E) "Capitalized interest" means all or a portion of the 8541
interest payable on securities from their date to a date stated or 8542
provided for in the applicable legislation, which interest is to 8543
be paid from the proceeds of the securities. 8544

(F) "Chapter 133. securities" means securities authorized by 8545
or issued pursuant to or in accordance with this chapter. 8546

(G) "County auditor" means the county auditor of the county 8547
in which the subdivision is located. If the subdivision is located 8548

in more than one county, "county auditor" means the county auditor 8549
of the county that contains the highest amount of the tax 8550
valuation of the subdivision or that otherwise has jurisdiction in 8551
practice over and customarily handles property tax matters 8552
relating to the subdivision. In the case of a county that has 8553
adopted a charter, "county auditor" means the officer who 8554
generally has the duties and functions provided in the Revised 8555
Code for a county auditor. 8556

(H) "Credit enhancement facilities" means letters of credit, 8557
lines of credit, stand-by, contingent, or firm securities purchase 8558
agreements, insurance, or surety arrangements, guarantees, and 8559
other arrangements that provide for direct or contingent payment 8560
of debt charges, for security or additional security in the event 8561
of nonpayment or default in respect of securities, or for making 8562
payment of debt charges to and at the option and on demand of 8563
securities holders or at the option of the issuer or upon certain 8564
conditions occurring under put or similar arrangements, or for 8565
otherwise supporting the credit or liquidity of the securities, 8566
and includes credit, reimbursement, marketing, remarketing, 8567
indexing, carrying, interest rate hedge, and subrogation 8568
agreements, and other agreements and arrangements for payment and 8569
reimbursement of the person providing the credit enhancement 8570
facility and the security for that payment and reimbursement. 8571

(I) "Current operating expenses" or "current expenses" means 8572
the lawful expenditures of a subdivision, except those for 8573
permanent improvements and for payments of debt charges of the 8574
subdivision. 8575

(J) "Debt charges" means the principal, including any 8576
mandatory sinking fund deposits and mandatory redemption payments, 8577
interest, and any redemption premium, payable on securities as 8578
those payments come due and are payable. The use of "debt charges" 8579
for this purpose does not imply that any particular securities 8580

constitute debt within the meaning of the Ohio Constitution or 8581
other laws. 8582

(K) "Financing costs" means all costs and expenses relating 8583
to the authorization, including any required election, issuance, 8584
sale, delivery, authentication, deposit, custody, clearing, 8585
registration, transfer, exchange, fractionalization, replacement, 8586
payment, and servicing of securities, including, without 8587
limitation, costs and expenses for or relating to publication and 8588
printing, postage, delivery, preliminary and final official 8589
statements, offering circulars, and informational statements, 8590
travel and transportation, underwriters, placement agents, 8591
investment bankers, paying agents, registrars, authenticating 8592
agents, remarketing agents, custodians, clearing agencies or 8593
corporations, securities depositories, financial advisory 8594
services, certifications, audits, federal or state regulatory 8595
agencies, accounting and computation services, legal services and 8596
obtaining approving legal opinions and other legal opinions, 8597
credit ratings, redemption premiums, and credit enhancement 8598
facilities. Financing costs may be paid from any moneys available 8599
for the purpose, including, unless otherwise provided in the 8600
proceedings, from the proceeds of the securities to which they 8601
relate and, as to future financing costs, from the same sources 8602
from which debt charges on the securities are paid and as though 8603
debt charges. 8604

(L) "Fiscal officer" means the following, or, in the case of 8605
absence or vacancy in the office, a deputy or assistant authorized 8606
by law or charter to act in the place of the named officer, or if 8607
there is no such authorization then the deputy or assistant 8608
authorized by legislation to act in the place of the named officer 8609
for purposes of this chapter, in the case of the following 8610
subdivisions: 8611

(1) A county, the county auditor; 8612

- (2) A municipal corporation, the city auditor or village clerk or clerk-treasurer, or the officer who, by virtue of a charter, has the duties and functions provided in the Revised Code for the city auditor or village clerk or clerk-treasurer; 8613
8614
8615
8616
- (3) A school district, the treasurer of the board of education; 8617
8618
- (4) A regional water and sewer district, the secretary of the board of trustees; 8619
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- (5) A joint township hospital district, the treasurer of the district; 8621
8622
- (6) A joint ambulance district, the clerk of the board of trustees; 8623
8624
- (7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; 8625
8626
- (8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; 8627
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- (9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township; 8632
8633
8634
- (10) A joint fire district, the clerk of the board of trustees of that district; 8635
8636
- (11) A regional or county library district, the person responsible for the financial affairs of that district; 8637
8638
- (12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code; 8639
8640
8641
- (13) A joint emergency medical services district, the person 8642

appointed as fiscal officer pursuant to division (D) of section 8643
307.053 of the Revised Code; 8644

(14) A fire and ambulance district, the person appointed as 8645
fiscal officer under division (B) of section 505.375 of the 8646
Revised Code; 8647

(15) A subdivision described in division (MM)(19) of this 8648
section, the officer who is designated by law as or performs the 8649
functions of its chief fiscal officer; 8650

(16) A joint police district, the treasurer of the district; 8651

(17) A lake facilities authority, the fiscal officer 8652
designated under section 353.02 of the Revised Code; 8653

(18) A regional transportation improvement project, the 8654
county auditor designated under section 5595.10 of the Revised 8655
Code. 8656

(M) "Fiscal year" has the same meaning as in section 9.34 of 8657
the Revised Code. 8658

(N) "Fractionalized interests in public obligations" means 8659
participations, certificates of participation, shares, or other 8660
instruments or agreements, separate from the public obligations 8661
themselves, evidencing ownership of interests in public 8662
obligations or of rights to receive payments of, or on account of, 8663
principal or interest or their equivalents payable by or on behalf 8664
of an obligor pursuant to public obligations. 8665

(O) "Fully registered securities" means securities in 8666
certificated or uncertificated form, registered as to both 8667
principal and interest in the name of the owner. 8668

(P) "Fund" means to provide for the payment of debt charges 8669
and expenses related to that payment at or prior to retirement by 8670
purchase, call for redemption, payment at maturity, or otherwise. 8671

(Q) "General obligation" means securities to the payment of 8672

debt charges on which the full faith and credit and the general 8673
property taxing power, including taxes within the tax limitation 8674
if available to the subdivision, of the subdivision are pledged. 8675

(R) "Interest" or "interest equivalent" means those payments 8676
or portions of payments, however denominated, that constitute or 8677
represent consideration for forbearing the collection of money, or 8678
for deferring the receipt of payment of money to a future time. 8679

(S) "Internal Revenue Code" means the "Internal Revenue Code 8680
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 8681
includes any laws of the United States providing for application 8682
of that code. 8683

(T) "Issuer" means any public issuer and any nonprofit 8684
corporation authorized to issue securities for or on behalf of any 8685
public issuer. 8686

(U) "Legislation" means an ordinance or resolution passed by 8687
a majority affirmative vote of the then members of the taxing 8688
authority unless a different vote is required by charter 8689
provisions governing the passage of the particular legislation by 8690
the taxing authority. 8691

(V) "Mandatory sinking fund redemption requirements" means 8692
amounts required by proceedings to be deposited in a bond 8693
retirement fund for the purpose of paying in any year or fiscal 8694
year by mandatory redemption prior to stated maturity the 8695
principal of securities that is due and payable, except for 8696
mandatory prior redemption requirements as provided in those 8697
proceedings, in a subsequent year or fiscal year. 8698

(W) "Mandatory sinking fund requirements" means amounts 8699
required by proceedings to be deposited in a year or fiscal year 8700
in a bond retirement fund for the purpose of paying the principal 8701
of securities that is due and payable in a subsequent year or 8702
fiscal year. 8703

(X) "Net indebtedness" has the same meaning as in division	8704
(A) of section 133.04 of the Revised Code.	8705
(Y) "Obligor," in the case of securities or fractionalized	8706
interests in public obligations issued by another person the debt	8707
charges or their equivalents on which are payable from payments	8708
made by a public issuer, means that public issuer.	8709
(Z) "One purpose" relating to permanent improvements means	8710
any one permanent improvement or group or category of permanent	8711
improvements for the same utility, enterprise, system, or project,	8712
development or redevelopment project, or for or devoted to the	8713
same general purpose, function, or use or for which	8714
self-supporting securities, based on the same or different sources	8715
of revenues, may be issued or for which special assessments may be	8716
levied by a single ordinance or resolution. "One purpose"	8717
includes, but is not limited to, in any case any off-street	8718
parking facilities relating to another permanent improvement, and:	8719
(1) Any number of roads, highways, streets, bridges,	8720
sidewalks, and viaducts;	8721
(2) Any number of off-street parking facilities;	8722
(3) In the case of a county, any number of permanent	8723
improvements for courthouse, jail, county offices, and other	8724
county buildings, and related facilities;	8725
(4) In the case of a school district, any number of	8726
facilities and buildings for school district purposes, and related	8727
facilities.	8728
(AA) "Outstanding," referring to securities, means securities	8729
that have been issued, delivered, and paid for, except any of the	8730
following:	8731
(1) Securities canceled upon surrender, exchange, or	8732
transfer, or upon payment or redemption;	8733

(2) Securities in replacement of which or in exchange for 8734
which other securities have been issued; 8735

(3) Securities for the payment, or redemption or purchase for 8736
cancellation prior to maturity, of which sufficient moneys or 8737
investments, in accordance with the applicable legislation or 8738
other proceedings or any applicable law, by mandatory sinking fund 8739
redemption requirements, mandatory sinking fund requirements, or 8740
otherwise, have been deposited, and credited for the purpose in a 8741
bond retirement fund or with a trustee or paying or escrow agent, 8742
whether at or prior to their maturity or redemption, and, in the 8743
case of securities to be redeemed prior to their stated maturity, 8744
notice of redemption has been given or satisfactory arrangements 8745
have been made for giving notice of that redemption, or waiver of 8746
that notice by or on behalf of the affected security holders has 8747
been filed with the subdivision or its agent for the purpose. 8748

(BB) "Paying agent" means the one or more banks, trust 8749
companies, or other financial institutions or qualified persons, 8750
including an appropriate office or officer of the subdivision, 8751
designated as a paying agent or place of payment of debt charges 8752
on the particular securities. 8753

(CC) "Permanent improvement" or "improvement" means any 8754
property, asset, or improvement certified by the fiscal officer, 8755
which certification is conclusive, as having an estimated life or 8756
period of usefulness of five years or more, and includes, but is 8757
not limited to, real estate, buildings, and personal property and 8758
interests in real estate, buildings, and personal property, 8759
equipment, furnishings, and site improvements, and reconstruction, 8760
rehabilitation, renovation, installation, improvement, 8761
enlargement, and extension of property, assets, or improvements so 8762
certified as having an estimated life or period of usefulness of 8763
five years or more. The acquisition of all the stock ownership of 8764
a corporation is the acquisition of a permanent improvement to the 8765

extent that the value of that stock is represented by permanent 8766
improvements. A permanent improvement for parking, highway, road, 8767
and street purposes includes resurfacing, but does not include 8768
ordinary repair. 8769

(DD) "Person" has the same meaning as in section 1.59 of the 8770
Revised Code and also includes any federal, state, interstate, 8771
regional, or local governmental agency, any subdivision, and any 8772
combination of those persons. 8773

(EE) "Proceedings" means the legislation, certifications, 8774
notices, orders, sale proceedings, trust agreement or indenture, 8775
mortgage, lease, lease-purchase agreement, assignment, credit 8776
enhancement facility agreements, and other agreements, 8777
instruments, and documents, as amended and supplemented, and any 8778
election proceedings, authorizing, or providing for the terms and 8779
conditions applicable to, or providing for the security or sale or 8780
award of, public obligations, and includes the provisions set 8781
forth or incorporated in those public obligations and proceedings. 8782

(FF) "Public issuer" means any of the following that is 8783
authorized by law to issue securities or enter into public 8784
obligations: 8785

(1) The state, including an agency, commission, officer, 8786
institution, board, authority, or other instrumentality of the 8787
state; 8788

(2) A taxing authority, subdivision, district, or other local 8789
public or governmental entity, and any combination or consortium, 8790
or public division, district, commission, authority, department, 8791
board, officer, or institution, thereof; 8792

(3) Any other body corporate and politic, or other public 8793
entity. 8794

(GG) "Public obligations" means both of the following: 8795

(1) Securities;	8796
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	8797 8798 8799
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	8800 8801 8802
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	8803 8804 8805
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	8806 8807 8808
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	8809 8810 8811 8812 8813 8814 8815 8816
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system,	8817 8818 8819 8820 8821 8822 8823 8824 8825 8826

project, or categories of improvements and the debt charges 8827
payable from those receipts on securities issued for the purpose. 8828
Until such time as the improvements or increases in rates and 8829
charges have been in operation or effect for a period of at least 8830
six months, the receipts therefrom, for purposes of this 8831
definition, shall be those estimated by the fiscal officer, except 8832
that those receipts may include, without limitation, payments made 8833
and to be made to the subdivision under leases or agreements in 8834
effect at the time the estimate is made. In the case of an 8835
operation, improvements, or enterprise, system, project, or 8836
category of improvements without at least a six-month history of 8837
receipts, the estimate of receipts by the fiscal officer, other 8838
than those to be derived under leases and agreements then in 8839
effect, shall be confirmed by the taxing authority. 8840

(MM) "Subdivision" means any of the following: 8841

(1) A county, including a county that has adopted a charter 8842
under Article X, Ohio Constitution; 8843

(2) A municipal corporation, including a municipal 8844
corporation that has adopted a charter under Article XVIII, Ohio 8845
Constitution; 8846

(3) A school district; 8847

(4) A regional water and sewer district organized under 8848
Chapter 6119. of the Revised Code; 8849

(5) A joint township hospital district organized under 8850
section 513.07 of the Revised Code; 8851

(6) A joint ambulance district organized under section 505.71 8852
of the Revised Code; 8853

(7) A joint recreation district organized under division (C) 8854
of section 755.14 of the Revised Code; 8855

(8) A detention facility district organized under section 8856

2152.41, a district organized under section 2151.65, or a combined	8857
district organized under sections 2152.41 and 2151.65 of the	8858
Revised Code;	8859
(9) A township police district organized under section 505.48	8860
of the Revised Code;	8861
(10) A township;	8862
(11) A joint fire district organized under section 505.371 of	8863
the Revised Code;	8864
(12) A county library district created under section 3375.19	8865
or a regional library district created under section 3375.28 of	8866
the Revised Code;	8867
(13) A joint solid waste management district organized under	8868
section 343.01 or 343.012 of the Revised Code;	8869
(14) A joint emergency medical services district organized	8870
under section 307.052 of the Revised Code;	8871
(15) A fire and ambulance district organized under section	8872
505.375 of the Revised Code;	8873
(16) A fire district organized under division (C) of section	8874
505.37 of the Revised Code;	8875
(17) A joint police district organized under section 505.482	8876
of the Revised Code;	8877
(18) A lake facilities authority created under Chapter 353.	8878
of the Revised Code;	8879
(19) A regional transportation improvement project created	8880
under Chapter 5595. of the Revised Code;	8881
(20) Any other political subdivision or taxing district or	8882
other local public body or agency authorized by this chapter or	8883
other laws to issue Chapter 133. securities.	8884
(NN) "Taxing authority" means in the case of the following	8885

subdivisions:	8886
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	8887 8888 8889 8890 8891 8892
(2) A municipal corporation, the legislative authority;	8893
(3) A school district, the board of education;	8894
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	8895 8896 8897 8898
(5) A joint township hospital district, the joint township hospital board;	8899 8900
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	8901 8902 8903 8904 8905
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	8906 8907 8908
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	8909 8910 8911
(9) A subdivision described in division (MM)(19) of this section, the legislative or governing body or official;	8912 8913
(10) A joint police district, the joint police district board;	8914 8915

(11) A lake facilities authority, the board of directors; 8916

(12) A regional transportation improvement project, the 8917
governing board. 8918

(OO) "Tax limitation" means the "ten-mill limitation" as 8919
defined in section 5705.02 of the Revised Code without diminution 8920
by reason of section 5705.313 of the Revised Code or otherwise, 8921
or, in the case of a municipal corporation or county with a 8922
different charter limitation on property taxes levied to pay debt 8923
charges on unvoted securities, that charter limitation. Those 8924
limitations shall be respectively referred to as the "ten-mill 8925
limitation" and the "charter tax limitation." 8926

(PP) "Tax valuation" means the aggregate of the valuations of 8927
property subject to ad valorem property taxation by the 8928
subdivision on the real property, personal property, and public 8929
utility property tax lists and duplicates most recently certified 8930
for collection, and shall be calculated without deductions of the 8931
valuations of otherwise taxable property exempt in whole or in 8932
part from taxation by reason of exemptions of certain amounts of 8933
taxable value under division (C) of section 5709.01, tax 8934
reductions under section 323.152 of the Revised Code, or similar 8935
laws now or in the future in effect. 8936

For purposes of section 133.06 of the Revised Code, "tax 8937
valuation" shall not include the valuation of tangible personal 8938
property used in business, telephone or telegraph property, 8939
interexchange telecommunications company property, or personal 8940
property owned or leased by a railroad company and used in 8941
railroad operations listed under or described in section 5711.22, 8942
division (B) or (F) of section 5727.111, or section 5727.12 of the 8943
Revised Code. 8944

(QQ) "Year" means the calendar year. 8945

(RR) "Administrative agent," "agent," "commercial paper," 8946

"floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

(TT) "Tourism development district revenue supported" means obligations to the payment of debt charges on which tourism development district revenue has been pledged by the taxing authority of a municipal corporation or township under section 133.083 of the Revised Code.

Sec. 133.04. (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of outstanding securities of another subdivision apportioned to the subdivision as a result of acquisition of territory, and excludes the principal amount of outstanding securities of the subdivision apportioned to another subdivision as a result of loss of territory and the payment or reimbursement obligations of the subdivision under credit enhancement facilities relating to outstanding securities.

(B) In calculating the net indebtedness of a subdivision, none of the following securities, including anticipatory securities issued in anticipation of their issuance, shall be

considered:	8978
(1) Securities issued in anticipation of the levy or collection of special assessments, either in original or refunded form;	8979 8980 8981
(2) Securities issued in anticipation of the collection of current revenues for the fiscal year or other period not to exceed twelve consecutive months, or securities issued in anticipation of the collection of the proceeds from a specifically identified voter-approved tax levy;	8982 8983 8984 8985 8986
(3) Securities issued for purposes described in section 133.12 of the Revised Code;	8987 8988
(4) Securities issued under Chapter 122., 140., 165., 725., or 761. or section 131.23 of the Revised Code;	8989 8990
(5) Securities issued to pay final judgments or court-approved settlements under authorizing laws and securities issued under section 2744.081 of the Revised Code;	8991 8992 8993
(6) Securities issued to pay costs of permanent improvements to the extent they are issued in anticipation of the receipt of, and are payable as to principal from, federal or state grants or distributions for, or legally available for, that principal or for the costs of those permanent improvements;	8994 8995 8996 8997 8998
(7) Securities issued to evidence loans from the state capital improvements fund pursuant to Chapter 164. of the Revised Code or from the state infrastructure bank pursuant to section 5531.09 of the Revised Code;	8999 9000 9001 9002
(8) That percentage of the principal amount of general obligation securities issued by a county, township, or municipal corporation to pay the costs of permanent improvements equal to the percentage of the debt charges on those securities payable during the current fiscal year that the fiscal officer estimates	9003 9004 9005 9006 9007

can be paid during the current fiscal year from payments in lieu 9008
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 9009
5709.79 of the Revised Code, and that the legislation authorizing 9010
the issuance of the securities pledges or covenants will be used 9011
for the payment of those debt charges; provided that the amount 9012
excluded from consideration under division (B)(8) of this section 9013
shall not exceed the lesser of thirty million dollars or one-half 9014
per cent of the subdivision's tax valuation in the case of a 9015
county or township, or one and one-tenth per cent of the 9016
subdivision's tax valuation in the case of a municipal 9017
corporation; 9018

(9) Securities issued in an amount equal to the property tax 9019
replacement payments received under section 5727.85 or 5727.86 of 9020
the Revised Code; 9021

(10) Securities issued in an amount equal to the property tax 9022
replacement payments received under section 5751.21 or 5751.22 of 9023
the Revised Code; 9024

(11) Other securities, including self-supporting securities, 9025
excepted by law from the calculation of net indebtedness or from 9026
the application of this chapter; 9027

(12) Securities issued under section 133.083 of the Revised 9028
Code for the purpose of acquiring, constructing, improving, or 9029
equipping any permanent improvement to the extent that the 9030
legislation authorizing the issuance pledges tourism development 9031
district revenue to the payment of debt charges on the securities 9032
and contains a covenant to appropriate from tourism development 9033
district revenue a sufficient amount to cover debt charges or the 9034
financing costs related to the securities as they become due; 9035

(13) Any other securities outstanding on October 30, 1989, 9036
and then excepted from the calculation of net indebtedness or from 9037
the application of this chapter, and securities issued at any time 9038

to fund or refund those securities. 9039

Sec. 133.05. (A) A municipal corporation shall not incur net 9040
indebtedness that exceeds an amount equal to ten and one-half per 9041
cent of its tax valuation, or incur without a vote of the electors 9042
net indebtedness that exceeds an amount equal to five and one-half 9043
per cent of that tax valuation. 9044

(B) In calculating the net indebtedness of a municipal 9045
corporation, none of the following securities shall be considered: 9046

(1) Self-supporting securities issued for any purposes 9047
including, without limitation, any of the following general 9048
purposes: 9049

(a) Water systems or facilities; 9050

(b) Sanitary sewerage systems or facilities, or surface and 9051
storm water drainage and sewerage systems or facilities, or a 9052
combination of those systems or facilities; 9053

(c) Electric plants and facilities and steam or cogeneration 9054
facilities that generate or supply electricity, or steam and 9055
electrical or steam distribution systems and lines; 9056

(d) Airports or landing fields or facilities; 9057

(e) Railroads, rapid transit, and other mass transit systems; 9058

(f) Off-street parking lots, facilities, or buildings, or 9059
on-street parking facilities, or any combination of off-street and 9060
on-street parking facilities; 9061

(g) Facilities for the care or treatment of the sick or 9062
infirm, and for housing the persons providing such care or 9063
treatment and their families; 9064

(h) Solid waste or hazardous waste collection or disposal 9065
facilities, or resource recovery and solid or hazardous waste 9066
recycling facilities, or any combination of those facilities; 9067

(i) Urban redevelopment projects;	9068
(j) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	9069 9070
(k) Facilities for natural resources exploration, development, recovery, use, and sale;	9071 9072
(l) Correctional and detention facilities, including multicounty-municipal jails, and related rehabilitation facilities.	9073 9074 9075
(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the municipal corporation amounts equivalent to debt charges on the securities;	9076 9077 9078 9079 9080 9081 9082
(3) Securities issued under order of the director of health or director of environmental protection under section 6109.18 of the Revised Code;	9083 9084 9085
(4) Securities issued under Section 3, 10, or 12 of Article XVIII, Ohio Constitution;	9086 9087
(5) Securities that are not general obligations of the municipal corporation;	9088 9089
(6) Voted securities issued for the purposes of urban redevelopment to the extent that their principal amount does not exceed an amount equal to two per cent of the tax valuation of the municipal corporation;	9090 9091 9092 9093
(7) Unvoted general obligation securities to the extent that the legislation authorizing them includes covenants to appropriate annually from lawfully available municipal income taxes or other municipal excises or taxes, including taxes referred to in section	9094 9095 9096 9097

701.06 of the Revised Code but not including ad valorem property 9098
taxes, and to continue to levy and collect those municipal income 9099
taxes or other applicable excises or taxes in, amounts necessary 9100
to meet the debt charges on those securities, which covenants are 9101
hereby authorized; 9102

(8) Self-supporting securities issued prior to July 1, 1977, 9103
under this chapter for the purpose of municipal university 9104
residence halls to the extent that revenues of the successor state 9105
university allocated to debt charges on those securities, from 9106
sources other than municipal excises and taxes, are sufficient to 9107
pay those debt charges; 9108

(9) Securities issued for the purpose of acquiring or 9109
constructing roads, highways, bridges, or viaducts, for the 9110
purpose of acquiring or making other highway permanent 9111
improvements, or for the purpose of procuring and maintaining 9112
computer systems for the office of the clerk of the municipal 9113
court to the extent that the legislation authorizing the issuance 9114
of the securities includes a covenant to appropriate from money 9115
distributed to the municipal corporation pursuant to Chapter 9116
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 9117
amount to cover debt charges on and financing costs relating to 9118
the securities as they become due; 9119

(10) Securities issued for the purpose of providing some or 9120
all of the funds required to satisfy the municipal corporation's 9121
obligation under an agreement with the board of trustees of the 9122
Ohio police and fire pension fund under section 742.30 of the 9123
Revised Code; 9124

(11) Securities issued for the acquisition, construction, 9125
equipping, and improving of a municipal educational and cultural 9126
facility under division (B)(2) of section 307.672 of the Revised 9127
Code; 9128

(12) Securities issued for energy conservation measures under section 717.02 of the Revised Code; 9129
9130

(13) Securities that are obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code; 9131
9132

(14) Securities issued under section 133.083 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance pledges tourism development district revenue to the payment of debt charges on the securities and contains a covenant to appropriate from tourism development district revenue a sufficient amount to cover debt charges or the financing costs related to the securities as they become due. 9133
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(C) In calculating the net indebtedness of a municipal corporation, no obligation incurred under section 749.081 of the Revised Code shall be considered. 9141
9142
9143

Sec. 133.083. (A) As used in this section: 9144

(1) "Anticipation notes" means notes issued in anticipation of the tourism development district revenue supported bonds authorized by this section. 9145
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(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification, and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, tourism development district revenue supported bonds, and includes the provisions set forth or incorporated in those bonds and proceedings. 9148
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(3) "Tourism development district revenue" means revenue received by the taxing authority of a municipal corporation or township from a tax levied pursuant to section 5739.024, 5739.52, or 5741.024 of the Revised Code, from fees imposed pursuant to 9155
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9157
9158

division (C) of section 5739.50 of the Revised Code, from revenue 9159
received under section 5739.54 of the Revised Code, and, in the 9160
case of a municipal corporation, a tax levied on amounts received 9161
for admission to any place to the extent of the revenue therefrom 9162
is required to be used to foster and develop tourism in a tourism 9163
development district. 9164

(4) "Tourism development district revenue supported bonds" 9165
means the tourism development district revenue supported bonds 9166
authorized by this section, including anticipation notes. 9167

(5) "Refunding bonds" means tourism development district 9168
revenue supported bonds issued to provide for the refunding of the 9169
tourism development district revenue supported bonds referred to 9170
in this section as refunded obligations. 9171

(6) "Tourism development district" means an area designated 9172
by a township or municipal corporation under section 5739.50 of 9173
the Revised Code. 9174

(B) The taxing authority of a municipal corporation or 9175
township that is receiving tourism development district revenue, 9176
for the purpose of fostering and developing tourism within the 9177
tourism development district, may anticipate such revenue and 9178
issue tourism development district revenue supported bonds of the 9179
municipal corporation or township in the principal amount 9180
necessary to pay the costs of financing any permanent improvement, 9181
or to refund any refunded obligations, provided that the taxing 9182
authority certifies that the annual debt charges on the tourism 9183
development district revenue supported bonds, or on the tourism 9184
development district revenue supported bonds being anticipated by 9185
anticipation notes, do not exceed the estimated annual tourism 9186
development district revenue. The maximum aggregate amount of 9187
tourism development district revenue supported bonds that may be 9188
outstanding at any time in accordance with their terms shall not 9189
exceed an amount which requires or is estimated to require 9190

payments from tourism development district revenue of debt charges 9191
on the tourism development district revenue supported bonds, or, 9192
in the case of anticipation notes, projected debt charges on the 9193
tourism development district revenue supported bonds anticipated, 9194
in any calendar year in an amount exceeding tourism development 9195
district revenue in anticipation of which the bonds or 9196
anticipation notes are issued as estimated by the fiscal officer 9197
based on tourism development district revenue averaged for the two 9198
calendar years prior to the year in which the tourism development 9199
district revenue supported bonds are issued, and annualized for 9200
any increase in any tax levied pursuant to section 5739.024, 9201
5739.52, or 5741.024 of the Revised Code during such period or 9202
levied after such period. A taxing authority may at any time issue 9203
renewal anticipation notes, issue tourism development district 9204
revenue supported bonds to pay renewal anticipation notes, and, if 9205
it considers refunding expedient, issue refunding tourism 9206
development district revenue supported bonds whether the refunded 9207
obligations have or have not matured. The refunding tourism 9208
development district revenue supported bonds shall be sold and the 9209
proceeds needed for such purpose applied in the manner provided in 9210
the authorizing proceedings of the taxing authority. 9211

The maximum maturity of tourism development district revenue 9212
supported bonds shall be calculated by the fiscal officer in 9213
accordance with section 133.20 of the Revised Code, and that 9214
calculation shall be filed with the taxing authority of the county 9215
before adoption of the ordinance or resolution authorizing the 9216
issuance. If the tourism development district revenue pledged to 9217
the payment of the tourism development district revenue supported 9218
bonds has a stated expiration date, the final principal maturity 9219
date of the tourism development district revenue supported bonds 9220
shall not extend beyond the final year of collection of the 9221
tourism development district revenue pledged to the payment of the 9222
tourism development district revenue supported bonds. 9223

(C) Every issue of tourism development district revenue supported bonds outstanding in accordance with their terms shall be payable out of the tourism development district revenue received by the municipal corporation or township or proceeds of tourism development district revenue supported bonds, renewal anticipation notes, or refunding tourism development district revenue supported bonds that may be pledged for such payment in the authorizing proceedings. The pledge shall be valid and binding from the time the pledge is made, and the tourism development district revenue so pledged and thereafter received by the county shall immediately be subject to the lien of that pledge without any physical delivery of the tourism development district revenue or proceeds or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the county, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced need be filed or recorded except in the records of the taxing authority.

(D) Tourism development district revenue supported bonds issued under this section do not constitute a general obligation debt, or a pledge of the full faith and credit, of the state, or any political subdivision of the state, and the holders or owners of the bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the state for the payment of debt charges. Unless paid from other sources, tourism development district revenue supported bonds are payable from the tourism development district revenue pledged for their payment as authorized by this section. All tourism development district revenue supported bonds shall contain on their face a statement to the effect that the tourism development district revenue supported bonds, as to debt charges, are not debts or obligations of the

state and are not general obligation debts of any political 9257
subdivision of the state, but, unless paid from other sources, are 9258
payable from the tourism development district revenue pledged for 9259
their payment. The utilization and pledge of the tourism 9260
development district revenue and proceeds of tourism development 9261
district revenue supported bonds, renewal anticipation notes, or 9262
refunding tourism development district revenue supported bonds for 9263
the payment of debt charges is determined by the general assembly 9264
to create a special obligation. 9265

(E) The tourism development district revenue supported bonds 9266
shall bear such date or dates, shall be executed in the manner, 9267
and shall mature at such time or times, in the case of any 9268
anticipation notes not exceeding ten years from the date of issue 9269
of the original anticipation notes and in the case of any tourism 9270
development district revenue supported bonds or of any refunding 9271
tourism development district revenue supported bonds, not 9272
exceeding the maximum maturity certified to the taxing authority 9273
pursuant to division (B) of this section, all as the authorizing 9274
proceedings may provide. The tourism development district revenue 9275
supported bonds shall bear interest at such rates, or at variable 9276
rate or rates changing from time to time, in accordance with 9277
provisions in the authorizing proceedings, be in such 9278
denominations and form, either coupon or registered, carry such 9279
registration privileges, be payable in such medium of payment and 9280
at such place or places, and be subject to such terms of 9281
redemption, as the taxing authority may authorize or provide. The 9282
tourism development district revenue supported bonds may be sold 9283
at public or private sale, and at, or at not less than, the price 9284
or prices as the taxing authority determines. If any officer whose 9285
signature or a facsimile of whose signature appears on any tourism 9286
development district revenue supported bonds or coupons ceases to 9287
be such officer before delivery of the tourism development 9288
district revenue supported bonds or anticipation notes, the 9289

signature or facsimile shall nevertheless be sufficient for all 9290
purposes as if that officer had remained in office until delivery 9291
of the tourism development district revenue supported bonds. 9292
Whether or not the tourism development district revenue supported 9293
bonds are of such form and character as to be negotiable 9294
instruments under Title XIII of the Revised Code, the tourism 9295
development district revenue supported bonds shall have all the 9296
qualities and incidents of negotiable instruments, subject only to 9297
any provisions for registration. Neither the members of the board 9298
of the taxing authority nor any person executing the tourism 9299
development district revenue supported bonds shall be liable 9300
personally on the tourism development district revenue supported 9301
bonds or be subject to any personal liability or accountability by 9302
reason of their issuance. 9303

(F) Notwithstanding any other provision of this section, 9304
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 9305
(A) of section 133.03 of the Revised Code apply to the tourism 9306
development district revenue supported bonds. Tourism development 9307
district revenue supported bonds issued under this section need 9308
not comply with any other law applicable to notes or bonds but the 9309
authorizing proceedings may provide that divisions (B) to (E) of 9310
section 133.25 of the Revised Code apply to the tourism 9311
development district revenue supported bonds or anticipation 9312
notes. 9313

(G) Any authorized proceedings may contain provisions, 9314
subject to any agreements with holders as may then exist, which 9315
shall be a part of the contract with the holders, as to the 9316
pledging of any or all of the municipal corporation's or 9317
township's anticipated tourism development district revenue to 9318
secure the payment of the tourism development district revenue 9319
supported bonds; the use and disposition of the tourism 9320
development district revenue of the county; the crediting of the 9321

proceeds of the sale of tourism development district revenue 9322
supported bonds to and among the funds referred to or provided for 9323
in the authorizing proceedings; limitations on the purpose to 9324
which the proceeds of the tourism development district revenue 9325
supported bonds may be applied and the pledging of portions of 9326
such proceeds to secure the payment of the tourism development 9327
district revenue supported bonds or of anticipation notes; the 9328
agreement of the municipal corporation or township to do all 9329
things necessary for the authorization, issuance, and sale of 9330
those notes anticipated in such amounts as may be necessary for 9331
the timely payment of debt charges on any anticipation notes; 9332
limitations on the issuance of additional tourism development 9333
district revenue supported bonds; the terms upon which additional 9334
tourism development district revenue supported bonds may be issued 9335
and secured; the refunding of refunded obligations; the procedure 9336
by which the terms of any contract with holders may be amended, 9337
and the manner in which any required consent to amend may be 9338
given; securing any tourism development district revenue supported 9339
bonds by a trust agreement or other agreement; and any other 9340
matters, of like or different character, that in any way affect 9341
the security or protection of the tourism development district 9342
revenue supported bonds or anticipation notes. 9343

(H) The taxing authority of a municipal corporation or 9344
township may not repeal, rescind, or reduce any portion of a tax 9345
pledged to the payment of debt charges on tourism development 9346
district revenue supported bonds issued by the county while such 9347
bonds remain outstanding, and no portion of tourism development 9348
district revenue pledged to the payment of debt charges on such 9349
bonds shall be subject to repeal or reduction by the electorate of 9350
the taxing authority while the bonds are outstanding. 9351

Sec. 133.34. (A) Upon the determination of the taxing 9352
authority that such funding or refunding will be in the 9353

subdivision's best interest, the subdivision may: 9354

(1) Issue general obligation securities to fund or refund any 9355
outstanding revenue or mortgage revenue, sales tax supported, or 9356
other special obligation securities previously issued by it for 9357
permanent improvements pursuant to authorization by law or the 9358
Ohio Constitution. Any general obligation bonds issued pursuant to 9359
this division (A)(1) shall be payable as to principal at such 9360
times and in such installments as determined by the taxing 9361
authority consistent with section 133.21 of the Revised Code, but 9362
their last maturity shall not be later than thirty years from the 9363
date of issuance of the original securities issued for the 9364
original purpose. 9365

(2) Issue revenue or mortgage revenue securities, if 9366
authorized by other law or the Ohio Constitution to issue such 9367
securities for the original purpose, to fund or refund any 9368
outstanding general obligation or sales tax supported securities 9369
previously issued by it pursuant to authorization by law. The 9370
taxing authority shall establish the maturity date or dates, the 9371
interest payable, and other terms of such securities as it 9372
considers necessary or appropriate for their issuance. 9373

(3) Issue general obligation securities to fund or refund 9374
outstanding general obligation bonds issued in one or more issues 9375
for any purpose or purposes. General obligation securities issued 9376
pursuant to this division (A)(3) shall be payable as to principal 9377
at such times and in such installments as determined by the taxing 9378
authority. Section 133.21 of the Revised Code is not applicable to 9379
these refunding securities, but the last maturity of these 9380
refunding securities shall not be later than the year of last 9381
maturity permitted by law for the general obligation bonds 9382
refunded. Tax levies for debt charges on the refunding general 9383
obligation securities shall be considered to have the same status 9384
with respect to the provisions of the applicable tax limitation as 9385

the levies for debt charges on, and the refunding general 9386
obligation securities shall be considered to have the same status 9387
with respect to net indebtedness limitations as, the general 9388
obligation bonds that are refunded. 9389

(4) Issue sales tax supported securities to fund or refund 9390
any outstanding revenue or mortgage revenue or general obligation 9391
or other special obligation securities previously issued by it for 9392
permanent improvements pursuant to authorization by law or the 9393
Ohio Constitution. Any sales tax supported bonds issued pursuant 9394
to this division (A)(4) shall be payable as to principal at such 9395
times and in such installments as determined by the taxing 9396
authority consistent with division (E) of section 133.081 of the 9397
Revised Code, but their last maturity shall be consistent with 9398
division (B) of section 133.081 of the Revised Code. 9399

(5) Apply moneys from other sources to fund any outstanding 9400
securities or public obligations issued by the taxing authority 9401
pursuant to authorization by law or the Ohio Constitution, 9402
including the funding of any mandatory sinking fund redemption 9403
requirements. 9404

(6) Issue tourism development district revenue supported 9405
bonds to fund or refund any outstanding revenue or mortgage 9406
revenue or general obligation or other special obligation 9407
securities previously issued by it for permanent improvements 9408
pursuant to authorization by law or the Ohio Constitution. Any 9409
tourism development district revenue supported bonds issued 9410
pursuant to division (A)(6) of this section shall be payable as to 9411
principal at such times and in such installments as determined by 9412
the taxing authority consistent with division (E) of section 9413
133.083 of the Revised Code, but their last maturity shall be 9414
consistent with division (B) of section 133.083 of the Revised 9415
Code. 9416

(B) Securities issued pursuant to this section shall be 9417

considered to be issued for the same purpose or purposes as the 9418
securities that they are issued to fund or refund, and their 9419
proceeds shall be used as determined by the taxing authority 9420
consistent with their purpose. That use may include the payment of 9421
the outstanding principal amount of, any redemption premium on, 9422
and any interest to redemption or maturity on, the securities 9423
being funded or refunded, and any expenses relating to the funding 9424
or refunding or the issuance of the refunding bonds, including 9425
financing costs, all as determined by the taxing authority. 9426
Proceeds of securities issued pursuant to this section may also be 9427
used to provide additional money for the purpose or purposes for 9428
which the securities being funded or refunded, or which they 9429
funded or refunded, were issued, but section 133.21 of the Revised 9430
Code is applicable to any such portion of general obligation 9431
securities. 9432

(C) Securities may be issued and other moneys may be applied 9433
pursuant to this section to fund or refund all or any portion of 9434
the outstanding securities, and whether or not the securities to 9435
be funded or refunded were issued subject to call or redemption 9436
prior to maturity or are the original securities or are themselves 9437
refunding securities. 9438

(D) Moneys derived from the proceeds of securities issued 9439
pursuant to this section to fund or refund general obligation 9440
bonds, or moneys from other sources, and required for the purpose 9441
shall, under an escrow agreement or otherwise, to the extent 9442
required by the legislation be placed in an escrow fund, which may 9443
be in the bond retirement fund in the case of the funded or 9444
refunded bonds being payable within ninety days of issuance of the 9445
refunding securities, and other moneys applied pursuant to this 9446
section to fund general obligation bonds shall, under an escrow 9447
agreement or otherwise, to the extent required by the legislation, 9448
be placed in an escrow fund that may be in the sinking fund or 9449

bond retirement fund, and in either case are pledged for the 9450
purpose of funding or refunding the refunded general obligation 9451
bonds and shall be used, together with any other available funds 9452
as provided in this section, for that purpose. Pending that use, 9453
the moneys in escrow shall be invested in direct obligations of or 9454
obligations guaranteed as to payment by the United States that 9455
mature or are subject to redemption by and at the option of the 9456
holder not later than the date or dates when the moneys, together 9457
with interest or other investment income accrued on those moneys, 9458
will be required for that use. Any moneys in the escrow fund 9459
derived from the issuance of revenue or mortgage revenue or sales 9460
tax supported securities that will not be needed to pay debt 9461
charges on the funded or refunded general obligation bonds may be 9462
used for and pledged to the payment of debt charges on the 9463
refunding securities and on any securities issued on a parity with 9464
the refunding securities. Any moneys in the escrow fund derived 9465
from the proceeds of refunding general obligation securities and 9466
that will not be needed to pay debt charges on the refunded 9467
general obligation bonds shall be transferred to the bond 9468
retirement fund. When the subdivision has placed in escrow moneys, 9469
derived from proceeds of refunding obligations or otherwise, or 9470
those direct or guaranteed obligations of the United States, or a 9471
combination of both, determined by an independent public 9472
accounting firm to be sufficient, with the interest or other 9473
investment income accruing on those direct or guaranteed 9474
obligations, for the payment of debt charges on the funded or 9475
refunded general obligation bonds, the funded or refunded general 9476
obligation bonds shall no longer be considered to be outstanding, 9477
shall not be considered for purposes of determining any 9478
limitation, direct or indirect, on the indebtedness or net 9479
indebtedness of the subdivision, and the levy of taxes or other 9480
charges for the payment of debt charges on the funded or refunded 9481
general obligation bonds under this chapter, Chapter 5705., or 9482

other provisions of the Revised Code, shall not be required. For 9483
purposes of this division, "direct obligations of or obligations 9484
guaranteed as to payment by the United States" includes rights to 9485
receive payment or portions of payments of the principal of or 9486
interest or other investment income on: 9487

(1) Those obligations; and 9488

(2) Other obligations fully secured as to payment by those 9489
obligations and the interest or other investment income on those 9490
obligations. 9491

(E) The authority granted by this section is in addition to 9492
and not a limitation on any other authorizations granted by or 9493
pursuant to law or the Ohio Constitution for the same or similar 9494
purposes, and does not limit or restrict the authority of 9495
municipal corporations to issue, under authority of Article XVIII, 9496
Ohio Constitution, revenue or mortgage revenue securities to fund 9497
or refund either general obligation securities or other revenue or 9498
mortgage revenue securities. 9499

Sec. 140.01. As used in this chapter: 9500

(A) "Hospital agency" means any public hospital agency or any 9501
nonprofit hospital agency. 9502

(B) "Public hospital agency" means any county, board of 9503
county hospital trustees established pursuant to section 339.02 of 9504
the Revised Code, county hospital commission established pursuant 9505
to section 339.14 of the Revised Code, municipal corporation, new 9506
community authority organized under Chapter 349. of the Revised 9507
Code, joint township hospital district, state or municipal 9508
university or college operating or authorized to operate a 9509
hospital facility, or the state. 9510

(C) "Nonprofit hospital agency" means a corporation or 9511
association not for profit, no part of the net earnings of which 9512

inures or may lawfully inure to the benefit of any private 9513
shareholder or individual, that has authority to own or operate a 9514
hospital facility or provides or is to provide services to one or 9515
more other hospital agencies. 9516

(D) "Governing body" means, in the case of a county, the 9517
board of county commissioners or other legislative body; in the 9518
case of a board of county hospital trustees, the board; in the 9519
case of a county hospital commission, the commission; in the case 9520
of a municipal corporation, the council or other legislative 9521
authority; in the case of a new community authority, its board of 9522
trustees; in the case of a joint township hospital district, the 9523
joint township district hospital board; in the case of a state or 9524
municipal university or college, its board of trustees or board of 9525
directors; in the case of a nonprofit hospital agency, the board 9526
of trustees or other body having general management of the agency; 9527
and, in the case of the state, the director of development 9528
services or the Ohio higher educational facility commission. 9529

(E) "Hospital facilities" means buildings, structures and 9530
other improvements, additions thereto and extensions thereof, 9531
furnishings, equipment, and real estate and interests in real 9532
estate, used or to be used for or in connection with one or more 9533
hospitals, emergency, intensive, intermediate, extended, 9534
long-term, or self-care facilities, diagnostic and treatment and 9535
out-patient facilities, facilities related to programs for home 9536
health services, clinics, laboratories, public health centers, 9537
research facilities, and rehabilitation facilities, for or 9538
pertaining to diagnosis, treatment, care, or rehabilitation of 9539
sick, ill, injured, infirm, impaired, disabled, or handicapped 9540
persons, or the prevention, detection, and control of disease, and 9541
also includes education, training, and food service facilities for 9542
health professions personnel, housing facilities for such 9543
personnel and their families, and parking and service facilities 9544

in connection with any of the foregoing; and includes any one, 9545
part of, or any combination of the foregoing; and further includes 9546
site improvements, utilities, machinery, facilities, furnishings, 9547
and any separate or connected buildings, structures, improvements, 9548
sites, utilities, facilities, or equipment to be used in, or in 9549
connection with the operation or maintenance of, or supplementing 9550
or otherwise related to the services or facilities to be provided 9551
by, any one or more of such hospital facilities. 9552

(F) "Costs of hospital facilities" means the costs of 9553
acquiring hospital facilities or interests in hospital facilities, 9554
including membership interests in nonprofit hospital agencies, 9555
costs of constructing hospital facilities, costs of improving one 9556
or more hospital facilities, including reconstructing, 9557
rehabilitating, remodeling, renovating, and enlarging, costs of 9558
equipping and furnishing such facilities, and all financing costs 9559
pertaining thereto, including, without limitation thereto, costs 9560
of engineering, architectural, and other professional services, 9561
designs, plans, specifications and surveys, and estimates of cost, 9562
costs of tests and inspections, the costs of any indemnity or 9563
surety bonds and premiums on insurance, all related direct or 9564
allocable administrative expenses pertaining thereto, fees and 9565
expenses of trustees, depositories, and paying agents for the 9566
obligations, cost of issuance of the obligations and financing 9567
charges and fees and expenses of financial advisors, attorneys, 9568
accountants, consultants and rating services in connection 9569
therewith, capitalized interest on the obligations, amounts 9570
necessary to establish reserves as required by the bond 9571
proceedings, the reimbursement of all moneys advanced or applied 9572
by the hospital agency or others or borrowed from others for the 9573
payment of any item or items of costs of such facilities, and all 9574
other expenses necessary or incident to planning or determining 9575
feasibility or practicability with respect to such facilities, and 9576
such other expenses as may be necessary or incident to the 9577

acquisition, construction, reconstruction, rehabilitation, 9578
remodeling, renovation, enlargement, improvement, equipment, and 9579
furnishing of such facilities, the financing thereof, and the 9580
placing of the same in use and operation, including any one, part 9581
of, or combination of such classes of costs and expenses, and 9582
means the costs of refinancing obligations issued by, or 9583
reimbursement of money advanced by, nonprofit hospital agencies or 9584
others the proceeds of which were used for the payment of costs of 9585
hospital facilities, if the governing body of the public hospital 9586
agency determines that the refinancing or reimbursement advances 9587
the purposes of this chapter, whether or not the refinancing or 9588
reimbursement is in conjunction with the acquisition or 9589
construction of additional hospital facilities. 9590

(G) "Hospital receipts" means all moneys received by or on 9591
behalf of a hospital agency from or in connection with the 9592
ownership, operation, acquisition, construction, improvement, 9593
equipping, or financing of any hospital facilities, including, 9594
without limitation thereto, any rentals and other moneys received 9595
from the lease, sale, or other disposition of hospital facilities, 9596
and any gifts, grants, interest subsidies, or other moneys 9597
received under any federal program for assistance in financing the 9598
costs of hospital facilities, and any other gifts, grants, and 9599
donations, and receipts therefrom, available for financing the 9600
costs of hospital facilities. 9601

(H) "Obligations" means bonds, notes, or other evidences of 9602
indebtedness or obligation, including interest coupons pertaining 9603
thereto, issued or issuable by a public hospital agency to pay 9604
costs of hospital facilities. 9605

(I) "Bond service charges" means principal, interest, and 9606
call premium, if any, required to be paid on obligations. 9607

(J) "Bond proceedings" means one or more ordinances, 9608
resolutions, trust agreements, indentures, and other agreements or 9609

documents, and amendments and supplements to the foregoing, or any 9610
combination thereof, authorizing or providing for the terms, 9611
including any variable interest rates, and conditions applicable 9612
to, or providing for the security of, obligations and the 9613
provisions contained in such obligations. 9614

(K) "Nursing home" has the same meaning as in division (A)(1) 9615
of section 5701.13 of the Revised Code. 9616

(L) "Residential care facility" has the same meaning as in 9617
division (A)(2) of section 5701.13 of the Revised Code. 9618

(M) "Independent living facility" means any self-care 9619
facility or other housing facility designed or used as a residence 9620
for elderly persons. An "independent living facility" does not 9621
include a residential facility, or that part of a residential 9622
facility, that is any of the following: 9623

(1) A hospital required to be certified by section 3727.02 of 9624
the Revised Code; 9625

(2) A nursing home or residential care facility; 9626

(3) A facility operated by a hospice care program licensed 9627
under section 3712.04 of the Revised Code and used for the 9628
program's hospice patients; 9629

(4) A residential facility licensed by the department of 9630
mental health and addiction services under section 5119.34 of the 9631
Revised Code that provides accommodations, supervision, and 9632
personal care services for three to sixteen unrelated adults; 9633

(5) A residential facility licensed by the department of 9634
mental health and addiction services under section 5119.34 of the 9635
Revised Code that is not a residential facility described in 9636
division (M)(4) of this section; 9637

(6) A facility licensed to provide methadone treatment under 9638
section 5119.391 of the Revised Code; 9639

(7) A ~~facility certified as a~~ community addiction services provider ~~under section 5119.36, as defined in section 5119.01 of~~ the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

Sec. 149.04. Messages of the governor, and the inaugural address of the governor-elect, shall be ~~printed~~ produced and distributed in ~~pamphlet~~ electronic form ~~and distributed as follows:~~

~~(A) To to the governor delivering a message or address, two hundred fifty copies;~~

~~(B) To to each member of the general assembly, five copies;~~

~~(C) To and to the state library, two copies. A physical copy of the message or address shall be provided, upon request, to any recipient named in this section.`~~

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or	9669
to proceedings related to the imposition of community control	9670
sanctions and post-release control sanctions;	9671
(c) Records pertaining to actions under section 2151.85 and	9672
division (C) of section 2919.121 of the Revised Code and to	9673
appeals of actions arising under those sections;	9674
(d) Records pertaining to adoption proceedings, including the	9675
contents of an adoption file maintained by the department of	9676
health under section 3705.12 of the Revised Code;	9677
(e) Information in a record contained in the putative father	9678
registry established by section 3107.062 of the Revised Code,	9679
regardless of whether the information is held by the department of	9680
job and family services or, pursuant to section 3111.69 of the	9681
Revised Code, the office of child support in the department or a	9682
child support enforcement agency;	9683
(f) Records listed in division (A) of section 3107.42 of the	9684
Revised Code or specified in division (A) of section 3107.52 of	9685
the Revised Code;	9686
(g) Trial preparation records;	9687
(h) Confidential law enforcement investigatory records;	9688
(i) Records containing information that is confidential under	9689
section 2710.03 or 4112.05 of the Revised Code;	9690
(j) DNA records stored in the DNA database pursuant to	9691
section 109.573 of the Revised Code;	9692
(k) Inmate records released by the department of	9693
rehabilitation and correction to the department of youth services	9694
or a court of record pursuant to division (E) of section 5120.21	9695
of the Revised Code;	9696
(l) Records maintained by the department of youth services	9697
pertaining to children in its custody released by the department	9698

of youth services to the department of rehabilitation and	9699
correction pursuant to section 5139.05 of the Revised Code;	9700
(m) Intellectual property records;	9701
(n) Donor profile records;	9702
(o) Records maintained by the department of job and family	9703
services pursuant to section 3121.894 of the Revised Code;	9704
(p) Peace officer, parole officer, probation officer,	9705
bailiff, prosecuting attorney, assistant prosecuting attorney,	9706
correctional employee, community-based correctional facility	9707
employee, youth services employee, firefighter, EMT, or	9708
investigator of the bureau of criminal identification and	9709
investigation residential and familial information;	9710
(q) In the case of a county hospital operated pursuant to	9711
Chapter 339. of the Revised Code or a municipal hospital operated	9712
pursuant to Chapter 749. of the Revised Code, information that	9713
constitutes a trade secret, as defined in section 1333.61 of the	9714
Revised Code;	9715
(r) Information pertaining to the recreational activities of	9716
a person under the age of eighteen;	9717
(s) Records provided to, statements made by review board	9718
members during meetings of, and all work products <u>In the case</u> of a	9719
child fatality review board acting under sections 307.621 to	9720
307.629 of the Revised Code <u>or a review conducted pursuant to</u>	9721
<u>guidelines established by the director of health under section</u>	9722
<u>3701.70 of the Revised Code, records provided to the board or</u>	9723
<u>director, statements made by board members during meetings of the</u>	9724
<u>board or by persons participating in the director's review, and</u>	9725
<u>all work products of the board or director, and in the case of a</u>	9726
<u>child fatality review board, child fatality review data submitted</u>	9727
by the child fatality review board to the department of health or	9728
a national child death review database, other than the report	9729

prepared pursuant to division (A) of section 307.626 of the Revised Code;	9730 9731
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	9732 9733 9734 9735
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	9736 9737 9738 9739 9740 9741
(v) Records the release of which is prohibited by state or federal law;	9742 9743
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	9744 9745 9746
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	9747 9748 9749 9750 9751 9752
(y) Records listed in section 5101.29 of the Revised Code;	9753
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	9754 9755 9756
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	9757 9758 9759

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division. 9760
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(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following: 9763
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(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised; 9768
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(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity; 9772
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(c) Specific confidential investigatory techniques or procedures or specific investigatory work product; 9776
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(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source. 9778
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(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment. 9781
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(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney. 9786
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(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer,

probation officer, bailiff, assistant prosecuting attorney, 9823
correctional employee, community-based correctional facility 9824
employee, youth services employee, firefighter, EMT, or 9825
investigator of the bureau of criminal identification and 9826
investigation resides; 9827

(b) Information compiled from referral to or participation in 9828
an employee assistance program; 9829

(c) The social security number, the residential telephone 9830
number, any bank account, debit card, charge card, or credit card 9831
number, or the emergency telephone number of, or any medical 9832
information pertaining to, a peace officer, parole officer, 9833
probation officer, bailiff, prosecuting attorney, assistant 9834
prosecuting attorney, correctional employee, community-based 9835
correctional facility employee, youth services employee, 9836
firefighter, EMT, or investigator of the bureau of criminal 9837
identification and investigation; 9838

(d) The name of any beneficiary of employment benefits, 9839
including, but not limited to, life insurance benefits, provided 9840
to a peace officer, parole officer, probation officer, bailiff, 9841
prosecuting attorney, assistant prosecuting attorney, correctional 9842
employee, community-based correctional facility employee, youth 9843
services employee, firefighter, EMT, or investigator of the bureau 9844
of criminal identification and investigation by the peace 9845
officer's, parole officer's, probation officer's, bailiff's, 9846
prosecuting attorney's, assistant prosecuting attorney's, 9847
correctional employee's, community-based correctional facility 9848
employee's, youth services employee's, firefighter's, EMT's, or 9849
investigator of the bureau of criminal identification and 9850
investigation's employer; 9851

(e) The identity and amount of any charitable or employment 9852
benefit deduction made by the peace officer's, parole officer's, 9853
probation officer's, bailiff's, prosecuting attorney's, assistant 9854

prosecuting attorney's, correctional employee's, community-based 9855
correctional facility employee's, youth services employee's, 9856
firefighter's, EMT's, or investigator of the bureau of criminal 9857
identification and investigation's employer from the peace 9858
officer's, parole officer's, probation officer's, bailiff's, 9859
prosecuting attorney's, assistant prosecuting attorney's, 9860
correctional employee's, community-based correctional facility 9861
employee's, youth services employee's, firefighter's, EMT's, or 9862
investigator of the bureau of criminal identification and 9863
investigation's compensation unless the amount of the deduction is 9864
required by state or federal law; 9865

(f) The name, the residential address, the name of the 9866
employer, the address of the employer, the social security number, 9867
the residential telephone number, any bank account, debit card, 9868
charge card, or credit card number, or the emergency telephone 9869
number of the spouse, a former spouse, or any child of a peace 9870
officer, parole officer, probation officer, bailiff, prosecuting 9871
attorney, assistant prosecuting attorney, correctional employee, 9872
community-based correctional facility employee, youth services 9873
employee, firefighter, EMT, or investigator of the bureau of 9874
criminal identification and investigation; 9875

(g) A photograph of a peace officer who holds a position or 9876
has an assignment that may include undercover or plain clothes 9877
positions or assignments as determined by the peace officer's 9878
appointing authority. 9879

As used in divisions (A)(7) and (B)(9) of this section, 9880
"peace officer" has the same meaning as in section 109.71 of the 9881
Revised Code and also includes the superintendent and troopers of 9882
the state highway patrol; it does not include the sheriff of a 9883
county or a supervisory employee who, in the absence of the 9884
sheriff, is authorized to stand in for, exercise the authority of, 9885
and perform the duties of the sheriff. 9886

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9887
"correctional employee" means any employee of the department of 9888
rehabilitation and correction who in the course of performing the 9889
employee's job duties has or has had contact with inmates and 9890
persons under supervision. 9891

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9892
"youth services employee" means any employee of the department of 9893
youth services who in the course of performing the employee's job 9894
duties has or has had contact with children committed to the 9895
custody of the department of youth services. 9896

As used in divisions (A)(7) and (B)(9) of this section, 9897
"firefighter" means any regular, paid or volunteer, member of a 9898
lawfully constituted fire department of a municipal corporation, 9899
township, fire district, or village. 9900

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 9901
means EMTs-basic, EMTs-I, and paramedics that provide emergency 9902
medical services for a public emergency medical service 9903
organization. "Emergency medical service organization," 9904
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 9905
section 4765.01 of the Revised Code. 9906

As used in divisions (A)(7) and (B)(9) of this section, 9907
"investigator of the bureau of criminal identification and 9908
investigation" has the meaning defined in section 2903.11 of the 9909
Revised Code. 9910

(8) "Information pertaining to the recreational activities of 9911
a person under the age of eighteen" means information that is kept 9912
in the ordinary course of business by a public office, that 9913
pertains to the recreational activities of a person under the age 9914
of eighteen years, and that discloses any of the following: 9915

(a) The address or telephone number of a person under the age 9916
of eighteen or the address or telephone number of that person's 9917

parent, guardian, custodian, or emergency contact person; 9918

(b) The social security number, birth date, or photographic 9919
image of a person under the age of eighteen; 9920

(c) Any medical record, history, or information pertaining to 9921
a person under the age of eighteen; 9922

(d) Any additional information sought or required about a 9923
person under the age of eighteen for the purpose of allowing that 9924
person to participate in any recreational activity conducted or 9925
sponsored by a public office or to use or obtain admission 9926
privileges to any recreational facility owned or operated by a 9927
public office. 9928

(9) "Community control sanction" has the same meaning as in 9929
section 2929.01 of the Revised Code. 9930

(10) "Post-release control sanction" has the same meaning as 9931
in section 2967.01 of the Revised Code. 9932

(11) "Redaction" means obscuring or deleting any information 9933
that is exempt from the duty to permit public inspection or 9934
copying from an item that otherwise meets the definition of a 9935
"record" in section 149.011 of the Revised Code. 9936

(12) "Designee" and "elected official" have the same meanings 9937
as in section 109.43 of the Revised Code. 9938

(B)(1) Upon request and subject to division (B)(8) of this 9939
section, all public records responsive to the request shall be 9940
promptly prepared and made available for inspection to any person 9941
at all reasonable times during regular business hours. Subject to 9942
division (B)(8) of this section, upon request, a public office or 9943
person responsible for public records shall make copies of the 9944
requested public record available at cost and within a reasonable 9945
period of time. If a public record contains information that is 9946
exempt from the duty to permit public inspection or to copy the 9947

public record, the public office or the person responsible for the 9948
public record shall make available all of the information within 9949
the public record that is not exempt. When making that public 9950
record available for public inspection or copying that public 9951
record, the public office or the person responsible for the public 9952
record shall notify the requester of any redaction or make the 9953
redaction plainly visible. A redaction shall be deemed a denial of 9954
a request to inspect or copy the redacted information, except if 9955
federal or state law authorizes or requires a public office to 9956
make the redaction. 9957

(2) To facilitate broader access to public records, a public 9958
office or the person responsible for public records shall organize 9959
and maintain public records in a manner that they can be made 9960
available for inspection or copying in accordance with division 9961
(B) of this section. A public office also shall have available a 9962
copy of its current records retention schedule at a location 9963
readily available to the public. If a requester makes an ambiguous 9964
or overly broad request or has difficulty in making a request for 9965
copies or inspection of public records under this section such 9966
that the public office or the person responsible for the requested 9967
public record cannot reasonably identify what public records are 9968
being requested, the public office or the person responsible for 9969
the requested public record may deny the request but shall provide 9970
the requester with an opportunity to revise the request by 9971
informing the requester of the manner in which records are 9972
maintained by the public office and accessed in the ordinary 9973
course of the public office's or person's duties. 9974

(3) If a request is ultimately denied, in part or in whole, 9975
the public office or the person responsible for the requested 9976
public record shall provide the requester with an explanation, 9977
including legal authority, setting forth why the request was 9978
denied. If the initial request was provided in writing, the 9979

explanation also shall be provided to the requester in writing. 9980
The explanation shall not preclude the public office or the person 9981
responsible for the requested public record from relying upon 9982
additional reasons or legal authority in defending an action 9983
commenced under division (C) of this section. 9984

(4) Unless specifically required or authorized by state or 9985
federal law or in accordance with division (B) of this section, no 9986
public office or person responsible for public records may limit 9987
or condition the availability of public records by requiring 9988
disclosure of the requester's identity or the intended use of the 9989
requested public record. Any requirement that the requester 9990
disclose the requestor's identity or the intended use of the 9991
requested public record constitutes a denial of the request. 9992

(5) A public office or person responsible for public records 9993
may ask a requester to make the request in writing, may ask for 9994
the requester's identity, and may inquire about the intended use 9995
of the information requested, but may do so only after disclosing 9996
to the requester that a written request is not mandatory and that 9997
the requester may decline to reveal the requester's identity or 9998
the intended use and when a written request or disclosure of the 9999
identity or intended use would benefit the requester by enhancing 10000
the ability of the public office or person responsible for public 10001
records to identify, locate, or deliver the public records sought 10002
by the requester. 10003

(6) If any person chooses to obtain a copy of a public record 10004
in accordance with division (B) of this section, the public office 10005
or person responsible for the public record may require that 10006
person to pay in advance the cost involved in providing the copy 10007
of the public record in accordance with the choice made by the 10008
person seeking the copy under this division. The public office or 10009
the person responsible for the public record shall permit that 10010
person to choose to have the public record duplicated upon paper, 10011

upon the same medium upon which the public office or person 10012
responsible for the public record keeps it, or upon any other 10013
medium upon which the public office or person responsible for the 10014
public record determines that it reasonably can be duplicated as 10015
an integral part of the normal operations of the public office or 10016
person responsible for the public record. When the person seeking 10017
the copy makes a choice under this division, the public office or 10018
person responsible for the public record shall provide a copy of 10019
it in accordance with the choice made by the person seeking the 10020
copy. Nothing in this section requires a public office or person 10021
responsible for the public record to allow the person seeking a 10022
copy of the public record to make the copies of the public record. 10023

(7) Upon a request made in accordance with division (B) of 10024
this section and subject to division (B)(6) of this section, a 10025
public office or person responsible for public records shall 10026
transmit a copy of a public record to any person by United States 10027
mail or by any other means of delivery or transmission within a 10028
reasonable period of time after receiving the request for the 10029
copy. The public office or person responsible for the public 10030
record may require the person making the request to pay in advance 10031
the cost of postage if the copy is transmitted by United States 10032
mail or the cost of delivery if the copy is transmitted other than 10033
by United States mail, and to pay in advance the costs incurred 10034
for other supplies used in the mailing, delivery, or transmission. 10035

Any public office may adopt a policy and procedures that it 10036
will follow in transmitting, within a reasonable period of time 10037
after receiving a request, copies of public records by United 10038
States mail or by any other means of delivery or transmission 10039
pursuant to this division. A public office that adopts a policy 10040
and procedures under this division shall comply with them in 10041
performing its duties under this division. 10042

In any policy and procedures adopted under this division, a 10043

public office may limit the number of records requested by a 10044
person that the office will transmit by United States mail to ten 10045
per month, unless the person certifies to the office in writing 10046
that the person does not intend to use or forward the requested 10047
records, or the information contained in them, for commercial 10048
purposes. For purposes of this division, "commercial" shall be 10049
narrowly construed and does not include reporting or gathering 10050
news, reporting or gathering information to assist citizen 10051
oversight or understanding of the operation or activities of 10052
government, or nonprofit educational research. 10053

(8) A public office or person responsible for public records 10054
is not required to permit a person who is incarcerated pursuant to 10055
a criminal conviction or a juvenile adjudication to inspect or to 10056
obtain a copy of any public record concerning a criminal 10057
investigation or prosecution or concerning what would be a 10058
criminal investigation or prosecution if the subject of the 10059
investigation or prosecution were an adult, unless the request to 10060
inspect or to obtain a copy of the record is for the purpose of 10061
acquiring information that is subject to release as a public 10062
record under this section and the judge who imposed the sentence 10063
or made the adjudication with respect to the person, or the 10064
judge's successor in office, finds that the information sought in 10065
the public record is necessary to support what appears to be a 10066
justiciable claim of the person. 10067

(9)(a) Upon written request made and signed by a journalist 10068
on or after December 16, 1999, a public office, or person 10069
responsible for public records, having custody of the records of 10070
the agency employing a specified peace officer, parole officer, 10071
probation officer, bailiff, prosecuting attorney, assistant 10072
prosecuting attorney, correctional employee, community-based 10073
correctional facility employee, youth services employee, 10074
firefighter, EMT, or investigator of the bureau of criminal 10075

identification and investigation shall disclose to the journalist 10076
the address of the actual personal residence of the peace officer, 10077
parole officer, probation officer, bailiff, prosecuting attorney, 10078
assistant prosecuting attorney, correctional employee, 10079
community-based correctional facility employee, youth services 10080
employee, firefighter, EMT, or investigator of the bureau of 10081
criminal identification and investigation and, if the peace 10082
officer's, parole officer's, probation officer's, bailiff's, 10083
prosecuting attorney's, assistant prosecuting attorney's, 10084
correctional employee's, community-based correctional facility 10085
employee's, youth services employee's, firefighter's, EMT's, or 10086
investigator of the bureau of criminal identification and 10087
investigation's spouse, former spouse, or child is employed by a 10088
public office, the name and address of the employer of the peace 10089
officer's, parole officer's, probation officer's, bailiff's, 10090
prosecuting attorney's, assistant prosecuting attorney's, 10091
correctional employee's, community-based correctional facility 10092
employee's, youth services employee's, firefighter's, EMT's, or 10093
investigator of the bureau of criminal identification and 10094
investigation's spouse, former spouse, or child. The request shall 10095
include the journalist's name and title and the name and address 10096
of the journalist's employer and shall state that disclosure of 10097
the information sought would be in the public interest. 10098

(b) Division (B)(9)(a) of this section also applies to 10099
journalist requests for customer information maintained by a 10100
municipally owned or operated public utility, other than social 10101
security numbers and any private financial information such as 10102
credit reports, payment methods, credit card numbers, and bank 10103
account information. 10104

(c) As used in division (B)(9) of this section, "journalist" 10105
means a person engaged in, connected with, or employed by any news 10106
medium, including a newspaper, magazine, press association, news 10107

agency, or wire service, a radio or television station, or a 10108
similar medium, for the purpose of gathering, processing, 10109
transmitting, compiling, editing, or disseminating information for 10110
the general public. 10111

(C)(1) If a person allegedly is aggrieved by the failure of a 10112
public office or the person responsible for public records to 10113
promptly prepare a public record and to make it available to the 10114
person for inspection in accordance with division (B) of this 10115
section or by any other failure of a public office or the person 10116
responsible for public records to comply with an obligation in 10117
accordance with division (B) of this section, the person allegedly 10118
aggrieved may commence a mandamus action to obtain a judgment that 10119
orders the public office or the person responsible for the public 10120
record to comply with division (B) of this section, that awards 10121
court costs and reasonable attorney's fees to the person that 10122
instituted the mandamus action, and, if applicable, that includes 10123
an order fixing statutory damages under division (C)(1) of this 10124
section. The mandamus action may be commenced in the court of 10125
common pleas of the county in which division (B) of this section 10126
allegedly was not complied with, in the supreme court pursuant to 10127
its original jurisdiction under Section 2 of Article IV, Ohio 10128
Constitution, or in the court of appeals for the appellate 10129
district in which division (B) of this section allegedly was not 10130
complied with pursuant to its original jurisdiction under Section 10131
3 of Article IV, Ohio Constitution. 10132

If a requestor transmits a written request by hand delivery 10133
or certified mail to inspect or receive copies of any public 10134
record in a manner that fairly describes the public record or 10135
class of public records to the public office or person responsible 10136
for the requested public records, except as otherwise provided in 10137
this section, the requestor shall be entitled to recover the 10138
amount of statutory damages set forth in this division if a court 10139

determines that the public office or the person responsible for 10140
public records failed to comply with an obligation in accordance 10141
with division (B) of this section. 10142

The amount of statutory damages shall be fixed at one hundred 10143
dollars for each business day during which the public office or 10144
person responsible for the requested public records failed to 10145
comply with an obligation in accordance with division (B) of this 10146
section, beginning with the day on which the requester files a 10147
mandamus action to recover statutory damages, up to a maximum of 10148
one thousand dollars. The award of statutory damages shall not be 10149
construed as a penalty, but as compensation for injury arising 10150
from lost use of the requested information. The existence of this 10151
injury shall be conclusively presumed. The award of statutory 10152
damages shall be in addition to all other remedies authorized by 10153
this section. 10154

The court may reduce an award of statutory damages or not 10155
award statutory damages if the court determines both of the 10156
following: 10157

(a) That, based on the ordinary application of statutory law 10158
and case law as it existed at the time of the conduct or 10159
threatened conduct of the public office or person responsible for 10160
the requested public records that allegedly constitutes a failure 10161
to comply with an obligation in accordance with division (B) of 10162
this section and that was the basis of the mandamus action, a 10163
well-informed public office or person responsible for the 10164
requested public records reasonably would believe that the conduct 10165
or threatened conduct of the public office or person responsible 10166
for the requested public records did not constitute a failure to 10167
comply with an obligation in accordance with division (B) of this 10168
section; 10169

(b) That a well-informed public office or person responsible 10170
for the requested public records reasonably would believe that the 10171

conduct or threatened conduct of the public office or person 10172
responsible for the requested public records would serve the 10173
public policy that underlies the authority that is asserted as 10174
permitting that conduct or threatened conduct. 10175

(2)(a) If the court issues a writ of mandamus that orders the 10176
public office or the person responsible for the public record to 10177
comply with division (B) of this section and determines that the 10178
circumstances described in division (C)(1) of this section exist, 10179
the court shall determine and award to the relator all court 10180
costs. 10181

(b) If the court renders a judgment that orders the public 10182
office or the person responsible for the public record to comply 10183
with division (B) of this section, the court may award reasonable 10184
attorney's fees subject to reduction as described in division 10185
(C)(2)(c) of this section. The court shall award reasonable 10186
attorney's fees, subject to reduction as described in division 10187
(C)(2)(c) of this section when either of the following applies: 10188

(i) The public office or the person responsible for the 10189
public records failed to respond affirmatively or negatively to 10190
the public records request in accordance with the time allowed 10191
under division (B) of this section. 10192

(ii) The public office or the person responsible for the 10193
public records promised to permit the relator to inspect or 10194
receive copies of the public records requested within a specified 10195
period of time but failed to fulfill that promise within that 10196
specified period of time. 10197

(c) Court costs and reasonable attorney's fees awarded under 10198
this section shall be construed as remedial and not punitive. 10199
Reasonable attorney's fees shall include reasonable fees incurred 10200
to produce proof of the reasonableness and amount of the fees and 10201
to otherwise litigate entitlement to the fees. The court may 10202

reduce an award of attorney's fees to the relator or not award 10203
attorney's fees to the relator if the court determines both of the 10204
following: 10205

(i) That, based on the ordinary application of statutory law 10206
and case law as it existed at the time of the conduct or 10207
threatened conduct of the public office or person responsible for 10208
the requested public records that allegedly constitutes a failure 10209
to comply with an obligation in accordance with division (B) of 10210
this section and that was the basis of the mandamus action, a 10211
well-informed public office or person responsible for the 10212
requested public records reasonably would believe that the conduct 10213
or threatened conduct of the public office or person responsible 10214
for the requested public records did not constitute a failure to 10215
comply with an obligation in accordance with division (B) of this 10216
section; 10217

(ii) That a well-informed public office or person responsible 10218
for the requested public records reasonably would believe that the 10219
conduct or threatened conduct of the public office or person 10220
responsible for the requested public records as described in 10221
division (C)(2)(c)(i) of this section would serve the public 10222
policy that underlies the authority that is asserted as permitting 10223
that conduct or threatened conduct. 10224

(D) Chapter 1347. of the Revised Code does not limit the 10225
provisions of this section. 10226

(E)(1) To ensure that all employees of public offices are 10227
appropriately educated about a public office's obligations under 10228
division (B) of this section, all elected officials or their 10229
appropriate designees shall attend training approved by the 10230
attorney general as provided in section 109.43 of the Revised 10231
Code. In addition, all public offices shall adopt a public records 10232
policy in compliance with this section for responding to public 10233
records requests. In adopting a public records policy under this 10234

division, a public office may obtain guidance from the model 10235
public records policy developed and provided to the public office 10236
by the attorney general under section 109.43 of the Revised Code. 10237
Except as otherwise provided in this section, the policy may not 10238
limit the number of public records that the public office will 10239
make available to a single person, may not limit the number of 10240
public records that it will make available during a fixed period 10241
of time, and may not establish a fixed period of time before it 10242
will respond to a request for inspection or copying of public 10243
records, unless that period is less than eight hours. 10244

(2) The public office shall distribute the public records 10245
policy adopted by the public office under division (E)(1) of this 10246
section to the employee of the public office who is the records 10247
custodian or records manager or otherwise has custody of the 10248
records of that office. The public office shall require that 10249
employee to acknowledge receipt of the copy of the public records 10250
policy. The public office shall create a poster that describes its 10251
public records policy and shall post the poster in a conspicuous 10252
place in the public office and in all locations where the public 10253
office has branch offices. The public office may post its public 10254
records policy on the internet web site of the public office if 10255
the public office maintains an internet web site. A public office 10256
that has established a manual or handbook of its general policies 10257
and procedures for all employees of the public office shall 10258
include the public records policy of the public office in the 10259
manual or handbook. 10260

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10261
to Chapter 119. of the Revised Code to reasonably limit the number 10262
of bulk commercial special extraction requests made by a person 10263
for the same records or for updated records during a calendar 10264
year. The rules may include provisions for charges to be made for 10265
bulk commercial special extraction requests for the actual cost of 10266

the bureau, plus special extraction costs, plus ten per cent. The 10267
bureau may charge for expenses for redacting information, the 10268
release of which is prohibited by law. 10269

(2) As used in division (F)(1) of this section: 10270

(a) "Actual cost" means the cost of depleted supplies, 10271
records storage media costs, actual mailing and alternative 10272
delivery costs, or other transmitting costs, and any direct 10273
equipment operating and maintenance costs, including actual costs 10274
paid to private contractors for copying services. 10275

(b) "Bulk commercial special extraction request" means a 10276
request for copies of a record for information in a format other 10277
than the format already available, or information that cannot be 10278
extracted without examination of all items in a records series, 10279
class of records, or database by a person who intends to use or 10280
forward the copies for surveys, marketing, solicitation, or resale 10281
for commercial purposes. "Bulk commercial special extraction 10282
request" does not include a request by a person who gives 10283
assurance to the bureau that the person making the request does 10284
not intend to use or forward the requested copies for surveys, 10285
marketing, solicitation, or resale for commercial purposes. 10286

(c) "Commercial" means profit-seeking production, buying, or 10287
selling of any good, service, or other product. 10288

(d) "Special extraction costs" means the cost of the time 10289
spent by the lowest paid employee competent to perform the task, 10290
the actual amount paid to outside private contractors employed by 10291
the bureau, or the actual cost incurred to create computer 10292
programs to make the special extraction. "Special extraction 10293
costs" include any charges paid to a public agency for computer or 10294
records services. 10295

(3) For purposes of divisions (F)(1) and (2) of this section, 10296
"surveys, marketing, solicitation, or resale for commercial 10297

purposes" shall be narrowly construed and does not include 10298
reporting or gathering news, reporting or gathering information to 10299
assist citizen oversight or understanding of the operation or 10300
activities of government, or nonprofit educational research. 10301

Sec. 153.08. On the day and at the place named in the notice 10302
provided for in section 153.06 of the Revised Code, the owner 10303
referred to in section 153.01 of the Revised Code shall open the 10304
bids and shall publicly, with the assistance of the architect or 10305
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 10306
~~sheets. The~~ For a bid filed electronically, the public bid opening 10307
may be broadcast by electronic means pursuant to rules established 10308
by the Ohio facilities construction commission. A bid shall be 10309
invalid and not considered unless a bid guaranty meeting the 10310
requirements of section 153.54 of the Revised Code and in the form 10311
approved by the commission is filed with such bid. For a bid that 10312
is not filed electronically, the bid and bid guaranty shall be 10313
filed in one sealed envelope. If the bid and bid guaranty are 10314
filed electronically, they must be received electronically before 10315
the deadline published pursuant to section 153.06 of the Revised 10316
Code. For all bids filed electronically, the original, unaltered 10317
bid guaranty shall be made available to the public authority after 10318
the public bid opening, which may be achieved by means of an 10319
electronic verification and security system established under 10320
rules adopted by the Ohio facilities construction commission under 10321
Chapter 119. of the Revised Code. After investigation, which shall 10322
be completed within thirty days, the contract shall be awarded by 10323
such owner to the lowest responsive and responsible bidder in 10324
accordance with section 9.312 of the Revised Code. 10325

No contract shall be entered into until the industrial 10326
commission has certified that the person so awarded the contract 10327
has complied with sections 4123.01 to 4123.94 of the Revised Code, 10328
until, if the bidder so awarded the contract is a foreign 10329

corporation, the secretary of state has certified that such 10330
corporation is authorized to do business in this state, until, if 10331
the bidder so awarded the contract is a person nonresident of this 10332
state, such person has filed with the secretary of state a power 10333
of attorney designating the secretary of state as its agent for 10334
the purpose of accepting service of summons in any action brought 10335
under section 153.05 of the Revised Code or under sections 4123.01 10336
to 4123.94 of the Revised Code, and until the contract and bond, 10337
if any, are submitted to the attorney general and the attorney 10338
general's approval certified thereon. 10339

No contract shall be entered into unless the bidder possesses 10340
a valid certificate of compliance with affirmative action programs 10341
issued pursuant to section 9.47 of the Revised Code and dated no 10342
earlier than one hundred eighty days prior to the date fixed for 10343
the opening of bids for a particular project. 10344

Sec. 153.70. (A) Except for any person providing professional 10345
design services of a research or training nature, any person 10346
rendering professional design services to a public authority or to 10347
a design-build firm, including a criteria architect or engineer 10348
and person performing architect or engineer of record services, 10349
shall have and maintain, or be covered by, during the period the 10350
services are rendered, a professional liability insurance policy 10351
or policies with a company or companies that are authorized to do 10352
business in this state and that afford professional liability 10353
coverage for the professional design services rendered. The 10354
insurance shall be in an amount considered sufficient by the 10355
public authority. At the public authority's discretion, the 10356
design-build firm shall carry contractor's professional liability 10357
insurance and any other insurance the public authority considers 10358
appropriate. 10359

(B) The requirement for professional liability insurance set 10360

forth in division (A) of this section may be waived by the public 10361
authority for good cause, or the public authority may allow the 10362
person providing the professional design services to provide other 10363
assurances of financial responsibility. 10364

(C) Before construction begins pursuant to a contract for 10365
design-build services with a design-build firm, the design-build 10366
firm shall provide a surety bond to the public authority in 10367
accordance with rules adopted by the executive director of 10368
~~administrative services~~ the Ohio facilities construction 10369
commission under Chapter 119. of the Revised Code. 10370

Sec. 156.01. As used in sections 156.01 to 156.05 of the 10371
Revised Code: 10372

(A) "Avoided capital costs" means a measured reduction in the 10373
cost of future equipment or other capital purchases that results 10374
from implementation of one or more energy or water conservation 10375
measures, when compared to an established baseline for previous 10376
such cost. 10377

(B) "Energy conservation measure" means an installation or 10378
modification of an installation in, or a remodeling of, an 10379
existing building in order to reduce energy consumption and 10380
operating costs. The term includes any of the following: 10381

(1) Installation or modification of insulation in the 10382
building structure and systems within the building; 10383

(2) Installation or modification of storm windows and doors, 10384
multiglazed windows and doors, and heat absorbing or heat 10385
reflective glazed and coated window and door systems; installation 10386
of additional glazing; reductions in glass area; and other window 10387
and door system modifications that reduce energy consumption and 10388
operating costs; 10389

(3) Installation or modification of automatic energy control 10390

systems;	10391
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	10392 10393
(5) Application of caulking and weather stripping;	10394
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	10395 10396 10397 10398 10399
(7) Installation or modification of energy recovery systems;	10400
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	10401 10402 10403 10404
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	10405 10406 10407
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	10408 10409 10410 10411
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	10412 10413 10414 10415
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	10416 10417 10418
(13) Any other modification, installation, or remodeling approved by the <u>executive</u> director of administrative services <u>the</u>	10419 10420

Ohio facilities construction commission as an energy conservation 10421
measure for one or more buildings owned by either of the 10422
following: 10423

(a) The state; 10424

(b) A state institution of higher education as defined in 10425
section 3345.011 of the Revised Code that implements the energy 10426
conservation measure in consultation with the executive director. 10427

(C) "Energy saving measure" means the acquisition and 10428
installation, by purchase, lease, lease-purchase, lease with an 10429
option to buy, or installment purchase, of an energy conservation 10430
measure and any attendant architectural and engineering consulting 10431
services. 10432

(D) "Energy, water, or wastewater cost savings" means a 10433
measured reduction in, as applicable, the cost of fuel, energy or 10434
water consumption, wastewater production, or stipulated operation 10435
or maintenance resulting from the implementation of one or more 10436
energy or water conservation measures, when compared to an 10437
established baseline for previous such costs, respectively. 10438

(E) "Operating cost savings" means a measured reduction in 10439
the cost of stipulated operation or maintenance created by the 10440
installation of new equipment or implementation of a new service, 10441
when compared with an established baseline for previous such 10442
stipulated costs. 10443

(F) "Water conservation measure" means an installation or 10444
modification of an installation in, or a remodeling of, an 10445
existing building or the surrounding grounds in order to reduce 10446
water consumption. The term includes any of the following: 10447

(1) Water-conserving fixture, appliance, or equipment, or the 10448
substitution of a nonwater-using fixture, appliance, or equipment; 10449

(2) Water-conserving, landscape irrigation equipment; 10450

(3) Landscaping measure that reduces storm water runoff 10451
demand and capture and hold applied water and rainfall, including 10452
landscape contouring such as the use of a berm, swale, or terrace 10453
and including the use of a soil amendment, including compost, that 10454
increases the water-holding capacity of the soil; 10455

(4) Rainwater harvesting equipment or equipment to make use 10456
of water collected as part of a storm water system installed for 10457
water quality control; 10458

(5) Equipment for recycling or reuse of water originating on 10459
the premises or from another source, including treated, municipal 10460
effluent; 10461

(6) Equipment needed to capture water for nonpotable uses 10462
from any nonconventional, alternate source, including air 10463
conditioning condensate or gray water; 10464

(7) Any other modification, installation, or remodeling 10465
approved by the executive director of ~~administrative services~~ the 10466
Ohio facilities construction commission as a water conservation 10467
measure for one or more buildings or the surrounding grounds owned 10468
by either of the following: 10469

(a) The state; 10470

(b) A state institution of higher education as defined in 10471
section 3345.011 of the Revised Code that implements the water 10472
conservation measure in consultation with the executive director. 10473

(G) "Water saving measure" means the acquisition and 10474
installation, by the purchase, lease, lease-purchase, lease with 10475
an option to buy, or installment purchases of a water conservation 10476
measure and any attendant architectural and engineering consulting 10477
services. 10478

Sec. 156.02. The executive director of the Ohio facilities 10479
construction commission may, on the executive director's own 10480

initiative or at the request of a state agency, contract with an 10481
energy or a water services company, architect, professional 10482
engineer, contractor, or other person experienced in the design 10483
and implementation of energy or water conservation measures for a 10484
report containing an analysis and recommendations pertaining to 10485
the implementation of energy or water conservation measures that 10486
result in energy, water, or wastewater cost savings, operating 10487
cost savings, or avoided capital costs for the institution. The 10488
report shall include estimates of all costs of such installations, 10489
including the costs of design, engineering, installation, 10490
maintenance, repairs, and debt service, and estimates of the 10491
energy, water, or wastewater cost savings, operating cost savings, 10492
and avoided capital costs created. 10493

Sec. 156.04. (A) In accordance with this section and section 10494
156.03 of the Revised Code, the executive director of the Ohio 10495
facilities construction commission may, on the executive 10496
director's own initiative or at the request of a state agency, 10497
enter into an installment payment contract for the implementation 10498
of one or more energy or water saving measures. If the executive 10499
director wishes an installment payment contract to be exempted 10500
from Chapter 153. of the Revised Code, the executive director 10501
shall proceed pursuant to section 156.03 of the Revised Code. 10502

(B) Any installment payment contract under this section shall 10503
provide that all payments, except payments for repairs and 10504
obligations on termination of the contract prior to its 10505
expiration, are to be a stated percentage of calculated energy, 10506
water, or wastewater cost savings, operating costs, and avoided 10507
capital costs attributable to the one or more measures over a 10508
defined period of time and are to be made only to the extent that 10509
those calculated amounts actually occur. No such contract shall 10510
contain either of the following: 10511

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated ~~to the Ohio facilities construction commission~~ by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

Sec. 169.051. (A) As used in this section, "United States savings bond" means property, tangible or intangible, in the form of a savings bond issued by the United States treasury whether in paper form, electric, or paperless form, along with all proceeds thereof.

(B) Notwithstanding any provision of the Revised Code to the contrary, United States savings bonds held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed

funds under this chapter if both of the following apply: 10543

(1) The last known address of the owner of the United States savings bond is in this state; 10544
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(2) The United States savings bond has remained unclaimed and unredeemed for three years after final maturity. 10546
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(C) United States savings bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section, including bonds in the possession of the director of commerce, shall escheat to the state three years after becoming abandoned and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section. 10548
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(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings. 10557
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(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure. 10565
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(F) If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed, and if the court is satisfied by the evidence that the director has substantially complied with the laws of this state, the court shall enter a judgment that the bonds have escheated to the state and all property rights and legal title to and ownership of the bonds or 10567
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the proceeds from the bonds, including all rights, powers, and 10574
privileges of survivorship of any owner, co-owner, or beneficiary, 10575
have vested solely in the state. 10576

(G) The director shall redeem the United States savings bonds 10577
escheated to the state by judgment of the court. When the proceeds 10578
that have escheated have been recovered by the director, the 10579
director shall pay all costs incident to the collection and 10580
recovery of the proceeds from the redemption of the bonds and 10581
disburse the remaining balance of the proceeds in the manner 10582
provided under section 169.05 of the Revised Code for all other 10583
unclaimed funds. 10584

(H) Notwithstanding section 169.08 of the Revised Code, any 10585
person claiming a United States savings bond that has escheated to 10586
the state under this section, or for the proceeds from the bond, 10587
may file a claim with the director. Upon providing sufficient 10588
proof of the validity of the person's claim, the director may, in 10589
the director's discretion, pay the claim less any expenses and 10590
costs incurred by the state in securing full title and ownership 10591
of the property by escheat. If payment has been made to a 10592
claimant, no action thereafter may be maintained by any other 10593
claimant against the state or any officer of the state, for or on 10594
account of the payment of the claim. 10595

Sec. 173.391. (A) Subject to section 173.381 of the Revised 10596
Code, the department of aging or its designee shall do all of the 10597
following in accordance with Chapter 119. of the Revised Code: 10598

(1) Certify a provider to provide community-based long-term 10599
care services under a program the department administers if the 10600
provider satisfies the requirements for certification established 10601
by rules adopted under division (B) of this section and pays the 10602
fee, if any, established by rules adopted under division (G) of 10603
this section; 10604

(2) When required to do so by rules adopted under division	10605
(B) of this section, take one or more of the following	10606
disciplinary actions against a provider certified under division	10607
(A)(1) of this section:	10608
(a) Issue a written warning;	10609
(b) Require the submission of a plan of correction or	10610
evidence of compliance with requirements identified by the	10611
department;	10612
(c) Suspend referrals;	10613
(d) Remove clients;	10614
(e) Impose a fiscal sanction such as a civil monetary penalty	10615
or an order that unearned funds be repaid;	10616
(f) Suspend the certification;	10617
(g) Revoke the certification;	10618
(h) Impose another sanction.	10619
(3) Except as provided in division (E) of this section, hold	10620
hearings when there is a dispute between the department or its	10621
designee and a provider concerning actions the department or its	10622
designee takes regarding a decision not to certify the provider	10623
under division (A)(1) of this section or a disciplinary action	10624
under divisions (A)(2)(e) to (h) of this section.	10625
(B) The director of aging shall adopt rules in accordance	10626
with Chapter 119. of the Revised Code establishing certification	10627
requirements and standards for determining which type of	10628
disciplinary action to take under division (A)(2) of this section	10629
in individual situations. The rules shall establish procedures for	10630
all of the following:	10631
(1) Ensuring that providers comply with sections 173.38 and	10632
173.381 of the Revised Code;	10633

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	10634 10635 10636
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	10637 10638 10639 10640
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	10641 10642
(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:	10643 10644 10645 10646
(1) The provider's experience and financial responsibility;	10647
(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;	10648 10649 10650
(3) The provider's ability to meet the needs of the individuals served;	10651 10652
(4) Any other factor the director considers relevant.	10653
(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	10654 10655 10656 10657 10658 10659 10660
(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:	10661 10662 10663

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider,

principal owner, or manager does not meet standards specified by 10695
the director in rules adopted under section 173.38 of the Revised 10696
Code. 10697

(d) The department or its designee is required by section 10698
173.381 of the Revised Code to deny or revoke the provider's 10699
certification. 10700

(e) The United States department of health and human services 10701
has taken adverse action against the provider and that action 10702
impacts the provider's participation in the medicaid program. 10703

(f) The provider has failed to enter into or renew a provider 10704
agreement with the PASSPORT administrative agency, as that term is 10705
defined in section 173.42 of the Revised Code, that administers 10706
programs on behalf of the department of aging in the region of the 10707
state in which the provider is certified to provide services. 10708

(g) The provider has not billed or otherwise submitted a 10709
claim to the department for payment under the medicaid program in 10710
at least two years. 10711

(h) The provider denied or failed to provide the department 10712
or its designee access to the provider's facilities during the 10713
provider's normal business hours for purposes of conducting an 10714
audit or structural compliance review. 10715

(i) The provider has ceased doing business. 10716

(j) The provider has voluntarily relinquished its 10717
certification for any reason. 10718

(3) The provider's provider agreement with the department of 10719
medicaid has been suspended under ~~division (C) of section 5164.37~~ 10720
5164.36 of the Revised Code because of an indictment resulting 10721
from an act described in division (A)(1)(d) of that section. 10722

(4) The provider's provider agreement with the department of 10723
medicaid is denied or revoked because the provider or its owner, 10724

officer, authorized agent, associate, manager, or employee has 10725
been convicted of an offense that caused the provider agreement to 10726
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 10727

(F) If the department does not hold hearings when any 10728
condition described in division (E) of this section applies, the 10729
department may send a notice to the provider describing a decision 10730
not to certify the provider under division (A)(1) of this section 10731
or the disciplinary action the department proposes to take under 10732
~~division~~ divisions (A)(2)(e) to (h) of this section. The notice 10733
shall be sent to the provider's address that is on record with the 10734
department and may be sent by regular mail. 10735

(G) The director of aging may adopt rules in accordance with 10736
Chapter 119. of the Revised Code establishing a fee to be charged 10737
by the department of aging or its designee for certification 10738
issued under this section. 10739

All fees collected by the department or its designee under 10740
this section shall be deposited in the state treasury to the 10741
credit of the provider certification fund, which is hereby 10742
created. Money credited to the fund shall be used to pay for 10743
community-based long-term care services, administrative costs 10744
associated with provider certification under this section, and 10745
administrative costs related to the publication of the Ohio 10746
long-term care consumer guide. 10747

Sec. 173.47. (A) For purposes of publishing the Ohio 10748
long-term care consumer guide, the department of aging shall 10749
conduct or provide for the conduct of an annual customer 10750
satisfaction survey of each long-term care facility. The results 10751
of the surveys may include information obtained from long-term 10752
care facility residents, their families, or both. ~~A survey that is~~ 10753
~~to include information obtained from nursing facility residents~~ 10754
~~shall include the questions specified in divisions (C)(7)(a) and~~ 10755

~~(b) of section 5165.25 of the Revised Code. A survey that is to include information obtained from the families of nursing facility residents shall include the questions specified in divisions (C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~

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

Sec. 173.48. (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section.

(2) The annual fees charged under this section shall not exceed the following amounts:

(a) ~~Six hundred fifty dollars for~~ For each long-term care facility that is a nursing home, six hundred fifty dollars;

(b) ~~Three hundred dollars for~~ For each long-term care facility that is a residential care facility:

(i) Until June 30, 2016, three hundred dollars;

(ii) Beginning July 1, 2016, three hundred fifty dollars.

(3) Fees paid by a long-term care facility that is a nursing facility shall be reimbursed through the medicaid program.

(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the publication of the Ohio long-term care consumer guide under division (A) of this section shall be credited to the fund. The department shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or

providing for the conduct of customer satisfaction surveys. 10785

Sec. 173.522. (A) The department of aging shall create and 10786
administer the state-funded component of the PASSPORT program. The 10787
state-funded component shall not be administered as part of the 10788
medicaid program. 10789

(B) For an individual to be eligible for the state-funded 10790
component of the PASSPORT program, the individual must meet one of 10791
the following requirements and meet the additional eligibility 10792
requirements applicable to the individual established in rules 10793
adopted under division (D) of this section: 10794

(1) The individual must have been enrolled in the 10795
state-funded component on September 1, 1991, (as the state-funded 10796
component was authorized by uncodified law in effect at that time) 10797
and have had one or more applications for enrollment in the 10798
medicaid-funded component of the PASSPORT program (or, if the 10799
medicaid-funded component is terminated under division (C) of 10800
section 173.52 of the Revised Code, the unified long-term services 10801
and support medicaid waiver component) denied. 10802

~~(2) The individual must have had the individual's enrollment 10803
in the medicaid funded component of the PASSPORT program (or, if 10804
the medicaid funded component is terminated under division (C) of 10805
section 173.52 of the Revised Code, the unified long term services 10806
and support medicaid waiver component) terminated and the 10807
individual must still need the home and community based services 10808
provided under the PASSPORT program to protect the individual's 10809
health and safety. 10810~~

~~(3) The individual must have an application for the 10811
medicaid-funded component of the PASSPORT program (or, if the 10812
medicaid-funded component is terminated under division (C) of 10813
section 173.52 of the Revised Code, the unified long-term services 10814
and support medicaid waiver component) pending and the department 10815~~

or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets the requirement of division (B)~~(3)~~(2) of this section may participate in the component on that basis for ~~not more than ninety days~~ a period of time specified in rules adopted under division (D) of this section.

(D)(1) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component of the PASSPORT program. ~~The~~

The rules shall include all of the following:

(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program;

(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component;

(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program.

(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1), and (2), ~~and (3)~~ of this section.

Sec. 173.523. (A) An individual who is an applicant for or 10847
participant or former participant in the state-funded component of 10848
the PASSPORT program may appeal an adverse action taken or 10849
proposed to be taken by the department of aging or an entity 10850
designated by the department concerning participation in or 10851
services provided under the component if the action will result in 10852
any of the following: 10853

(1) Denial of enrollment or continued enrollment in the 10854
component; 10855

(2) Denial of or reduction in the amount of services 10856
requested by or offered to the individual under the component; 10857

(3) Assessment of any patient liability payment pursuant to 10858
rules adopted by the department under this section. 10859

The appeal shall be made in accordance with section 173.56 of 10860
the Revised Code and rules adopted pursuant to that section. 10861

(B) An individual who is an applicant for or participant or 10862
former participant in the state-funded component of the PASSPORT 10863
program may not bring an appeal under this or any other section of 10864
the Revised Code if any of the following is the case: 10865

(1) The individual has voluntarily withdrawn the application 10866
for enrollment in the component; 10867

(2) The individual has voluntarily terminated enrollment in 10868
the component; 10869

(3) The individual agrees with the action being taken or 10870
proposed; 10871

(4) The individual fails to submit a written request for a 10872
hearing to the director of aging within the time specified in the 10873
rules adopted pursuant to section 173.56 of the Revised Code; 10874

(5) The individual has received services under the component 10875

for the maximum time permitted by ~~this~~ section 173.522 of the 10876
Revised Code. 10877

Sec. 173.525. The PASSPORT program shall cover consultation 10878
and assessment services provided by registered nurses. The payment 10879
rate for the services shall not be less than the payment rate for 10880
the services under the Ohio home care waiver program. 10881

Sec. 173.543. The department of aging shall create and 10882
administer the state-funded component of the assisted living 10883
program. The state-funded component shall not be administered as 10884
part of the medicaid program. 10885

An individual who is eligible for the state-funded component 10886
may participate in the component for ~~not more than ninety days a~~ 10887
period of time specified in rules adopted under this section. 10888

The director of aging shall adopt rules in accordance with 10889
section 111.15 of the Revised Code to implement the state-funded 10890
component. The rules shall specify the period that an individual 10891
eligible for the state-funded component may participate in the 10892
component. 10893

Sec. 173.544. To be eligible for the state-funded component 10894
of the assisted living program, an individual must meet all of the 10895
following requirements: 10896

(A) The individual must need an intermediate level of care as 10897
determined by an assessment conducted under section 173.546 of the 10898
Revised Code. 10899

(B) The individual must have an application for the 10900
medicaid-funded component of the assisted living program (or, if 10901
the medicaid-funded component is terminated under division (C) of 10902
section 173.54 of the Revised Code, the unified long-term services 10903
and support medicaid waiver component) pending and the department 10904

or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) While receiving assisted living services under the state-funded component, the individual must reside in a residential care facility that is authorized by a valid provider agreement to participate in the component, including both of the following:

(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section ~~173.54~~ 173.543 of the Revised Code.

Sec. 173.545. (A) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in

any of the following:	10936
(1) Denial of enrollment or continued enrollment in the component;	10937 10938
(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;	10939 10940
(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.	10941 10942
The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section.	10943 10944
(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case:	10945 10946 10947 10948
(1) The individual has voluntarily withdrawn the application for enrollment in the component;	10949 10950
(2) The individual has voluntarily terminated enrollment in the component;	10951 10952
(3) The individual agrees with the action being taken or proposed;	10953 10954
(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;	10955 10956 10957
(5) The individual has received services under the component for the maximum time permitted by this section <u>173.543 of the Revised Code</u> .	10958 10959 10960
<u>Sec. 173.548. An individual enrolled in the medicaid-funded component of the assisted living program may choose a single occupancy room or multiple occupancy room in the residential care</u>	10961 10962 10963

facility in which the individual resides. The choice of a multiple 10964
occupancy room is subject to approval pursuant to a process the 10965
director of aging shall establish in rules adopted under section 10966
173.54 of the Revised Code. 10967

Sec. 174.02. (A) The low- and moderate-income housing trust 10968
fund is hereby created in the state treasury. The fund consists of 10969
all appropriations made to the fund, housing trust fund fees 10970
collected by county recorders pursuant to section 317.36 of the 10971
Revised Code and deposited into the fund pursuant to section 10972
319.63 of the Revised Code, money transferred from the housing 10973
trust reserve fund pursuant to section 174.09 of the Revised Code, 10974
and all grants, gifts, loan repayments, and contributions of money 10975
made from any source to the ~~department~~ of development services 10976
agency for deposit in the fund. All investment earnings of the 10977
fund shall be credited to the fund. The director of development 10978
services shall allocate a portion of the money in the fund to an 10979
account of the Ohio housing finance agency. The ~~department~~ 10980
development services agency shall administer the fund. The Ohio 10981
housing finance agency shall use money allocated to it for 10982
implementing and administering its programs and duties under 10983
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 10984
development services agency shall use the remaining money in the 10985
fund for implementing and administering its programs and duties 10986
under sections 174.03 to 174.06 of the Revised Code. Use of all 10987
money drawn from the fund is subject to the following 10988
restrictions: 10989

(1)(a) Not more than five per cent of the current year 10990
appropriation authority for the fund shall be allocated between 10991
grants to community development corporations for the community 10992
development corporation grant program and grants and loans to the 10993
Ohio community development finance fund, a private nonprofit 10994
corporation. 10995

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred thousand dollars shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations.

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing

assistance to families and individuals in rural areas and small 11027
cities that are not eligible to participate as a participating 11028
jurisdiction under the "HOME Investment Partnerships Act," 104 11029
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 11030

(7) No money in the fund shall be used to pay for any legal 11031
services other than the usual and customary legal services 11032
associated with the acquisition of housing. 11033

(8) Money in the fund may be used as matching money for 11034
federal funds received by the state, counties, municipal 11035
corporations, and townships for the activities listed in section 11036
174.03 of the Revised Code. 11037

(B) If, after the second quarter of any year, it appears to 11038
the director of development services that the full amount of the 11039
money in the fund designated in that year for activities that 11040
provide housing and housing assistance to families and individuals 11041
in rural areas and small cities under division (A) of this section 11042
will not be used for that purpose, the director may reallocate all 11043
or a portion of that amount for other housing activities. In 11044
determining whether or how to reallocate money under this 11045
division, the director may consult with and shall receive advice 11046
from the housing trust fund advisory committee. 11047

Sec. 174.09. (A) The housing trust reserve fund is hereby 11048
created in the state treasury. The fund shall consist of housing 11049
trust fund fees collected by county recorders pursuant to section 11050
317.36 of the Revised Code and deposited into the fund pursuant to 11051
section 319.63 of the Revised Code. All investment earnings of the 11052
fund shall be credited to the fund. 11053

(B) If, in the prior fiscal year, the housing trust fund fees 11054
received by the treasurer of state under section 319.63 of the 11055
Revised Code amount to less than fifty million dollars, the 11056
director of development services may request the director of 11057

budget and management to transfer money from the housing trust 11058
reserve fund to the low- and moderate-income housing trust fund 11059
created under section 174.02 of the Revised Code. The amount 11060
transferred, when combined with the housing trust fund fees 11061
received by the treasurer of state in the prior fiscal year, shall 11062
not exceed fifty million dollars. The director of development 11063
services shall provide any additional information regarding a 11064
transfer request that the director of budget and management may 11065
require. Based on that information, the director of budget and 11066
management shall determine the amount to be transferred. 11067

Sec. 191.04. (A) In accordance with federal laws governing 11068
the confidentiality of individually identifiable health 11069
information, including the "Health Insurance Portability and 11070
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11071
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11072
by the United States department of health and human services to 11073
implement the act, a state agency may exchange protected health 11074
information with another state agency relating to eligibility for 11075
or enrollment in a health plan or relating to participation in a 11076
government program providing public benefits if the exchange of 11077
information is necessary for either or both of the following: 11078

(1) Operating a health plan; 11079

(2) Coordinating, or improving the administration or 11080
management of, the health care-related functions of at least one 11081
government program providing public benefits. 11082

(B) For fiscal years 2013, ~~2014, and 2015~~ through 2017 only, 11083
a state agency also may exchange personally identifiable 11084
information with another state agency for purposes related to and 11085
in support of a health transformation initiative identified by the 11086
executive director of the office of health transformation pursuant 11087
to division (C) of section 191.06 of the Revised Code. 11088

(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:

(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013, 2014, or 2015 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.

(2) If the state agency is a state agency other than the department of medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of medicaid when that department, as the state's single state agency to supervise the medicaid program, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the protected health information or individually identifiable health

information; 11120

(b) Report the discovery and the names of all individuals 11121
identified pursuant to division (C)(4)(a) of this section to all 11122
other state agencies and the executive director of the office of 11123
health transformation or the executive director's designee; 11124

(c) Mitigate, to the extent reasonably possible, any 11125
potential adverse effects of the unauthorized use or disclosure. 11126

(5) A state agency shall make available to the executive 11127
director of the office of health transformation or the executive 11128
director's designee, and to any other state or federal 11129
governmental entity required by law to have access on that 11130
entity's request, all internal practices, records, and 11131
documentation relating to personally identifiable information it 11132
receives, uses, or discloses that is affected or governed by this 11133
section. 11134

(6) On termination or expiration of an operating protocol and 11135
if feasible, a state agency shall return or destroy all personally 11136
identifiable information received directly from or received on 11137
behalf of another state agency. If the personally identifiable 11138
information is not returned or destroyed, the state agency 11139
maintaining the information shall extend the protections set forth 11140
in this section for as long as it is maintained. 11141

(7) If a state agency enters into a subcontract or, when 11142
required by 45 C.F.R. 164.502(e)(2), a business associate 11143
agreement, the subcontract or business associate agreement shall 11144
require the subcontractor or business associate to comply with the 11145
terms of this section as if the subcontractor or business 11146
associate were a state agency. 11147

Sec. 191.06. (A) The provisions of this section shall apply 11148
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 11149

(B) The executive director of the office of health 11150
transformation or the executive director's designee may facilitate 11151
the coordination of operations and exchange of information between 11152
state agencies. The purpose of the executive director's authority 11153
under this section is to support agency collaboration for health 11154
transformation purposes, including modernization of the medicaid 11155
program, streamlining of health and human services programs in 11156
this state, and improving the quality, continuity, and efficiency 11157
of health care and health care support systems in this state. 11158

(C) In furtherance of the authority of the executive director 11159
of the office of health transformation under division (B) of this 11160
section, the executive director or the executive director's 11161
designee shall identify each health transformation initiative in 11162
this state that involves the participation of two or more state 11163
agencies and that permits or requires an interagency agreement to 11164
be entered into for purposes of specifying each participating 11165
agency's role in coordinating, operating, or funding the 11166
initiative, or facilitating the exchange of data or other 11167
information for the initiative. The executive director shall 11168
publish a list of the identified health transformation initiatives 11169
on the internet web site maintained by the office of health 11170
transformation. 11171

(D) For each health transformation initiative that is 11172
identified under division (C) of this section, the executive 11173
director or the executive director's designee shall, in 11174
consultation with each participating agency, adopt one or more 11175
operating protocols. Notwithstanding any law enacted by the 11176
general assembly or rule adopted by a state agency, the provisions 11177
in a protocol shall supersede any provisions in an interagency 11178
agreement, including an interagency agreement entered into under 11179
section 5101.10 or 5162.35 of the Revised Code, that differ from 11180
the provisions of the protocol. 11181

(E)(1) An operating protocol adopted under division (D) of this section shall include both of the following: 11182
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(a) All terms necessary to meet the requirements of "other arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 11184
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(b) If known, the date on which the protocol will terminate or expire. 11187
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(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative: 11189
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(a) Workflow; 11194

(b) Funding; 11195

(c) Exchange of data or other information that is confidential pursuant to state or federal law. 11196
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(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it. 11198
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Sec. 193.15. (A) As used in sections 193.15 to 193.17 of the Revised Code, "infrastructure capital improvement" includes projects involving buildings, utilities, roadways, runways, railways, ramps, gates, fencing, and facilities other than buildings, including new construction, renovations, energy conservation measures, security upgrades, site preparation, land acquisition, clearance, demolition, removal, furnishings, equipment, design, engineering, and planning studies. 11202
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(B) There is hereby created the Ohio military facilities commission for the purpose of developing and implementing a 11210
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program to finance or assist in the financing of infrastructure 11212
capital improvements on military and defense installations in the 11213
state, including but not limited to those facilities operated by 11214
the United States department of veterans affairs, the Ohio 11215
department of veterans services, the national aeronautics and 11216
space administration, and the Ohio national guard. 11217

Sec. 193.16. (A) The Ohio military facilities commission 11218
shall consist of the following members: 11219

(1) Three members of the house of representatives appointed 11220
by the speaker of the house of representatives, two of whom are 11221
members of the majority party and one of whom is a member of the 11222
minority party; 11223

(2) Three members of the senate appointed by the president of 11224
the senate, two of whom are members of the majority party and one 11225
of whom is a member of the minority party; 11226

(3) The adjutant general or a designee of the adjutant 11227
general; 11228

(4) The director of budget and management or a designee of 11229
the director; 11230

(5) The director of administrative services or a designee of 11231
the director. 11232

(B)(1) Initial appointments to the commission shall be made 11233
not later than December 31, 2015. The appointed members shall 11234
serve four-year terms. 11235

(2) Members may be reappointed to the commission. 11236

(3) Vacancies on the commission shall be filled in the same 11237
manner as the original appointments. 11238

(4) Members serve at the pleasure of, and may be removed for 11239
just cause by, the member's appointing authority. 11240

(C) The development services agency shall provide 11241
administrative assistance to the commission. 11242

Sec. 193.17. (A) The Ohio military facilities commission 11243
shall accept applications for financial assistance under the 11244
program. The financial assistance may be in the form of grants, 11245
loans, and loan guarantees. It may also be provided for rental or 11246
lease payments that enable new construction in support of the 11247
purposes of sections 193.15 to 193.17 of the Revised Code. 11248

(B) Upon receipt of an application, the commission shall 11249
examine the proposed infrastructure capital improvement to 11250
determine if it will support job creation, increase opportunities 11251
for long-term economic development, or increase the military value 11252
of the installation as described in section 2913 of the "Defense 11253
Base Closure and Realignment Act of 1990," Pub. L. No. 101-510, as 11254
amended. Only those improvements that meet at least one of those 11255
conditions are eligible to receive financial assistance under the 11256
program. 11257

Sec. 319.63. (A) During the first thirty days of each 11258
calendar quarter, the county auditor shall pay to the treasurer of 11259
state all amounts that the county recorder collected as housing 11260
trust fund fees pursuant to section 317.36 of the Revised Code 11261
during the previous calendar quarter. If payment is made to the 11262
treasurer of state within the first thirty days of the quarter, 11263
the county auditor may retain an administrative fee of one per 11264
cent of the amount of the trust fund fees collected during the 11265
previous calendar quarter. 11266

(B) The treasurer of state shall deposit the first fifty 11267
million dollars of housing trust fund fees received each year 11268
pursuant to this section into the low- and moderate-income housing 11269
trust fund, created under section 174.02 of the Revised Code, and. 11270

The treasurer of state shall deposit any amounts received each 11271
year in excess of fifty million dollars into the housing trust 11272
reserve fund created under section 174.09 of the Revised Code, 11273
unless the cash balance of the housing trust reserve fund is 11274
greater than fifteen million dollars. In that event, the treasurer 11275
of state shall deposit any amounts received each year in excess of 11276
fifty million dollars into the state general revenue fund. 11277

(C) The county auditor shall deposit the administrative fee 11278
that the auditor is permitted to retain pursuant to division (A) 11279
of this section into the county general fund for the county 11280
recorder to use in administering the trust fund fee. 11281

Sec. 339.06. (A) The board of county hospital trustees, upon 11282
completion of construction or leasing and equipping of a county 11283
hospital, shall assume and continue the operation of the hospital. 11284

(B) The board of county hospital trustees shall have the 11285
entire management and control of the county hospital. The board 11286
may in writing delegate its management and control of the county 11287
hospital to the administrator of the county hospital employed 11288
under section 339.07 of the Revised Code. The board shall 11289
establish such rules for the hospital's government, management, 11290
control, and the admission of persons as are expedient. 11291

(C) The board of county hospital trustees has control of the 11292
property of the county hospital, including management and disposal 11293
of surplus property other than real estate or an interest in real 11294
estate. 11295

(D) With respect to the use of funds by the board of county 11296
hospital trustees and its accounting for the use of funds, all of 11297
the following apply: 11298

(1) The board of county hospital trustees has control of all 11299
funds used in the county hospital's operation, including moneys 11300

received from the operation of the hospital, moneys appropriated 11301
for its operation by the board of county commissioners, and moneys 11302
resulting from special levies submitted by the board of county 11303
commissioners as provided for in section 5705.22 of the Revised 11304
Code. 11305

(2) Of the funds used in the county hospital's operation, all 11306
or part of any amount determined not to be necessary to meet 11307
current demands on the hospital may be invested by the board of 11308
county hospital trustees or its designee in any classifications of 11309
securities and obligations eligible for deposit or investment of 11310
county moneys pursuant to section 135.35 of the Revised Code, 11311
subject to the approval of the board's written investment policy 11312
by the county investment advisory committee established pursuant 11313
to section 135.341 of the Revised Code. If a county hospital is 11314
based in a county that has adopted a charter under Section 3 of 11315
Article X, Ohio Constitution, such funds may be invested by the 11316
board of county hospital trustees as provided in this division or 11317
in an ordinance adopted by the legislative authority of the 11318
county, in either case subject to approval by the county 11319
investment advisory committee, or as provided in section 339.061 11320
of the Revised Code. 11321

(3) Annually, not later than sixty days before the end of the 11322
fiscal year used by the county hospital, the board of county 11323
hospital trustees shall submit its proposed budget for the ensuing 11324
fiscal year to the board of county commissioners for that board's 11325
review. The board of county commissioners shall review and approve 11326
the proposed budget by the first day of the fiscal year to which 11327
the budget applies. If the board of county commissioners has not 11328
approved the budget by the first day of the fiscal year to which 11329
the budget applies, the budget is deemed to have been approved by 11330
the board on the first day of that fiscal year. 11331

(4) The board of county hospital trustees shall not expend 11332

funds received from taxes collected pursuant to any tax levied 11333
under section 5705.22 of the Revised Code or the amount 11334
appropriated to the county hospital by the board of county 11335
commissioners in the annual appropriation measure for the county 11336
until its budget for the applicable fiscal year is approved in 11337
accordance with division (C)(3) of this section. At any time the 11338
amount received from those sources differs from the amount shown 11339
in the approved budget, the board of county commissioners may 11340
require the board of county hospital trustees to revise the county 11341
hospital budget accordingly. 11342

(5) Funds under the control of the board of county hospital 11343
trustees may be disbursed by the board, consistent with the 11344
approved budget, for the uses and purposes of the county hospital; 11345
for the replacement of necessary equipment; for the acquisition, 11346
leasing, or construction of permanent improvements to county 11347
hospital property; or for making a donation authorized by division 11348
(E) of this section. Each disbursement of funds shall be made on a 11349
voucher signed by signatories designated and approved by the board 11350
of county hospital trustees. 11351

(6) The head of a board of county hospital trustees is not 11352
required to file an estimate of contemplated revenue and 11353
expenditures for the ensuing fiscal year under section 5705.28 of 11354
the Revised Code unless the board of county commissioners levies a 11355
tax for the county hospital, or such a tax is proposed, or the 11356
board of county hospital trustees desires that the board of county 11357
commissioners make an appropriation to the county hospital for the 11358
ensuing fiscal year. 11359

(7) All moneys appropriated by the board of county 11360
commissioners or from special levies by the board of county 11361
commissioners for the operation of the hospital, when collected 11362
shall be paid to the board of county hospital trustees on a 11363
warrant of the county auditor and approved by the board of county 11364

commissioners. 11365

(8) The board of county hospital trustees shall provide for 11366
the conduct of an annual financial audit of the county hospital. 11367
Not later than thirty days after it receives the final report of 11368
an annual financial audit, the board shall file a copy of the 11369
report with the board of county commissioners. 11370

(E) For the public purpose of improving the health, safety, 11371
and general welfare of the community, the board of county hospital 11372
trustees may donate to a nonprofit entity any of the following: 11373

(1) Moneys and other financial assets determined not to be 11374
necessary to meet current demands on the hospital; 11375

(2) Surplus hospital property, including supplies, equipment, 11376
office facilities, and other property that is not real estate or 11377
an interest in real estate; 11378

(3) Services rendered by the hospital. 11379

(F)(1) For purposes of division (F)(2) of this section: 11380

(a) "Bank" has the same meaning as in section 1101.01 of the 11381
Revised Code. 11382

(b) "Savings and loan association" has the same meaning as in 11383
section 1151.01 of the Revised Code. 11384

(c) "Savings bank" has the same meaning as in section 1161.01 11385
of the Revised Code. 11386

(2) The board of county hospital trustees may enter into a 11387
contract for a secured line of credit with a bank, savings and 11388
loan association, or savings bank if the contract meets all of the 11389
following requirements: 11390

(a) The term of the contract does not exceed one year, except 11391
that the contract may provide for the automatic renewal of the 11392
contract for up to four additional one-year periods if, on the 11393
date of automatic renewal, the aggregate outstanding draws 11394

remaining unpaid under the secured line of credit do not exceed 11395
fifty per cent of the maximum amount that can be drawn under the 11396
secured line of credit. 11397

(b) The contract provides that the bank, savings and loan 11398
association, or savings bank shall not commence a civil action 11399
against the board of county commissioners, any member of the 11400
board, or the county to recover the principal, interest, or any 11401
charges or other amounts that remain outstanding on the secured 11402
line of credit at the time of any default by the board of county 11403
hospital trustees. 11404

(c) The contract provides that no assets other than those of 11405
the county hospital can be used to secure the line of credit. 11406

(d) The terms and conditions of the contract comply with all 11407
state and federal statutes and rules governing the extension of a 11408
secured line of credit. 11409

(3) Any obligation incurred by a board of county hospital 11410
trustees under division (F)(2) of this section is an obligation of 11411
that board only and not a general obligation of the board of 11412
county commissioners or the county within the meaning of division 11413
(Q) of section 133.01 of the Revised Code. 11414

(4) Notwithstanding anything to the contrary in the Revised 11415
Code, the board of county hospital trustees may secure the line of 11416
credit authorized under division (F)(2) of this section by the 11417
grant of a security interest in any part or all of its tangible 11418
personal property and intangible personal property, including its 11419
deposit accounts, accounts receivable, or both. 11420

(5) No board of county hospital trustees shall at any time 11421
have more than one secured line of credit under division (F)(2) of 11422
this section. 11423

(G) The board of county hospital trustees shall establish a 11424
schedule of charges for all services and treatment rendered by the 11425

county hospital. It may provide for the free treatment in the 11426
hospital of soldiers, sailors, and marines of the county, under 11427
such conditions and rules as it prescribes. 11428

(H) The board of county hospital trustees may designate the 11429
amounts and forms of insurance protection to be provided, and the 11430
board of county commissioners shall assist in obtaining such 11431
protection. The expense of providing the protection shall be paid 11432
from hospital operating funds. 11433

(I) The board of county hospital trustees may authorize a 11434
county hospital and each of its units, hospital board members, 11435
designated hospital employees, and medical staff members to be a 11436
member of and maintain membership in any local, state, or national 11437
group or association organized and operated for the promotion of 11438
the public health and welfare or advancement of the efficiency of 11439
hospital administration and in connection therewith to use tax 11440
funds for the payment of dues and fees and related expenses but 11441
nothing in this section prohibits the board from using receipts 11442
from hospital operation, other than tax funds, for the payment of 11443
such dues and fees. 11444

(J) The following apply to the board of county hospital 11445
trustees in relation to its employees and the employees of the 11446
county hospital: 11447

(1) The board shall adopt the wage and salary schedule for 11448
employees. 11449

(2) The board may employ the hospital's administrator 11450
pursuant to section 339.07 of the Revised Code, and the 11451
administrator may employ individuals for the hospital in 11452
accordance with that section. 11453

(3) The board may employ assistants as necessary to perform 11454
its clerical work, superintend properly the construction of the 11455
county hospital, and pay the hospital's expenses. Such employees 11456

may be paid from funds provided for the county hospital. 11457

(4) The board may hire, by contract or as salaried employees, 11458
such management consultants, accountants, attorneys, engineers, 11459
architects, construction managers, and other professional advisors 11460
as it determines are necessary and desirable to assist in the 11461
management of the programs and operation of the county hospital. 11462
Such professional advisors may be paid from county hospital 11463
operating funds. 11464

(5) Notwithstanding section 325.19 of the Revised Code, the 11465
board may grant to employees any fringe benefits the board 11466
determines to be customary and usual in the nonprofit hospital 11467
field in its community, including, but not limited to: 11468

(a) Additional vacation leave with full pay for full-time 11469
employees, including full-time hourly rate employees, after 11470
service of one year; 11471

(b) Vacation leave and holiday pay for part-time employees on 11472
a pro rata basis; 11473

(c) Leave with full pay due to death in the employee's 11474
immediate family, which shall not be deducted from the employee's 11475
accumulated sick leave; 11476

(d) Premium pay for working on holidays listed in section 11477
325.19 of the Revised Code; 11478

(e) Moving expenses for new employees; 11479

(f) Discounts on hospital supplies and services. 11480

(6) The board may provide holiday leave by observing Martin 11481
Luther King day, Washington-Lincoln day, Columbus day, and 11482
Veterans' day on days other than those specified in section 1.14 11483
of the Revised Code. 11484

(7) The board may grant to employees the insurance benefits 11485
authorized by section 339.16 of the Revised Code. 11486

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.

(9) The board may provide employee recognition awards and hold employee recognition dinners.

(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.061. (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution.

(B) The board of county hospital trustees of a charter county hospital shall hold and administer all money received from the operation of the county hospital, including money arising from rendering medical services to patients, whether received from the patient or on behalf of the patient, including inpatient and

outpatient fees, laboratory and other procedure fees, physician services, and all other fees, deposits, charges, receipts, and income received as a result of the operation of the county hospital and medical staff. 11517
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(C) The board of county hospital trustees of a charter county hospital shall invest money described in division (B) of this section pursuant to an investment policy adopted by the board in a public meeting. The investment policy does not take effect unless it is approved by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. The investment policy shall provide for all of the following: 11521
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(1) That all fiduciaries shall discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; 11528
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(2) That at least twenty-five per cent of the average amount of the investment portfolio over the course of the preceding fiscal year shall be invested, as a reserve, in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's Ohio subdivisions fund, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible financial institution in this state that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less that are eligible for purchase by the federal reserve system; 11533
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(3) That money not required to be invested as a reserve under division (C)(2) of this section may be pooled with other institutional funds and invested in accordance with section 1715.52 of the Revised Code; 11545
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(4) The establishment of an investment committee within the board of county hospital trustees, which shall meet at least quarterly, to review and recommend revisions to the board's investment policy and to advise the board on investments made under division (C) of this section for the purpose of assisting the board in meeting its obligations as a fiduciary under that division. The policy shall authorize the committee to retain the services of an investment advisor who meets both of the following qualifications: 11549
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(a) The advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the United States securities and exchange commission. 11558
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(b) The advisor has experience in the management of investments of public funds, especially in the investment of state government investment portfolios, or is an institution eligible to be a public depository as described in section 135.03 of the Revised Code. 11561
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(D) Title to investments made by a board of county hospital trustees with money described in division (B) of this section shall not be vested in the county but shall be held in trust by the board. 11566
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(E) Authority provided by this section is supplemental to the authority granted under division (D) of section 339.06 of the Revised Code and authority granted under the ordinances or charter of the county. 11570
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Sec. 340.03. (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, the board of alcohol, drug addiction, and mental health services shall: 11574
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(1) Serve as the community addiction and mental health services planning agency for the county or counties under its jurisdiction, and in so doing it shall:

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

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community addiction and mental health needs, evaluate strengths and challenges, and set priorities for community addiction and mental health services, including treatment and prevention. When the board sets priorities for the operation of addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code;

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

In alcohol, drug addiction, and mental health service

districts that have separate alcohol and drug addiction services 11611
and community mental health boards, the alcohol and drug addiction 11612
services board shall submit a community addiction services plan 11613
and the community mental health board shall submit a community 11614
mental health services plan. Each board shall consult with its 11615
counterpart in developing its plan and address the interaction 11616
between the local addiction services and mental health services 11617
systems and populations with regard to needs and priorities in 11618
developing its plan. 11619

The department shall approve or disapprove the plan, in whole 11620
or in part, according to the criteria developed pursuant to 11621
section 5119.22 of the Revised Code. Eligibility for state and 11622
federal funding shall be contingent upon an approved plan or 11623
relevant part of a plan. 11624

If a board determines that it is necessary to amend a plan 11625
that has been approved under this division, the board shall submit 11626
a proposed amendment to the director. The director may approve or 11627
disapprove all or part of the amendment. The director shall inform 11628
the board of the reasons for disapproval of all or part of an 11629
amendment and of the criteria that must be met before the 11630
amendment may be approved. The director shall provide the board an 11631
opportunity to present its case on behalf of the amendment. The 11632
director shall give the board a reasonable time in which to meet 11633
the criteria, and shall offer the board technical assistance to 11634
help it meet the criteria. 11635

The board shall operate in accordance with the plan approved 11636
by the department. 11637

(d) Promote, arrange, and implement working agreements with 11638
social agencies, both public and private, and with judicial 11639
agencies. 11640

(2) Investigate, or request another agency to investigate, 11641

any complaint alleging abuse or neglect of any person receiving 11642
services from a community addiction or mental health services 11643
provider ~~certified under section 5119.36 of the Revised Code~~ or 11644
alleging abuse or neglect of a resident receiving addiction 11645
services or with mental illness or severe mental disability 11646
residing in a residential facility licensed under section 5119.34 11647
of the Revised Code. If the investigation substantiates the charge 11648
of abuse or neglect, the board shall take whatever action it 11649
determines is necessary to correct the situation, including 11650
notification of the appropriate authorities. Upon request, the 11651
board shall provide information about such investigations to the 11652
department. 11653

(3) For the purpose of section 5119.36 of the Revised Code, 11654
cooperate with the director of mental health and addiction 11655
services in visiting and evaluating whether the addiction or 11656
mental health services of a community addiction or mental health 11657
services provider satisfy the certification standards established 11658
by rules adopted under that section; 11659

(4) In accordance with criteria established under division 11660
(E) of section 5119.22 of the Revised Code, conduct program audits 11661
that review and evaluate the quality, effectiveness, and 11662
efficiency of addiction and mental health services provided 11663
through its community addiction and mental health ~~contracted~~ 11664
services providers and submit its findings and recommendations to 11665
the department of mental health and addiction services; 11666

(5) In accordance with section 5119.34 of the Revised Code, 11667
review an application for a residential facility license and 11668
provide to the department of mental health and addiction services 11669
any information about the applicant or facility that the board 11670
would like the department to consider in reviewing the 11671
application; 11672

(6) Audit, in accordance with rules adopted by the auditor of 11673

state pursuant to section 117.20 of the Revised Code, at least 11674
annually all programs and services provided under contract with 11675
the board. In so doing, the board may contract for or employ the 11676
services of private auditors. A copy of the fiscal audit report 11677
shall be provided to the director of mental health and addiction 11678
services, the auditor of state, and the county auditor of each 11679
county in the board's district. 11680

(7) Recruit and promote local financial support for addiction 11681
and mental health services from private and public sources; 11682

(8)(a) Enter into contracts with public and private 11683
facilities for the operation of facility services and enter into 11684
contracts with public and private community addiction and mental 11685
health ~~service~~ services providers for the provision of ~~community~~ 11686
addiction and mental health services. The board may not contract 11687
with a residential facility subject to section 5119.34 of the 11688
Revised Code unless the facility is licensed by the director of 11689
mental health and addiction services ~~and~~. The board may not 11690
contract with a community addiction or mental health services 11691
provider to provide ~~community~~ addiction or mental health services 11692
unless the services are certified by the director of mental health 11693
and addiction services under section 5119.36 of the Revised Code. 11694
Section 307.86 of the Revised Code does not apply to contracts 11695
entered into under this division. In contracting with a community 11696
addiction or mental health services provider, a board shall 11697
consider the cost effectiveness of addiction or mental health 11698
services provided by that provider and the quality and continuity 11699
of care, and may review cost elements, including salary costs, of 11700
the services to be provided. A utilization review process may be 11701
established as part of the contract for services entered into 11702
between a board and a community addiction or mental health 11703
services provider. The board may establish this process in a way 11704
that is most effective and efficient in meeting local needs. 11705

If either the board or a facility or community addiction or 11706
mental health services provider with which the board contracts 11707
under this division proposes not to renew the contract or proposes 11708
substantial changes in contract terms, the other party shall be 11709
given written notice at least one hundred twenty days before the 11710
expiration date of the contract. During the first sixty days of 11711
this one hundred twenty-day period, both parties shall attempt to 11712
resolve any dispute through good faith collaboration and 11713
negotiation in order to continue to provide services to persons in 11714
need. If the dispute has not been resolved sixty days before the 11715
expiration date of the contract, either party may notify the 11716
department of mental health and addiction services of the 11717
unresolved dispute. The director may require both parties to 11718
submit the dispute to a third party with the cost to be shared by 11719
the board and the facility or provider. The third party shall 11720
issue to the board, the facility or provider, and the department 11721
recommendations on how the dispute may be resolved twenty days 11722
prior to the expiration date of the contract, unless both parties 11723
agree to a time extension. The director shall adopt rules 11724
establishing the procedures of this dispute resolution process. 11725

(b) With the prior approval of the director of mental health 11726
and addiction services, a board may operate a facility or provide 11727
~~a community~~ an addiction or mental health service as follows, if 11728
there is no other qualified private or public facility or 11729
community addiction or mental health services provider that is 11730
immediately available and willing to operate such a facility or 11731
provide the service: 11732

(i) In an emergency situation, any board may operate a 11733
facility or provide ~~a community~~ an addiction or mental health 11734
service in order to provide essential services for the duration of 11735
the emergency+1. 11736

(ii) In a service district with a population of at least one 11737

hundred thousand but less than five hundred thousand, a board may 11738
operate a facility or provide a ~~community~~ an addiction or mental 11739
health service for no longer than one year⁺. 11740

(iii) In a service district with a population of less than 11741
one hundred thousand, a board may operate a facility or provide a 11742
~~community~~ an addiction or mental health service for no longer than 11743
one year, except that such a board may operate a facility or 11744
provide a ~~community~~ an addiction or mental health service for more 11745
than one year with the prior approval of the director and the 11746
prior approval of the board of county commissioners, or of a 11747
majority of the boards of county commissioners if the district is 11748
a joint-county district. 11749

The director shall not give a board approval to operate a 11750
facility or provide a ~~community~~ an addiction or mental health 11751
service under division (A)(8)(b)(ii) or (iii) of this section 11752
unless the director determines that it is not feasible to have the 11753
department operate the facility or provide the service. 11754

The director shall not give a board approval to operate a 11755
facility or provide a ~~community~~ an addiction or mental health 11756
service under division (A)(8)(b)(iii) of this section unless the 11757
director determines that the board will provide greater 11758
administrative efficiency and more or better services than would 11759
be available if the board contracted with a private or public 11760
facility or community addiction or mental health services 11761
provider. 11762

The director shall not give a board approval to operate a 11763
facility previously operated by a person or other government 11764
entity unless the board has established to the director's 11765
satisfaction that the person or other government entity cannot 11766
effectively operate the facility or that the person or other 11767
government entity has requested the board to take over operation 11768
of the facility. The director shall not give a board approval to 11769

provide a ~~community~~ an addiction or mental health service 11770
previously provided by a community addiction or mental health 11771
services provider unless the board has established to the 11772
director's satisfaction that the provider cannot effectively 11773
provide the service or that the provider has requested the board 11774
take over providing the service. 11775

The director shall review and evaluate a board's operation of 11776
a facility and provision of ~~community~~ addiction or mental health 11777
~~service~~ services under division (A)(8)(b) of this section. 11778

Nothing in division (A)(8)(b) of this section authorizes a 11779
board to administer or direct the daily operation of any facility 11780
or community addiction or mental health services provider, but a 11781
facility or provider may contract with a board to receive 11782
administrative services or staff direction from the board under 11783
the direction of the governing body of the facility or provider. 11784

(9) Approve fee schedules and related charges or adopt a unit 11785
cost schedule or other methods of payment for contract services 11786
provided by community addiction or mental health services 11787
providers in accordance with guidelines issued by the department 11788
as necessary to comply with state and federal laws pertaining to 11789
financial assistance; 11790

(10) Submit to the director and the county commissioners of 11791
the county or counties served by the board, and make available to 11792
the public, an annual report of the services under the 11793
jurisdiction of the board, including a fiscal accounting; 11794

(11) Establish, to the extent resources are available, a 11795
continuum of care, which provides for prevention, treatment, 11796
support, and rehabilitation services and opportunities. The 11797
essential elements of the continuum include, but are not limited 11798
to, the following components in accordance with section 5119.21 of 11799
the Revised Code: 11800

- (a) To locate persons in need of addiction or mental health services to inform them of available services and benefits; 11801
11802
- (b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income; 11803
11804
11805
11806
- (c) Addiction and mental health services, including, ~~but not limited to,~~ outpatient, residential, partial hospitalization, and, where appropriate, inpatient care; 11807
11808
11809
- (d) Emergency services and crisis intervention; 11810
- (e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs; 11811
11812
- (f) The provision of services designed to develop social, community, and personal living skills; 11813
11814
- (g) Access to a wide range of housing and the provision of residential treatment and support; 11815
11816
- (h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others; 11817
11818
11819
- (i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services; 11820
11821
11822
11823
11824
- (j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services; 11825
11826
- (k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured. 11827
11828
11829
- (12) Establish a method for evaluating referrals for 11830

~~involuntary commitment~~ court-ordered treatment and affidavits 11831
filed pursuant to section 5122.11 of the Revised Code in order to 11832
assist the probate division of the court of common pleas in 11833
determining whether there is probable cause that a respondent is 11834
subject to ~~involuntary hospitalization~~ court-ordered treatment and 11835
~~what alternative treatment is~~ whether alternatives to 11836
hospitalization are available and appropriate, ~~if any;~~ 11837

(13) Designate the treatment services, provider, facility, or 11838
other placement for each person involuntarily committed to the 11839
board pursuant to Chapter 5122. of the Revised Code. The board 11840
shall provide the least restrictive and most appropriate 11841
alternative that is available for any person involuntarily 11842
committed to it and shall assure that the listed services 11843
submitted and approved in accordance with division (B) of section 11844
340.08 of the Revised Code are available to severely mentally 11845
disabled persons residing within its service district. The board 11846
shall establish the procedure for authorizing payment for 11847
services, which may include prior authorization in appropriate 11848
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 11849
section, the board may provide for services directly to a severely 11850
mentally disabled person when life or safety is endangered and 11851
when no community mental health services provider is available to 11852
provide the service. 11853

(14) Ensure that ~~apartments or rooms~~ housing built, 11854
subsidized, renovated, rented, owned, or leased by the board or a 11855
community addiction or mental health services provider ~~have~~ has 11856
been approved as meeting minimum fire safety standards and that 11857
persons residing in the ~~rooms or apartments are receiving~~ housing 11858
have access to appropriate and necessary services, including 11859
culturally relevant services, from a community addiction or mental 11860
health services provider. This division does not apply to 11861
residential facilities licensed pursuant to section 5119.34 of the 11862

Revised Code. 11863

(15) Establish a mechanism for obtaining advice and 11864
involvement of persons receiving ~~publicly funded~~ addiction or 11865
mental health services on matters pertaining to addiction and 11866
mental health services in the alcohol, drug addiction, and mental 11867
health service district; 11868

(16) Perform the duties required by rules adopted under 11869
section 5119.22 of the Revised Code regarding referrals by the 11870
board or mental health services providers under contract with the 11871
board of individuals with mental illness or severe mental 11872
disability to residential facilities ~~as defined in division~~ 11873
~~(A)(9)(b)(iii) of licensed under~~ section 5119.34 of the Revised 11874
Code and effective arrangements for ongoing mental health services 11875
for the individuals. The board is accountable in the manner 11876
specified in the rules for ensuring that the ongoing mental health 11877
services are effectively arranged for the individuals. 11878

(B) The board shall establish such rules, operating 11879
procedures, standards, and bylaws, and perform such other duties 11880
as may be necessary or proper to carry out the purposes of this 11881
chapter. 11882

(C) A board of alcohol, drug addiction, and mental health 11883
services may receive by gift, grant, devise, or bequest any 11884
moneys, lands, or property for the benefit of the purposes for 11885
which the board is established, and may hold and apply it 11886
according to the terms of the gift, grant, or bequest. All money 11887
received, including accrued interest, by gift, grant, or bequest 11888
shall be deposited in the treasury of the county, the treasurer of 11889
which is custodian of the alcohol, drug addiction, and mental 11890
health services funds to the credit of the board and shall be 11891
available for use by the board for purposes stated by the donor or 11892
grantor. 11893

(D) No board member or employee of a board of alcohol, drug 11894
addiction, and mental health services shall be liable for injury 11895
or damages caused by any action or inaction taken within the scope 11896
of the board member's official duties or the employee's 11897
employment, whether or not such action or inaction is expressly 11898
authorized by this section or any other section of the Revised 11899
Code, unless such action or inaction constitutes willful or wanton 11900
misconduct. Chapter 2744. of the Revised Code applies to any 11901
action or inaction by a board member or employee of a board taken 11902
within the scope of the board member's official duties or 11903
employee's employment. For the purposes of this division, the 11904
conduct of a board member or employee shall not be considered 11905
willful or wanton misconduct if the board member or employee acted 11906
in good faith and in a manner that the board member or employee 11907
reasonably believed was in or was not opposed to the best 11908
interests of the board and, with respect to any criminal action or 11909
proceeding, had no reasonable cause to believe the conduct was 11910
unlawful. 11911

(E) The meetings held by any committee established by a board 11912
of alcohol, drug addiction, and mental health services shall be 11913
considered to be meetings of a public body subject to section 11914
121.22 of the Revised Code. 11915

Sec. 340.034. All of the following apply to the recovery 11916
housing required by section 340.033 of the Revised Code to be 11917
included in the array of treatment and support services for all 11918
levels of opioid and co-occurring drug addiction that are part of 11919
the continuum of care established by each board of alcohol, drug 11920
addiction, and mental health services pursuant to division (A)(11) 11921
of section 340.03 of the Revised Code: 11922

(A) The recovery housing shall not be owned or operated by a 11923
residential facility as defined in section 5119.34 of the Revised 11924

Code and instead shall be owned and operated by the following: 11925

(1) Except as provided in division (A)(2) of this section, a 11926
community addiction services provider or other local 11927
nongovernmental organization (including a peer-run recovery 11928
organization), as appropriate to the needs of the board's service 11929
district; 11930

(2) The board, if either of the following applies: 11931

(a) The board owns and operates the recovery housing on ~~the~~ 11932
~~effective date of this section~~ September 15, 2016. 11933

(b) The board determines that there is an emergency need for 11934
the board to assume the ownership and operation of the recovery 11935
housing such as when an existing owner and operator of the 11936
recovery housing goes out of business, and the board considers the 11937
assumption of ownership and operation of the recovery housing to 11938
be its last resort. 11939

(B) The recovery housing shall have protocols for all of the 11940
following: 11941

(1) Administrative oversight; 11942

(2) Quality standards; 11943

(3) Policies and procedures, including house rules, for its 11944
residents to which the residents must agree to adhere. 11945

(C) Family members of the recovery housing's residents may 11946
reside in the recovery housing to the extent the recovery 11947
housing's protocols permit. 11948

(D) The recovery housing shall not limit a resident's 11949
duration of stay to an arbitrary or fixed amount of time. Instead, 11950
each resident's duration of stay shall be determined by the 11951
resident's needs, progress, and willingness to abide by the 11952
recovery housing's protocols, in collaboration with the recovery 11953
housing's owner, and, if appropriate, in consultation and 11954

integration with a community addiction services provider. 11955

(E) The recovery housing may permit its residents to receive 11956
medication-assisted treatment at the recovery housing. 11957

(F) The recovery housing may not provide ~~community~~ addiction 11958
services but may assist a resident in obtaining ~~community~~ 11959
addiction services that are certified by the department of mental 11960
health and addiction services under section 5119.36 of the Revised 11961
Code. The ~~community~~ addiction services may be provided at the 11962
recovery housing or elsewhere. 11963

Sec. 340.04. In addition to such other duties as may be 11964
lawfully imposed, the executive director of a board of alcohol, 11965
drug addiction, and mental health services shall: 11966

(A) Serve as executive officer of the board and subject to 11967
the prior approval of the board for each contract, execute 11968
contracts on its behalf; 11969

(B) Supervise services and facilities provided, operated, 11970
contracted, or supported by the board to the extent of determining 11971
that services and facilities are being administered in conformity 11972
with this chapter and rules of the director of mental health and 11973
addiction services; 11974

(C) Provide consultation to community addiction and mental 11975
health services providers providing services supported by the 11976
board; 11977

(D) Recommend to the board the changes necessary to increase 11978
the effectiveness of addiction and mental health services and 11979
other matters necessary or desirable to carry out this chapter; 11980

(E) Employ and remove from office such employees and 11981
consultants in the classified civil service and, subject to the 11982
approval of the board, employ and remove from office such other 11983
employees and consultants as may be necessary for the work of the 11984

board, and fix their compensation and reimbursement within the 11985
limits set by the salary schedule and the budget approved by the 11986
board; 11987

(F) Encourage the development and expansion of preventive, 11988
treatment, rehabilitative, and consultative services in the field 11989
of addiction and mental health services with emphasis on 11990
continuity of care; 11991

(G) Prepare for board approval an annual report of the 11992
services and facilities under the jurisdiction of the board, 11993
including a fiscal accounting of all services; 11994

(H) Conduct such studies as may be necessary and practicable 11995
for the promotion of mental health, promotion of addiction 11996
services, and the prevention of mental illness, emotional 11997
disorders, and addiction; 11998

(I) Authorize the county auditor, or in a joint-county 11999
district the county auditor designated as the auditor for the 12000
district, to issue warrants for the payment of board obligations 12001
approved by the board, provided that all payments from funds 12002
distributed to the board by the department of mental health and 12003
addiction services are in accordance with the budget submitted 12004
pursuant to section 340.08 of the Revised Code, as approved by the 12005
department of mental health and addiction services. 12006

Sec. 340.05. A community addiction or mental health services 12007
provider that receives a complaint alleging abuse or neglect of an 12008
individual with mental illness or severe mental disability, or an 12009
individual receiving addiction services, who resides in a 12010
residential facility ~~as defined in division (A)(9)(b) of licensed~~ 12011
under section 5119.34 of the Revised Code shall report the 12012
complaint to the board of alcohol, drug addiction, and mental 12013
health services serving the alcohol, drug addiction, and mental 12014
health service district in which the residential facility is 12015

located. A board of alcohol, drug addiction, and mental health 12016
services that receives such a complaint or a report from a 12017
community addiction or mental health services provider of such a 12018
complaint shall report the complaint to the director of mental 12019
health and addiction services for the purpose of the director 12020
conducting an investigation under section 5119.34 of the Revised 12021
Code. The board may enter the facility with or without the 12022
director and, if the health and safety of a resident is in 12023
immediate danger, take any necessary action to protect the 12024
resident. The board's action shall not violate any resident's 12025
rights specified in rules adopted by the department of mental 12026
health and addiction services under section 5119.34 of the Revised 12027
Code. The board shall immediately report to the director regarding 12028
the board's actions under this section. 12029

Sec. 340.07. The board of county commissioners of any county 12030
participating in an alcohol, drug addiction, and mental health 12031
service district or joint-county district, upon receipt from the 12032
board of alcohol, drug addition, and mental health services of a 12033
resolution so requesting, may appropriate money to such board for 12034
the operation, lease, acquisition, construction, renovation, and 12035
maintenance of addiction or mental health services providers and 12036
facilities in accordance with the comprehensive community 12037
~~addiction and~~ mental health and addiction services budget approved 12038
by the department of mental health and addiction services pursuant 12039
to section ~~340.08~~ 5119.22 of the Revised Code. 12040

Sec. 340.12. ~~No~~ As used in this section, "disability" has the 12041
same meaning as in section 4112.01 of the Revised Code. 12042

No board of alcohol, drug addiction, and mental health 12043
services or any community addiction or mental health services 12044
provider under contract with such a board shall discriminate in 12045
the provision of services under its authority, in employment, or 12046

under a contract on the basis of race, color, religion, creed, 12047
sex, age, national origin, or disability. 12048

Each board and each community addiction or mental health 12049
services provider shall have a written affirmative action program. 12050
The affirmative action program shall include goals for the 12051
employment and effective utilization of, including contracts with, 12052
members of economically disadvantaged groups as defined in 12053
division (E)(1) of section 122.71 of the Revised Code in 12054
percentages reflecting as nearly as possible the composition of 12055
the alcohol, drug addiction, and mental health service district 12056
served by the board. Each board and provider shall file a 12057
description of the affirmative action program and a progress 12058
report on its implementation with the department of mental health 12059
and addiction services. 12060

Sec. 340.15. (A) A public children services agency that 12061
identifies a child by a risk assessment conducted pursuant to 12062
section 5153.16 of the Revised Code as being at imminent risk of 12063
being abused or neglected because of an addiction of a parent, 12064
guardian, or custodian of the child to a drug of abuse or alcohol 12065
shall refer the child's addicted parent, guardian, or custodian 12066
and, if the agency determines that the child needs alcohol or 12067
other drug addiction services, the child to a community addiction 12068
services provider ~~certified by the department of mental health and~~ 12069
~~addiction services under section 5119.36 of the Revised Code.~~ A 12070
public children services agency that is sent a court order issued 12071
pursuant to division (B) of section 2151.3514 of the Revised Code 12072
shall refer the addicted parent or other caregiver of the child 12073
identified in the court order to a community addiction services 12074
provider ~~certified by the department of mental health and~~ 12075
~~addiction services under section 5119.36 of the Revised Code.~~ On 12076
receipt of a referral under this division and to the extent 12077
funding identified under division (A)(1) of section 340.08 of the 12078

Revised Code is available, the provider shall provide the 12079
following services to the addicted parent, guardian, custodian, or 12080
caregiver and child in need of addiction services: 12081

(1) If it is determined pursuant to an initial screening to 12082
be needed, assessment and appropriate treatment; 12083

(2) Documentation of progress in accordance with a treatment 12084
plan developed for the addicted parent, guardian, custodian, 12085
caregiver, or child; 12086

(3) If the referral is based on a court order issued pursuant 12087
to division (B) of section 2151.3514 of the Revised Code and the 12088
order requires the specified parent or other caregiver of the 12089
child to submit to alcohol or other drug testing during, after, or 12090
both during and after, treatment, testing in accordance with the 12091
court order. 12092

(B) The services described in division (A) of this section 12093
shall have a priority as provided in the addiction and mental 12094
health services plan and budget established pursuant to sections 12095
340.03 and 340.08 of the Revised Code. Once a referral has been 12096
received pursuant to this section, the public children services 12097
agency and the addiction services provider shall, in accordance 12098
with 42 C.F.R. Part 2, share with each other any information 12099
concerning the persons and services described in that division 12100
that the agency and provider determine are necessary to share. If 12101
the referral is based on a court order issued pursuant to division 12102
(B) of section 2151.3514 of the Revised Code, the results and 12103
recommendations of the addiction services provider also shall be 12104
provided and used as described in division (D) of that section. 12105
Information obtained or maintained by the agency or provider 12106
pursuant to this section that could enable the identification of 12107
any person described in division (A) of this section is not a 12108
public record subject to inspection or copying under section 12109
149.43 of the Revised Code. 12110

Sec. 355.02. Each (A) Not later than December 15, 2015, each 12111
board of county commissioners ~~may~~ shall adopt a resolution to 12112
establish a ~~county~~ local healthier buckeye council. The resolution 12113
shall specify the organization of the council and shall designate 12114
a member to serve as a staffing agent and, if the board determines 12115
necessary, a member to serve as a fiscal agent. The board may 12116
revise the council's organization as necessary by adopting a 12117
resolution. 12118

(B)(1) The board may invite any person or entity to become a 12119
member of the council, including a ~~public or private agency or~~ 12120
~~group that funds, advocates, or provides care coordination~~ 12121
~~services, provides or promotes private employment or educational~~ 12122
~~services, or otherwise contributes to the well being of~~ 12123
~~individuals and families~~ any of the following: 12124

(a) Individuals with community leadership experience; 12125

(b) Individuals with experience leading others; 12126

(c) Individuals likely to receive healthier buckeye services 12127
and participate in healthier buckeye programs; 12128

(d) Representatives from public and private entities, 12129
including any of the following: 12130

(i) Employers; 12131

(ii) Municipal corporations, counties, and townships; 12132

(iii) Courts, including those with specialized court programs 12133
certified by the Ohio supreme court; 12134

(iv) Law enforcement; 12135

(v) Faith-based social services organizations; 12136

(vi) Foundations; 12137

(vii) Public health, including free clinics; 12138

<u>(viii) Child support enforcement agencies;</u>	12139
<u>(ix) Children services agencies;</u>	12140
<u>(x) Child care providers;</u>	12141
<u>(xi) Preschool programs;</u>	12142
<u>(xii) Primary and secondary schools;</u>	12143
<u>(xiii) Colleges and universities;</u>	12144
<u>(xiv) Mental health and addiction services providers;</u>	12145
<u>(xv) Medicaid care coordinators or service providers;</u>	12146
<u>(xvi) Emergency or urgent care services providers;</u>	12147
<u>(xvii) Transportation providers;</u>	12148
<u>(xviii) Housing providers;</u>	12149
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.</u>	12150 12151
<u>(2) If a county healthier buckeye council was established under this section as it existed prior to the effective date of this amendment, the board may designate the county council to serve as the local council required by this section on and after the effective date of this amendment.</u>	12152 12153 12154 12155 12156
<u>(3) The board may form a multi-county council in accordance with division (C) of this section.</u>	12157 12158
<u>(C)(1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council to satisfy the requirement of division (A) of this section. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.</u>	12159 12160 12161 12162 12163 12164 12165 12166

(2) An agreement to establish a joint local healthier buckeye council may set forth procedures or standards necessary for the joint local healthier buckeye council to perform its duties and operate efficiently. 12167
12168
12169
12170

(3) Costs incurred in operating a joint local healthier buckeye council shall be paid from a joint general fund created by the council, except as may be otherwise provided in the agreement. 12171
12172
12173

(4) If a joint local healthier buckeye council is established, all references in the Revised Code to a local healthier buckeye council shall apply to the joint local council. 12174
12175
12176

Sec. 355.03. (A) A county local healthier buckeye council may 12177
do shall promote all of the following: 12178

~~(A)~~(1) A cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby achieving greater productivity and reducing reliance on publicly funded assistance programs; 12179
12180
12181
12182
12183

~~Promote means~~ (2) Means by which council members or the 12184
entities the members represent may reduce the reliance of 12185
individuals and families on publicly funded assistance programs 12186
using both of the following: 12187

~~(1)~~(a) Programs that have been demonstrated to be effective 12188
and have one or more of the following features: 12189

~~(a)~~(i) Low costs; 12190

~~(b)~~(ii) Use volunteer workers; 12191

~~(c)~~(iii) Use incentives to encourage designated behaviors; 12192

~~(d)~~(iv) Are led by peers. 12193

~~(2)~~(b) Practices that identify and seek to eliminate barriers 12194
to achieving greater financial independence for individuals and 12195

families who receive services from or participate in programs 12196
operated by council members or the entities the members represent. 12197

~~(B) Promote care~~ (3) Care coordination among physical health, 12198
behavioral health, social, employment, education, and housing 12199
service providers within the county~~+~~. 12200

(B) A local healthier buckeye council shall develop a 12201
healthier buckeye plan that promotes the objectives set forth in 12202
division (A) of this section and submit the council's healthier 12203
buckeye plan to the board of county commissioners that created the 12204
council and to the Ohio healthier buckeye advisory council. 12205

(C) A local healthier buckeye council shall convene at least 12206
once per year. 12207

(D) A local healthier buckeye council shall organize itself 12208
in accordance with section 355.02 of the Revised Code and any 12209
other applicable provisions of law. 12210

~~(C) Collect~~ (E) A local healthier buckeye council shall 12211
collect and analyze data regarding individuals or families who 12212
receive services from or participate in programs operated by 12213
council members or the entities the members represent. 12214

(F) Beginning one year after the effective date of this 12215
amendment, each local healthier buckeye council shall submit an 12216
annual report of the council's performance to the Ohio healthier 12217
buckeye council. 12218

(G) A local healthier buckeye council may apply for, receive, 12219
and oversee the administration of grants. 12220

Sec. 355.04. A ~~county~~ local healthier buckeye council ~~may~~ 12221
shall report the following information to the joint medicaid 12222
oversight committee created in section 103.41 of the Revised Code 12223
and to the Ohio healthier buckeye advisory council: 12224

(A) Notification that the ~~county~~ local council has been 12225

established and information regarding the council's organization, 12226
plan, and activities; 12227

(B) Information regarding enrollment or outcome data 12228
collected under division ~~(C)~~(E) of section 355.03 of the Revised 12229
Code; 12230

(C) Recommendations regarding the best practices for the 12231
administration and delivery of publicly funded assistance programs 12232
or other services or programs provided by council members or the 12233
entities the members represent; 12234

(D) Recommendations regarding the best practices in care 12235
coordination. 12236

Sec. 503.55. (A) As used in this section: 12237

(1) "Financial transaction device" includes a credit card, 12238
debit card, charge card, or prepaid or stored value card, or 12239
automated clearinghouse network credit, debit, or e-check entry 12240
that includes, but is not limited to, accounts receivable and 12241
internet-initiated, point of purchase, and telephone-initiated 12242
applications or any other device or method for making an 12243
electronic payment or transfer of funds. 12244

(2) "Township expenses" includes fees, costs, assessments, 12245
finances, penalties, payments, or any other expense a person owes or 12246
otherwise pays to a township. 12247

(B) Notwithstanding any other section of the Revised Code and 12248
except as provided in division (D) of this section, a board of 12249
township trustees may adopt a resolution authorizing the 12250
acceptance of payments by financial transaction devices for 12251
township expenses. The resolution shall include the following: 12252

(1) A specification of those township offices that are 12253
authorized to accept payments by financial transaction devices; 12254

(2) A list of township expenses that may be paid for through 12255

the use of a financial transaction device; 12256

(3) Specific identification of financial transaction devices 12257
that the board authorizes as acceptable means of payment for 12258
township expenses. Uniform acceptance of financial transaction 12259
devices among different types of township expenses is not 12260
required. 12261

(4) The amount, if any, authorized as a surcharge or 12262
convenience fee under division (E) of this section for persons 12263
using a financial transaction device. Uniform application of 12264
surcharges or convenience fees among different types of township 12265
expenses is not required. 12266

(5) A specific provision as provided in division (G) of this 12267
section requiring the payment of a penalty if a payment made by 12268
means of a financial transaction device is returned or dishonored 12269
for any reason. 12270

The board's resolution also shall designate the township 12271
fiscal officer as an administrative agent to solicit proposals, 12272
within guidelines established by the board in the resolution and 12273
in compliance with the procedures provided in division (C) of this 12274
section, from financial institutions, issuers of financial 12275
transaction devices, and processors of financial transaction 12276
devices, to make recommendations about those proposals to the 12277
board, and to assist township offices in implementing the 12278
township's financial transaction devices program. 12279

(C) The township shall follow the procedures provided in this 12280
division whenever it plans to contract with financial 12281
institutions, issuers of financial transaction devices, or 12282
processors of financial transaction devices for the purposes of 12283
this section. The township fiscal officer shall request proposals 12284
from financial institutions, issuers of financial transaction 12285
devices, or processors of financial transaction devices, as 12286

appropriate in accordance with the resolution adopted under 12287
division (B) of this section. Upon receiving the proposals, the 12288
fiscal officer shall review them and make a recommendation to the 12289
board of trustees on which proposals to accept. The board of 12290
trustees shall consider the fiscal officer's recommendation and 12291
review all proposals submitted, and then may choose to contract 12292
with any or all of the entities submitting proposals, as 12293
appropriate. The board of trustees shall provide any financial 12294
institution, issuer, or processor that submitted a proposal, but 12295
with which the board does not enter into a contract, notice that 12296
its proposal is rejected. The notice shall state the reasons for 12297
the rejection, indicate whose proposals were accepted, and provide 12298
a copy of the terms and conditions of the successful bids. 12299

(D) A board of township trustees adopting a resolution under 12300
this section shall post a copy of the resolution in each township 12301
office accepting payment by a financial transaction device. 12302

Each township office subject to the board's resolution 12303
adopted under division (B) of this section may use only the 12304
financial institutions, issuers of financial transaction devices, 12305
and processors of financial transaction devices with which the 12306
board of township trustees contracts, and each such office is 12307
subject to the terms of those contracts. 12308

(E) A board of township trustees may establish a surcharge or 12309
convenience fee that may be imposed upon a person making payment 12310
by a financial transaction device. The surcharge or convenience 12311
fee shall not be imposed unless authorized or otherwise permitted 12312
by the rules prescribed by an agreement governing the use and 12313
acceptance of the financial transaction device. 12314

If a surcharge or convenience fee is imposed, every township 12315
office accepting payment by a financial transaction device shall 12316
clearly post a notice in that office, and shall notify each person 12317
making a payment by such a device, about the surcharge or fee. 12318

Notice to each person making a payment shall be provided 12319
regardless of the medium used to make the payment and in a manner 12320
appropriate to that medium. Each notice shall include all of the 12321
following: 12322

(1) A statement that there is a surcharge or convenience fee 12323
for using a financial transaction device; 12324

(2) The total amount of the charge or fee expressed in 12325
dollars and cents for each transaction, or the rate of the charge 12326
or fee expressed as a percentage of the total amount of the 12327
transaction, whichever is applicable; 12328

(3) A clear statement that the surcharge or convenience fee 12329
is nonrefundable. 12330

(F) If a person elects to make a payment to the county by a 12331
financial transaction device and a surcharge or convenience fee is 12332
imposed, the payment of the surcharge or fee shall be considered 12333
voluntary and the surcharge or fee is not refundable. 12334

(G) If a person makes payment by financial transaction device 12335
and the payment is returned or dishonored for any reason, the 12336
person is liable to the township for payment of a penalty over and 12337
above the amount of the expense due. The board of township 12338
trustees shall determine the amount of the penalty, which may be 12339
either a fee not to exceed twenty dollars or payment of the amount 12340
necessary to reimburse the township for banking charges, legal 12341
fees, or other expenses incurred by the township in collecting the 12342
returned or dishonored payment. The remedies and procedures 12343
provided in this section are in addition to any other available 12344
civil or criminal remedies provided by law. 12345

(H) No person making any payment by financial transaction 12346
device to a township office shall be relieved from liability for 12347
the underlying obligation except to the extent that the township 12348
realizes final payment of the underlying obligation in cash or its 12349

equivalent. If final payment is not made by the financial 12350
transaction device issuer or other guarantor of payment in the 12351
transaction, the underlying obligation shall survive and the 12352
township shall retain all remedies for enforcement that would have 12353
applied if the transaction had not occurred. 12354

(I) A township official or employee who accepts a financial 12355
transaction device payment in accordance with this section and any 12356
applicable state or local policies or rules is immune from 12357
personal liability for the final collection of such payments. 12358

Sec. 505.101. The board of township trustees of any township 12359
may, by resolution, enter into a contract, without advertising or 12360
bidding, for the purchase or sale of motor vehicles, materials, 12361
equipment, or supplies from or to any department, agency, or 12362
political subdivision of the state, for the purchase of services 12363
with a soil and water conservation district established under 12364
Chapter 1515. of the Revised Code, for the purchase of supplies, 12365
services, materials, and equipment with a regional planning 12366
commission pursuant to division (D) of section 713.23 of the 12367
Revised Code, or for the purchase of services from an educational 12368
service center under section 3313.846 of the Revised Code. The 12369
resolution shall: 12370

(A) Set forth the maximum amount to be paid as the purchase 12371
price for the motor vehicles, materials, equipment, supplies, or 12372
services; 12373

(B) Describe the type of motor vehicles, materials, 12374
equipment, supplies, or services that are to be purchased; 12375

(C) Appropriate sufficient funds to pay the purchase price 12376
for the motor vehicles, materials, equipment, supplies, or 12377
services, except that no such appropriation is necessary if funds 12378
have been previously appropriated for the purpose and remain 12379
unencumbered at the time the resolution is adopted. 12380

Sec. 505.1010. A board of township trustees may purchase real 12381
or personal property at public auction by adopting a resolution to 12382
designate an individual, officer, or employee to represent the 12383
board and tender bids at the auction. Any purchase made at a 12384
public auction shall be subject to a maximum purchase price 12385
established by resolution of the board or an appraisal obtained 12386
before the auction and approved by the board of township trustees. 12387
A purchase made under this section shall comply with division (D) 12388
of section 5705.41 of the Revised Code. 12389

Sec. 718.01. Any term used in this chapter that is not 12390
otherwise defined in this chapter has the same meaning as when 12391
used in a comparable context in laws of the United States relating 12392
to federal income taxation or in Title LVII of the Revised Code, 12393
unless a different meaning is clearly required. If a term used in 12394
this chapter that is not otherwise defined in this chapter is used 12395
in a comparable context in both the laws of the United States 12396
relating to federal income tax and in Title LVII of the Revised 12397
Code and the use is not consistent, then the use of the term in 12398
the laws of the United States relating to federal income tax shall 12399
control over the use of the term in Title LVII of the Revised 12400
Code. 12401

As used in this chapter: 12402

(A)(1) "Municipal taxable income" means the following: 12403

(a) For a person other than an individual, income reduced by 12404
exempt income to the extent otherwise included in income and then, 12405
as applicable, apportioned or situated to the municipal corporation 12406
under section 718.02 of the Revised Code, and further reduced by 12407
any pre-2017 net operating loss carryforward available to the 12408
person for the municipal corporation. 12409

(b)(i) For an individual who is a resident of a municipal 12410

corporation other than a qualified municipal corporation, income 12411
reduced by exempt income to the extent otherwise included in 12412
income, then reduced as provided in division (A)(2) of this 12413
section, and further reduced by any pre-2017 net operating loss 12414
carryforward available to the individual for the municipal 12415
corporation. 12416

(ii) For an individual who is a resident of a qualified 12417
municipal corporation, Ohio adjusted gross income reduced by 12418
income exempted, and increased by deductions excluded, by the 12419
qualified municipal corporation from the qualified municipal 12420
corporation's tax ~~on or before December 31, 2013~~. If a qualified 12421
municipal corporation, on or before December 31, 2013, exempts 12422
income earned by individuals who are not residents of the 12423
qualified municipal corporation and net profit of persons that are 12424
not wholly located within the qualified municipal corporation, 12425
such individual or person shall have no municipal taxable income 12426
for the purposes of the tax levied by the qualified municipal 12427
corporation and may be exempted by the qualified municipal 12428
corporation from the requirements of section 718.03 of the Revised 12429
Code. 12430

(c) For an individual who is a nonresident of a municipal 12431
corporation, income reduced by exempt income to the extent 12432
otherwise included in income and then, as applicable, apportioned 12433
or situated to the municipal corporation under section 718.02 of 12434
the Revised Code, then reduced as provided in division (A)(2) of 12435
this section, and further reduced by any pre-2017 net operating 12436
loss carryforward available to the individual for the municipal 12437
corporation. 12438

(2) In computing the municipal taxable income of a taxpayer 12439
who is an individual, the taxpayer may subtract, as provided in 12440
division (A)(1)(b)(i) or (c) of this section, the amount of the 12441
individual's employee business expenses reported on the 12442

individual's form 2106 that the individual deducted for federal 12443
income tax purposes for the taxable year, subject to the 12444
limitation imposed by section 67 of the Internal Revenue Code. For 12445
the municipal corporation in which the taxpayer is a resident, the 12446
taxpayer may deduct all such expenses allowed for federal income 12447
tax purposes. For a municipal corporation in which the taxpayer is 12448
not a resident, the taxpayer may deduct such expenses only to the 12449
extent the expenses are related to the taxpayer's performance of 12450
personal services in that nonresident municipal corporation. 12451

(B) "Income" means the following: 12452

(1)(a) For residents, all income, salaries, qualifying wages, 12453
commissions, and other compensation from whatever source earned or 12454
received by the resident, including the resident's distributive 12455
share of the net profit of pass-through entities owned directly or 12456
indirectly by the resident and any net profit of the resident. 12457

(b) For the purposes of division (B)(1)(a) of this section: 12458

(i) Any net operating loss of the resident incurred in the 12459
taxable year and the resident's distributive share of any net 12460
operating loss generated in the same taxable year and attributable 12461
to the resident's ownership interest in a pass-through entity 12462
shall be allowed as a deduction, for that taxable year and the 12463
following five taxable years, against any other net profit of the 12464
resident or the resident's distributive share of any net profit 12465
attributable to the resident's ownership interest in a 12466
pass-through entity until fully utilized, subject to division 12467
(B)(1)(d) of this section; 12468

(ii) The resident's distributive share of the net profit of 12469
each pass-through entity owned directly or indirectly by the 12470
resident shall be calculated without regard to any net operating 12471
loss that is carried forward by that entity from a prior taxable 12472
year and applied to reduce the entity's net profit for the current 12473

taxable year. 12474

(c) Division (B)(1)(b) of this section does not apply with 12475
respect to any net profit or net operating loss attributable to an 12476
ownership interest in an S corporation unless shareholders' 12477
distributive shares of net profits from S corporations are subject 12478
to tax in the municipal corporation as provided in division 12479
(C)(14)(b) or (c) of this section. 12480

(d) Any amount of a net operating loss used to reduce a 12481
taxpayer's net profit for a taxable year shall reduce the amount 12482
of net operating loss that may be carried forward to any 12483
subsequent year for use by that taxpayer. In no event shall the 12484
cumulative deductions for all taxable years with respect to a 12485
taxpayer's net operating loss exceed the original amount of that 12486
net operating loss available to that taxpayer. 12487

(2) In the case of nonresidents, all income, salaries, 12488
qualifying wages, commissions, and other compensation from 12489
whatever source earned or received by the nonresident for work 12490
done, services performed or rendered, or activities conducted in 12491
the municipal corporation, including any net profit of the 12492
nonresident, but excluding the nonresident's distributive share of 12493
the net profit or loss of only pass-through entities owned 12494
directly or indirectly by the nonresident. 12495

(3) For taxpayers that are not individuals, net profit of the 12496
taxpayer; 12497

(4) Lottery, sweepstakes, gambling and sports winnings, 12498
winnings from games of chance, and prizes and awards. If the 12499
taxpayer is a professional gambler for federal income tax 12500
purposes, the taxpayer may deduct related wagering losses and 12501
expenses to the extent authorized under the Internal Revenue Code 12502
and claimed against such winnings. 12503

(C) "Exempt income" means all of the following: 12504

(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;	12505 12506 12507
(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income;	12508 12509
(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.	12510 12511 12512 12513 12514 12515 12516
(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.	12517 12518 12519 12520 12521 12522 12523 12524 12525 12526 12527
(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.	12528 12529 12530 12531
(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one	12532 12533 12534 12535

thousand dollars for the taxable year may be subject to taxation 12536
by a municipal corporation. A municipal corporation shall not 12537
require the payer of such compensation to withhold any tax from 12538
that compensation. 12539

(6) Dues, contributions, and similar payments received by 12540
charitable, religious, educational, or literary organizations or 12541
labor unions, lodges, and similar organizations; 12542

(7) Alimony and child support received; 12543

(8) Compensation for personal injuries or for damages to 12544
property from insurance proceeds or otherwise, excluding 12545
compensation paid for lost salaries or wages or compensation from 12546
punitive damages; 12547

(9) Income of a public utility when that public utility is 12548
subject to the tax levied under section 5727.24 or 5727.30 of the 12549
Revised Code. Division (C)(9) of this section does not apply for 12550
purposes of Chapter 5745. of the Revised Code. 12551

(10) Gains from involuntary conversions, interest on federal 12552
obligations, items of income subject to a tax levied by the state 12553
and that a municipal corporation is specifically prohibited by law 12554
from taxing, and income of a decedent's estate during the period 12555
of administration except such income from the operation of a trade 12556
or business; 12557

(11) Compensation or allowances excluded from federal gross 12558
income under section 107 of the Internal Revenue Code; 12559

(12) Employee compensation that is not qualifying wages as 12560
defined in division (R) of this section; 12561

(13) Compensation paid to a person employed within the 12562
boundaries of a United States air force base under the 12563
jurisdiction of the United States air force that is used for the 12564
housing of members of the United States air force and is a center 12565

for air force operations, unless the person is subject to taxation 12566
because of residence or domicile. If the compensation is subject 12567
to taxation because of residence or domicile, tax on such income 12568
shall be payable only to the municipal corporation of residence or 12569
domicile. 12570

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12571
this section, an S corporation shareholder's distributive share of 12572
net profits of the S corporation, other than any part of the 12573
distributive share of net profits that represents wages as defined 12574
in section 3121(a) of the Internal Revenue Code or net earnings 12575
from self-employment as defined in section 1402(a) of the Internal 12576
Revenue Code. 12577

(b) If, pursuant to division (H) of former section 718.01 of 12578
the Revised Code as it existed before March 11, 2004, a majority 12579
of the electors of a municipal corporation voted in favor of the 12580
question at an election held on November 4, 2003, the municipal 12581
corporation may continue after 2002 to tax an S corporation 12582
shareholder's distributive share of net profits of an S 12583
corporation. 12584

(c) If, on December 6, 2002, a municipal corporation was 12585
imposing, assessing, and collecting a tax on an S corporation 12586
shareholder's distributive share of net profits of the S 12587
corporation to the extent the distributive share would be 12588
allocated or apportioned to this state under divisions (B)(1) and 12589
(2) of section 5733.05 of the Revised Code if the S corporation 12590
were a corporation subject to taxes imposed under Chapter 5733. of 12591
the Revised Code, the municipal corporation may continue to impose 12592
the tax on such distributive shares to the extent such shares 12593
would be so allocated or apportioned to this state only until 12594
December 31, 2004, unless a majority of the electors of the 12595
municipal corporation voting on the question of continuing to tax 12596
such shares after that date voted in favor of that question at an 12597

election held November 2, 2004. If a majority of those electors 12598
voted in favor of the question, the municipal corporation may 12599
continue after December 31, 2004, to impose the tax on such 12600
distributive shares only to the extent such shares would be so 12601
allocated or apportioned to this state. 12602

(d) A municipal corporation shall be deemed to have elected 12603
to tax S corporation shareholders' distributive shares of net 12604
profits of the S corporation in the hands of the shareholders if a 12605
majority of the electors of a municipal corporation voted in favor 12606
of a question at an election held under division (C)(14)(b) or (c) 12607
of this section. The municipal corporation shall specify by 12608
resolution or ordinance that the tax applies to the distributive 12609
share of a shareholder of an S corporation in the hands of the 12610
shareholder of the S corporation. 12611

(15) To the extent authorized under a resolution or ordinance 12612
adopted by a municipal corporation before January 1, 2016, all or 12613
a portion of the income of individuals or a class of individuals 12614
under eighteen years of age. 12615

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12616
(d) of this section, qualifying wages described in division (B)(1) 12617
or (E) of section 718.011 of the Revised Code to the extent the 12618
qualifying wages are not subject to withholding for the municipal 12619
corporation under either of those divisions. 12620

(b) The exemption provided in division (C)(16)(a) of this 12621
section does not apply with respect to the municipal corporation 12622
in which the employee resided at the time the employee earned the 12623
qualifying wages. 12624

(c) The exemption provided in division (C)(16)(a) of this 12625
section does not apply to qualifying wages that an employer elects 12626
to withhold under division (D)(2) of section 718.011 of the 12627
Revised Code. 12628

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the

Revised Code. 12660

(c) Compensation to which division (C)(17) of this section 12661
applies shall be treated as earned or received at the individual's 12662
base of operation. If the individual does not have a base of 12663
operation, the compensation shall be treated as earned or received 12664
where the individual is domiciled. 12665

(d) For purposes of division (C)(17) of this section, "base 12666
of operation" means the location where an individual owns or rents 12667
an office, storefront, or similar facility to which the individual 12668
regularly reports and at which the individual regularly performs 12669
personal services for compensation. 12670

(18) Compensation paid to a person for personal services 12671
performed for a political subdivision on property owned by the 12672
political subdivision, regardless of whether the compensation is 12673
received by an employee of the subdivision or another person 12674
performing services for the subdivision under a contract with the 12675
subdivision, if the property on which services are performed is 12676
annexed to a municipal corporation pursuant to section 709.023 of 12677
the Revised Code on or after March 27, 2013, unless the person is 12678
subject to such taxation because of residence. If the compensation 12679
is subject to taxation because of residence, municipal income tax 12680
shall be payable only to the municipal corporation of residence. 12681

(19) Income the taxation of which is prohibited by the 12682
constitution or laws of the United States. 12683

Any item of income that is exempt income of a pass-through 12684
entity under division (C) of this section is exempt income of each 12685
owner of the pass-through entity to the extent of that owner's 12686
distributive or proportionate share of that item of the entity's 12687
income. 12688

(D)(1) "Net profit" for a person other than an individual 12689
means adjusted federal taxable income. 12690

(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8) of this section.

(3) For the purposes of this chapter, and notwithstanding division (D)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income

to the extent the income and gain directly relate to the sale, 12722
exchange, or other disposition of an asset described in section 12723
1221 or 1231 of the Internal Revenue Code; 12724

(b) Division (E)(4)(a) of this section does not apply to the 12725
extent the income or gain is income or gain described in section 12726
1245 or 1250 of the Internal Revenue Code. 12727

(5) Add taxes on or measured by net income allowed as a 12728
deduction in the computation of federal taxable income; 12729

(6) In the case of a real estate investment trust or 12730
regulated investment company, add all amounts with respect to 12731
dividends to, distributions to, or amounts set aside for or 12732
credited to the benefit of investors and allowed as a deduction in 12733
the computation of federal taxable income; 12734

(7) Deduct, to the extent not otherwise deducted or excluded 12735
in computing federal taxable income, any income derived from a 12736
transfer agreement or from the enterprise transferred under that 12737
agreement under section 4313.02 of the Revised Code; 12738

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 12739
of this section, deduct any net operating loss incurred by the 12740
person in a taxable year beginning on or after January 1, 2017. 12741

The amount of such net operating loss shall be deducted from 12742
net profit that is reduced by exempt income to the extent 12743
necessary to reduce municipal taxable income to zero, with any 12744
remaining unused portion of the net operating loss carried forward 12745
to not more than five consecutive taxable years following the 12746
taxable year in which the loss was incurred, but in no case for 12747
more years than necessary for the deduction to be fully utilized. 12748

(b) No person shall use the deduction allowed by division 12749
(E)(8) of this section to offset qualifying wages. 12750

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12751

or 2022, a person may not deduct, for purposes of an income tax 12752
levied by a municipal corporation that levies an income tax before 12753
January 1, 2016, more than fifty per cent of the amount of the 12754
deduction otherwise allowed by division (E)(8)(a) of this section. 12755

(ii) For taxable years beginning in 2023 or thereafter, a 12756
person may deduct, for purposes of an income tax levied by a 12757
municipal corporation that levies an income tax before January 1, 12758
2016, the full amount allowed by division (E)(8)(a) of this 12759
section. 12760

(d) Any pre-2017 net operating loss carryforward deduction 12761
that is available must be utilized before a taxpayer may deduct 12762
any amount pursuant to division (E)(8) of this section. 12763

(e) Nothing in divisions (E)(8)(c)(i) and (ii) of this 12764
section precludes a person from carrying forward, for the period 12765
otherwise permitted under division (E)(8)(a) of this section, any 12766
amount of net operating loss that was not fully utilized by 12767
operation of divisions (E)(8)(c)(i) and (ii) of this section. 12768

(9) Deduct any net profit of a pass-through entity owned 12769
directly or indirectly by the taxpayer and included in the 12770
taxpayer's federal taxable income unless an affiliated group of 12771
corporations includes that net profit in the group's federal 12772
taxable income in accordance with division (E)(3)(b) of section 12773
718.06 of the Revised Code. 12774

(10) Add any loss incurred by a pass-through entity owned 12775
directly or indirectly by the taxpayer and included in the 12776
taxpayer's federal taxable income unless an affiliated group of 12777
corporations includes that loss in the group's federal taxable 12778
income in accordance with division (E)(3)(b) of section 718.06 of 12779
the Revised Code. 12780

If the taxpayer is not a C corporation, is not a disregarded 12781
entity, and is not an individual, the taxpayer shall compute 12782

adjusted federal taxable income under this section as if the 12783
taxpayer were a C corporation, except guaranteed payments and 12784
other similar amounts paid or accrued to a partner, former 12785
partner, shareholder, former shareholder, member, or former member 12786
shall not be allowed as a deductible expense unless such payments 12787
are in consideration for the use of capital and treated as payment 12788
of interest under section 469 of the Internal Revenue Code or 12789
United States treasury regulations. Amounts paid or accrued to a 12790
qualified self-employed retirement plan with respect to a partner, 12791
former partner, shareholder, former shareholder, member, or former 12792
member of the taxpayer, amounts paid or accrued to or for health 12793
insurance for a partner, former partner, shareholder, former 12794
shareholder, member, or former member, and amounts paid or accrued 12795
to or for life insurance for a partner, former partner, 12796
shareholder, former shareholder, member, or former member shall 12797
not be allowed as a deduction. 12798

Nothing in division (E) of this section shall be construed as 12799
allowing the taxpayer to add or deduct any amount more than once 12800
or shall be construed as allowing any taxpayer to deduct any 12801
amount paid to or accrued for purposes of federal self-employment 12802
tax. 12803

(F) "Schedule C" means internal revenue service schedule C 12804
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12805
Code. 12806

(G) "Schedule E" means internal revenue service schedule E 12807
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12808
Code. 12809

(H) "Schedule F" means internal revenue service schedule F 12810
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12811
Code. 12812

(I) "Internal Revenue Code" has the same meaning as in 12813

section 5747.01 of the Revised Code. 12814

(J) "Resident" means an individual who is domiciled in the 12815
municipal corporation as determined under section 718.012 of the 12816
Revised Code. 12817

(K) "Nonresident" means an individual that is not a resident. 12818

(L)(1) "Taxpayer" means a person subject to a tax levied on 12819
income by a municipal corporation in accordance with this chapter. 12820
"Taxpayer" does not include a grantor trust or, except as provided 12821
in division (L)(2)(a) of this section, a disregarded entity. 12822

(2)(a) A single member limited liability company that is a 12823
disregarded entity for federal tax purposes may be a separate 12824
taxpayer from its single member in all Ohio municipal corporations 12825
in which it either filed as a separate taxpayer or did not file 12826
for its taxable year ending in 2003, if all of the following 12827
conditions are met: 12828

(i) The limited liability company's single member is also a 12829
limited liability company. 12830

(ii) The limited liability company and its single member were 12831
formed and doing business in one or more Ohio municipal 12832
corporations for at least five years before January 1, 2004. 12833

(iii) Not later than December 31, 2004, the limited liability 12834
company and its single member each made an election to be treated 12835
as a separate taxpayer under division (L) of this section as this 12836
section existed on December 31, 2004. 12837

(iv) The limited liability company was not formed for the 12838
purpose of evading or reducing Ohio municipal corporation income 12839
tax liability of the limited liability company or its single 12840
member. 12841

(v) The Ohio municipal corporation that was the primary place 12842
of business of the sole member of the limited liability company 12843

consented to the election. 12844

(b) For purposes of division (L)(2)(a)(v) of this section, a 12845
municipal corporation was the primary place of business of a 12846
limited liability company if, for the limited liability company's 12847
taxable year ending in 2003, its income tax liability was greater 12848
in that municipal corporation than in any other municipal 12849
corporation in Ohio, and that tax liability to that municipal 12850
corporation for its taxable year ending in 2003 was at least four 12851
hundred thousand dollars. 12852

(M) "Person" includes individuals, firms, companies, joint 12853
stock companies, business trusts, estates, trusts, partnerships, 12854
limited liability partnerships, limited liability companies, 12855
associations, C corporations, S corporations, governmental 12856
entities, and any other entity. 12857

(N) "Pass-through entity" means a partnership not treated as 12858
an association taxable as a C corporation for federal income tax 12859
purposes, a limited liability company not treated as an 12860
association taxable as a C corporation for federal income tax 12861
purposes, an S corporation, or any other class of entity from 12862
which the income or profits of the entity are given pass-through 12863
treatment for federal income tax purposes. "Pass-through entity" 12864
does not include a trust, estate, grantor of a grantor trust, or 12865
disregarded entity. 12866

(O) "S corporation" means a person that has made an election 12867
under subchapter S of Chapter 1 of Subtitle A of the Internal 12868
Revenue Code for its taxable year. 12869

(P) "Single member limited liability company" means a limited 12870
liability company that has one direct member. 12871

(Q) "Limited liability company" means a limited liability 12872
company formed under Chapter 1705. of the Revised Code or under 12873
the laws of another state. 12874

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:	12875 12876 12877
(1) Deduct the following amounts:	12878
(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.	12879 12880 12881
(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.	12882 12883 12884 12885
(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	12886 12887 12888 12889 12890 12891
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	12892 12893 12894 12895 12896 12897 12898
(e) Any amount included in wages that is exempt income.	12899
(2) Add the following amounts:	12900
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	12901 12902
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock	12903 12904

option, the exercise of a stock option, or the sale, exchange, or 12905
other disposition of stock purchased under a stock option and the 12906
municipal corporation has not, by resolution or ordinance, 12907
exempted the amount from withholding and tax adopted before 12908
January 1, 2016. Division (R)(2)(b) of this section applies only 12909
to those amounts constituting ordinary income. 12910

(c) Any amount not included in wages if the amount is an 12911
amount described in section 401(k), 403(b), or 457 of the Internal 12912
Revenue Code. Division (R)(2)(c) of this section applies only to 12913
employee contributions and employee deferrals. 12914

(d) Any amount that is supplemental unemployment compensation 12915
benefits described in section 3402(o)(2) of the Internal Revenue 12916
Code and not included in wages. 12917

(e) Any amount received that is treated as self-employment 12918
income for federal tax purposes in accordance with section 12919
1402(a)(8) of the Internal Revenue Code. 12920

(f) Any amount not included in wages if all of the following 12921
apply: 12922

(i) For the taxable year the amount is employee compensation 12923
that is included in the taxpayer's gross income for federal income 12924
tax purposes; 12925

(ii) For no preceding taxable year did the amount constitute 12926
wages as defined in section 3121(a) of the Internal Revenue Code; 12927

(iii) For no succeeding taxable year will the amount 12928
constitute wages; and 12929

(iv) For any taxable year the amount has not otherwise been 12930
added to wages pursuant to either division (R)(2) of this section 12931
or section 718.03 of the Revised Code, as that section existed 12932
before the effective date of H.B. 5 of the 130th general assembly, 12933
March 23, 2015. 12934

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:

(1) A municipal corporation acting as the agent of another municipal corporation;

(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.

(V) "Employer" means a person that is an employer for federal income tax purposes.

(W) "Employee" means an individual who is an employee for federal income tax purposes.	12966 12967
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	12968 12969 12970 12971 12972
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	12973 12974
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	12975 12976
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code.	12977 12978 12979 12980
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	12981 12982 12983 12984
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	12985 12986 12987 12988 12989 12990
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	12991 12992 12993
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code,	12994 12995

that allows persons to electronically file business reply forms	12996
with state agencies and includes any successor electronic filing	12997
and payment system.	12998
(FF) "Local board of tax review" and "board of tax review"	12999
mean the entity created under section 718.11 of the Revised Code.	13000
(GG) "Net operating loss" means a loss incurred by a person	13001
in the operation of a trade or business. "Net operating loss" does	13002
not include unutilized losses resulting from basis limitations,	13003
at-risk limitations, or passive activity loss limitations.	13004
(HH) "Casino operator" and "casino facility" have the same	13005
meanings as in section 3772.01 of the Revised Code.	13006
(II) "Video lottery terminal" has the same meaning as in	13007
section 3770.21 of the Revised Code.	13008
(JJ) "Video lottery terminal sales agent" means a lottery	13009
sales agent licensed under Chapter 3770. of the Revised Code to	13010
conduct video lottery terminals on behalf of the state pursuant to	13011
section 3770.21 of the Revised Code.	13012
(KK) "Postal service" means the United States postal service.	13013
(LL) "Certified mail," "express mail," "United States mail,"	13014
"postal service," and similar terms include any delivery service	13015
authorized pursuant to section 5703.056 of the Revised Code.	13016
(MM) "Postmark date," "date of postmark," and similar terms	13017
include the date recorded and marked in the manner described in	13018
division (B)(3) of section 5703.056 of the Revised Code.	13019
(NN) "Related member" means a person that, with respect to	13020
the taxpayer during all or any portion of the taxable year, is	13021
either a related entity, a component member as defined in section	13022
1563(b) of the Internal Revenue Code, or a person to or from whom	13023
there is attribution of stock ownership in accordance with section	13024
1563(e) of the Internal Revenue Code except, for purposes of	13025

determining whether a person is a related member under this 13026
division, "twenty per cent" shall be substituted for "5 percent" 13027
wherever "5 percent" appears in section 1563(e) of the Internal 13028
Revenue Code. 13029

(OO) "Related entity" means any of the following: 13030

(1) An individual stockholder, or a member of the 13031
stockholder's family enumerated in section 318 of the Internal 13032
Revenue Code, if the stockholder and the members of the 13033
stockholder's family own directly, indirectly, beneficially, or 13034
constructively, in the aggregate, at least fifty per cent of the 13035
value of the taxpayer's outstanding stock; 13036

(2) A stockholder, or a stockholder's partnership, estate, 13037
trust, or corporation, if the stockholder and the stockholder's 13038
partnerships, estates, trusts, or corporations own directly, 13039
indirectly, beneficially, or constructively, in the aggregate, at 13040
least fifty per cent of the value of the taxpayer's outstanding 13041
stock; 13042

(3) A corporation, or a party related to the corporation in a 13043
manner that would require an attribution of stock from the 13044
corporation to the party or from the party to the corporation 13045
under division (OO)(4) of this section, provided the taxpayer owns 13046
directly, indirectly, beneficially, or constructively, at least 13047
fifty per cent of the value of the corporation's outstanding 13048
stock; 13049

(4) The attribution rules described in section 318 of the 13050
Internal Revenue Code apply for the purpose of determining whether 13051
the ownership requirements in divisions (OO)(1) to (3) of this 13052
section have been met. 13053

(PP)(1) "Assessment" means a written finding by the tax 13054
administrator that a person has underpaid municipal income tax, or 13055
owes penalty and interest, or any combination of tax, penalty, or 13056

interest, to the municipal corporation that commences the person's 13057
time limitation for making an appeal to the local board of tax 13058
review pursuant to section 718.11 of the Revised Code, and has 13059
"ASSESSMENT" written in all capital letters at the top of such 13060
finding. 13061

(2) "Assessment" does not include an informal notice denying 13062
a request for refund issued under division (B)(3) of section 13063
718.19 of the Revised Code, a billing statement notifying a 13064
taxpayer of current or past-due balances owed to the municipal 13065
corporation, a tax administrator's request for additional 13066
information, a notification to the taxpayer of mathematical 13067
errors, or a tax administrator's other written correspondence to a 13068
person or taxpayer that does meet the criteria prescribed by 13069
division (PP)(1) of this section. 13070

(QQ) "Taxpayers' rights and responsibilities" means the 13071
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 13072
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 13073
Revised Code and the responsibilities of taxpayers to file, 13074
report, withhold, remit, and pay municipal income tax and 13075
otherwise comply with Chapter 718. of the Revised Code and 13076
resolutions, ordinances, and rules adopted by a municipal 13077
corporation for the imposition and administration of a municipal 13078
income tax. 13079

(RR) "Qualified municipal corporation" means a municipal 13080
corporation that, by resolution or ordinance adopted on or before 13081
December 31, 2011, adopted Ohio adjusted gross income, as defined 13082
by section 5747.01 of the Revised Code, as the income subject to 13083
tax for the purposes of imposing a municipal income tax. 13084

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13085
net operating loss incurred in a taxable year beginning before 13086
January 1, 2017, to the extent such loss was permitted, by a 13087
resolution or ordinance of the municipal corporation that was 13088

adopted by the municipal corporation before January 1, 2016, to be 13089
carried forward and utilized to offset income or net profit 13090
generated in such municipal corporation in future taxable years. 13091

(2) For the purpose of calculating municipal taxable income, 13092
any pre-2017 net operating loss carryforward may be carried 13093
forward to any taxable year, including taxable years beginning in 13094
2017 or thereafter, for the number of taxable years provided in 13095
the resolution or ordinance or until fully utilized, whichever is 13096
earlier. 13097

(TT) "Small employer" means any employer that had total 13098
revenue of less than five hundred thousand dollars during the 13099
preceding taxable year. For purposes of this division, "total 13100
revenue" means receipts of any type or kind, including, but not 13101
limited to, sales receipts; payments; rents; profits; gains, 13102
dividends, and other investment income; compensation; commissions; 13103
premiums; money; property; grants; contributions; donations; 13104
gifts; program service revenue; patient service revenue; premiums; 13105
fees, including premium fees and service fees; tuition payments; 13106
unrelated business revenue; reimbursements; any type of payment 13107
from a governmental unit, including grants and other allocations; 13108
and any other similar receipts reported for federal income tax 13109
purposes or under generally accepted accounting principles. "Small 13110
employer" does not include the federal government; any state 13111
government, including any state agency or instrumentality; any 13112
political subdivision; or any entity treated as a government for 13113
financial accounting and reporting purposes. 13114

(UU) "Audit" means the examination of a person or the 13115
inspection of the books, records, memoranda, or accounts of a 13116
person for the purpose of determining liability for a municipal 13117
income tax. 13118

Sec. 718.05. (A) An annual return with respect to the income 13119

tax levied by a municipal corporation shall be completed and filed 13120
by every taxpayer for any taxable year for which the taxpayer is 13121
liable for the tax. If the total credit allowed against the tax as 13122
described in division (D) of section 718.04 of the Revised Code 13123
for the year is equal to or exceeds the tax imposed by the 13124
municipal corporation, no return shall be required unless the 13125
municipal ordinance or resolution levying the tax requires the 13126
filing of a return in such circumstances. 13127

(B) If an individual is deceased, any return or notice 13128
required of that individual shall be completed and filed by that 13129
decedent's executor, administrator, or other person charged with 13130
the property of that decedent. 13131

(C) If an individual is unable to complete and file a return 13132
or notice required by a municipal corporation in accordance with 13133
this chapter, the return or notice required of that individual 13134
shall be completed and filed by the individual's duly authorized 13135
agent, guardian, conservator, fiduciary, or other person charged 13136
with the care of the person or property of that individual. 13137

(D) Returns or notices required of an estate or a trust shall 13138
be completed and filed by the fiduciary of the estate or trust. 13139

(E) No municipal corporation shall deny spouses the ability 13140
to file a joint return. 13141

(F)(1) Each return required to be filed under this section 13142
shall contain the signature of the taxpayer or the taxpayer's duly 13143
authorized agent and of the person who prepared the return for the 13144
taxpayer, and shall include the taxpayer's social security number 13145
or taxpayer identification number. Each return shall be verified 13146
by a declaration under penalty of perjury. 13147

(2) A tax administrator may require a taxpayer who is an 13148
individual to include, with each annual return, amended return, or 13149
request for refund required under this section, copies of only the 13150

following documents: all of the taxpayer's Internal Revenue 13151
Service form W-2, "Wage and Tax Statements," including all 13152
information reported on the taxpayer's federal W-2, as well as 13153
taxable wages reported or withheld for any municipal corporation; 13154
the taxpayer's Internal Revenue Service form 1040 or, in the case 13155
of a return or request required by a qualified municipal 13156
corporation, Ohio form IT-1040; and, with respect to an amended 13157
tax return or refund request, any other documentation necessary to 13158
support the refund request or the adjustments made in the amended 13159
return. An individual taxpayer who files the annual return 13160
required by this section electronically is not required to provide 13161
paper copies of any of the foregoing to the tax administrator 13162
unless the tax administrator requests such copies after the return 13163
has been filed. 13164

(3) A tax administrator may require a taxpayer that is not an 13165
individual to include, with each annual net profit return, amended 13166
net profit return, or request for refund required under this 13167
section, copies of only the following documents: the taxpayer's 13168
Internal Revenue Service form 1041, form 1065, form 1120, form 13169
1120-REIT, form 1120F, or form 1120S, and, with respect to an 13170
amended tax return or refund request, any other documentation 13171
necessary to support the refund request or the adjustments made in 13172
the amended return. 13173

A taxpayer that is not an individual and that files an annual 13174
net profit return electronically through the Ohio business gateway 13175
or in some other manner shall either mail the documents required 13176
under this division to the tax administrator at the time of filing 13177
or, if electronic submission is available, submit the documents 13178
electronically through the Ohio business gateway. The department 13179
of taxation shall publish a method of electronically submitting 13180
the documents required under this division through the Ohio 13181
business gateway on or before January 1, 2016. The department 13182

shall transmit all documents submitted electronically under this 13183
division to the appropriate tax administrator. 13184

(4) After a taxpayer files a tax return, the tax 13185
administrator may request, and the taxpayer shall provide, any 13186
information, statements, or documents required by the municipal 13187
corporation to determine and verify the taxpayer's municipal 13188
income tax liability. The requirements imposed under division (F) 13189
of this section apply regardless of whether the taxpayer files on 13190
a generic form or on a form prescribed by the tax administrator. 13191

(G)(1)(a) Except as otherwise provided in this chapter, each 13192
individual income tax return required to be filed under this 13193
section shall be completed and filed as required by the tax 13194
administrator on or before the date prescribed for the filing of 13195
state individual income tax returns under division (G) of section 13196
5747.08 of the Revised Code. The taxpayer shall complete and file 13197
the return or notice on forms prescribed by the tax administrator 13198
or on generic forms, together with remittance made payable to the 13199
municipal corporation or tax administrator. No remittance is 13200
required if the amount shown to be due is ten dollars or less. 13201

(b) Except as otherwise provided in this chapter, each annual 13202
net profit return required to be filed under this section by a 13203
taxpayer that is not an individual shall be completed and filed as 13204
required by the tax administrator on or before the fifteenth day 13205
of the fourth month following the end of the taxpayer's taxable 13206
year. The taxpayer shall complete and file the return or notice on 13207
forms prescribed by the tax administrator or on generic forms, 13208
together with remittance made payable to the municipal corporation 13209
or tax administrator. No remittance is required if the amount 13210
shown to be due is ten dollars or less. 13211

(2)(a) Any taxpayer that has duly requested an automatic 13212
six-month extension for filing the taxpayer's federal income tax 13213
return shall automatically receive an extension for the filing of 13214

a municipal income tax return. The extended due date of the 13215
municipal income tax return shall be the fifteenth day of the 13216
tenth month after the last day of the taxable year to which the 13217
return relates. ~~An~~ 13218

(b) A taxpayer that has not requested or received a six-month 13219
extension for filing the taxpayer's federal income tax return may 13220
request that the tax administrator grant the taxpayer a six-month 13221
extension of the date for filing the taxpayer's municipal income 13222
tax return. If the request is received by the tax administrator on 13223
or before the date the municipal income tax return is due, the tax 13224
administrator shall grant the taxpayer's requested extension. 13225

(c) An extension of time to file under ~~this~~ division (G)(2) 13226
of this section is not an extension of the time to pay any tax due 13227
unless the tax administrator grants an extension of that date. 13228

(3) If the tax commissioner extends for all taxpayers the 13229
date for filing state income tax returns under division (G) of 13230
section 5747.08 of the Revised Code, a taxpayer shall 13231
automatically receive an extension for the filing of a municipal 13232
income tax return. The extended due date of the municipal income 13233
tax return shall be the same as the extended due date of the state 13234
income tax return. 13235

(4) If the tax administrator considers it necessary in order 13236
to ensure the payment of the tax imposed by the municipal 13237
corporation in accordance with this chapter, the tax administrator 13238
may require taxpayers to file returns and make payments otherwise 13239
than as provided in this section, including taxpayers not 13240
otherwise required to file annual returns. 13241

(5) To the extent that any provision in this division 13242
conflicts with any provision in section 718.052 of the Revised 13243
Code, the provision in that section prevails. 13244

(H)(1) For taxable years beginning after 2015, a municipal 13245

corporation shall not require a taxpayer to remit tax with respect 13246
to net profits if the amount due is less than ten dollars. 13247

(2) Any taxpayer not required to remit tax to a municipal 13248
corporation for a taxable year pursuant to division (H)(1) of this 13249
section shall file with the municipal corporation an annual net 13250
profit return under division (F)(3) of this section. 13251

(I) This division shall not apply to payments required to be 13252
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 13253
Revised Code. 13254

(1) If any report, claim, statement, or other document 13255
required to be filed, or any payment required to be made, within a 13256
prescribed period or on or before a prescribed date under this 13257
chapter is delivered after that period or that date by United 13258
States mail to the tax administrator or other municipal official 13259
with which the report, claim, statement, or other document is 13260
required to be filed, or to which the payment is required to be 13261
made, the date of the postmark stamped on the cover in which the 13262
report, claim, statement, or other document, or payment is mailed 13263
shall be deemed to be the date of delivery or the date of payment. 13264
"The date of postmark" means, in the event there is more than one 13265
date on the cover, the earliest date imprinted on the cover by the 13266
postal service. 13267

(2) If a payment is required to be made by electronic funds 13268
transfer, the payment is considered to be made when the payment is 13269
credited to an account designated by the tax administrator for the 13270
receipt of tax payments, except that, when a payment made by 13271
electronic funds transfer is delayed due to circumstances not 13272
under the control of the taxpayer, the payment is considered to be 13273
made when the taxpayer submitted the payment. 13274

(J) The amounts withheld by an employer, the agent of an 13275
employer, or an other payer as described in section 718.03 of the 13276

Revised Code shall be allowed to the recipient of the compensation 13277
as credits against payment of the tax imposed on the recipient by 13278
the municipal corporation, unless the amounts withheld were not 13279
remitted to the municipal corporation and the recipient colluded 13280
with the employer, agent, or other payer in connection with the 13281
failure to remit the amounts withheld. 13282

(K) Each return required by a municipal corporation to be 13283
filed in accordance with this section shall include a box that the 13284
taxpayer may check to authorize another person, including a tax 13285
return preparer who prepared the return, to communicate with the 13286
tax administrator about matters pertaining to the return. The 13287
return or instructions accompanying the return shall indicate that 13288
by checking the box the taxpayer authorizes the tax administrator 13289
to contact the preparer or other person concerning questions that 13290
arise during the examination or other review of the return and 13291
authorizes the preparer or other person only to provide the tax 13292
administrator with information that is missing from the return, to 13293
contact the tax administrator for information about the 13294
examination or other review of the return or the status of the 13295
taxpayer's refund or payments, and to respond to notices about 13296
mathematical errors, offsets, or return preparation that the 13297
taxpayer has received from the tax administrator and has shown to 13298
the preparer or other person. 13299

(L) The tax administrator of a municipal corporation shall 13300
accept for filing a generic form of any income tax return, report, 13301
or document required by the municipal corporation in accordance 13302
with this chapter, provided that the generic form, once completed 13303
and filed, contains all of the information required by ordinance, 13304
resolution, or rules adopted by the municipal corporation or tax 13305
administrator, and provided that the taxpayer or tax return 13306
preparer filing the generic form otherwise complies with the 13307
provisions of this chapter and of the municipal corporation 13308

ordinance or resolution governing the filing of returns, reports, 13309
or documents. 13310

(M) When income tax returns, reports, or other documents 13311
require the signature of a tax return preparer, the tax 13312
administrator shall accept a facsimile of such a signature in lieu 13313
of a manual signature. 13314

Sec. 718.07. ~~On and after January 1, 2002, each~~ The tax 13315
administrator of a municipal corporation that imposes a tax on 13316
income in accordance with this chapter shall make electronic 13317
versions of any rules or ordinances governing the tax available to 13318
the public through the internet, including, but not limited to, 13319
ordinances or rules governing the rate of tax; payment and 13320
withholding of taxes; filing any prescribed returns, reports, or 13321
other documents; dates for filing or paying taxes, including 13322
estimated taxes; penalties, interest, assessment, and other 13323
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 13324
for filing appeals; and a summary of taxpayers' rights and 13325
responsibilities. ~~On and after that date, any municipal~~ 13326
~~corporation that requires taxpayers to file income tax returns,~~ 13327
~~reports, or other documents~~ The tax administrator shall make 13328
blanks of ~~such~~ any prescribed returns, reports, or documents, and 13329
any instructions pertaining thereto, available to the public 13330
electronically through the internet. Electronic versions of rules, 13331
ordinances, blanks, and instructions shall be made available 13332
~~either~~ by posting them on the electronic site established by the 13333
tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 13334
if the municipal corporation or tax administrator maintains an 13335
electronic site for the posting of such documents that is 13336
accessible through the internet, by posting them on ~~an~~ that 13337
electronic site ~~established by the municipal corporation that is~~ 13338
~~accessible through the internet.~~ If a municipal corporation or tax 13339
administrator establishes such an electronic site, the municipal 13340

corporation shall incorporate an electronic link between that site 13341
and the site established pursuant to section 5703.49 of the 13342
Revised Code, and shall provide to the tax commissioner the 13343
uniform resource locator of the site established pursuant to this 13344
division. 13345

Sec. 718.37. (A) A taxpayer aggrieved by an action or 13346
omission of a tax administrator, a tax administrator's employee, 13347
or an employee of the municipal corporation may bring an action 13348
against the ~~tax administrator, against the~~ municipal corporation, 13349
~~or against both,~~ for damages in the court of common pleas of the 13350
county in which the municipal corporation is located, if all of 13351
the following apply: 13352

(1) In the action or omission the tax administrator, the tax 13353
administrator's employee, or the employee of the municipal 13354
corporation frivolously disregards a provision of this chapter or 13355
a rule or instruction of the tax administrator; 13356

(2) The action or omission occurred with respect to an audit 13357
or an assessment and the review and collection proceedings 13358
connected with the audit or assessment; 13359

(3) The tax administrator, the tax administrator's employee, 13360
or the employee of the municipal corporation did not act 13361
manifestly outside the scope of employment and did not act with 13362
malicious purpose, in bad faith, or in a wanton or reckless 13363
manner. 13364

(B) In any action brought under division (A) of this section, 13365
upon a finding of liability on the part of the ~~tax administrator~~ 13366
~~or the~~ municipal corporation, the ~~tax administrator or the~~ 13367
municipal corporation shall be liable to the taxpayer in an amount 13368
equal to the sum of the following: 13369

(1) Compensatory damages sustained by the taxpayer as a 13370

result of the action or omission by the tax administrator, the tax administrator's employee, or the employee of the municipal corporation;

(2) Reasonable costs of litigation and attorneys' fees sustained by the taxpayer.

(C) In the awarding of damages under division (B) of this section, the court shall take into account the negligent actions or omissions, if any, on the part of the taxpayer that contributed to the damages, but shall not be bound by the provisions of sections 2315.32 to 2315.36 of the Revised Code.

(D) Whenever it appears to the court that a taxpayer's conduct in the proceedings brought under division (A) of this section is frivolous, the court may impose a penalty against the taxpayer in an amount not to exceed ten thousand dollars which shall be paid to the general fund of the municipal corporation.

(E) Division (A) of this section does not apply to opinions of the tax administrator or other information functions of the tax administrator.

(F) As used in this section, "frivolous" means that the conduct of the tax administrator, an employee of the municipal corporation or the tax administrator, the taxpayer, or the taxpayer's counsel of record satisfies either of the following:

(1) It obviously serves merely to harass or maliciously injure the tax administrator, the municipal corporation, or employees thereof if referring to the conduct of a taxpayer or the taxpayer's counsel of record, or to harass or maliciously injure the taxpayer if referring to the conduct of the tax administrator, the municipal corporation, or employees thereof;

(2) It is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

Sec. 737.41. (A) The legislative authority of a municipal corporation in which is established a municipal court, other than a county-operated municipal court, that has a department of probation shall establish in the municipal treasury a municipal probation services fund. The fund shall contain all moneys paid to the treasurer of the municipal corporation under section 2951.021 of the Revised Code for deposit into the fund. The treasurer of the municipal corporation shall disburse the money contained in the fund at the request of the municipal court department of probation, for use only by that department for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including community addiction services providers ~~certified under section 5119.36 of the Revised Code~~, determined to be appropriate by the chief probation officer, and other similar expenses related to placing offenders under a community control sanction.

(B) Any money in a municipal probation services fund at the end of a fiscal year shall not revert to the treasury of the municipal corporation but shall be retained in the fund.

(C) As used in this section:

(1) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

(2) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

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

Sec. 902.01. As used in this chapter:

(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in

anticipation of the issuance of bonds and renewal notes. 13432

(B) "Bond proceedings" means the resolution or ordinance or 13433
the trust agreement or indenture of mortgage, or combination 13434
thereof, authorizing or providing for the terms and conditions 13435
applicable to bonds issued under authority of this chapter. 13436

(C) "Borrower" means the recipient of a loan or the lessee or 13437
purchaser of a project under this chapter and is limited to a sole 13438
proprietor, or to a partnership, joint venture, firm, association, 13439
or corporation, a majority of whose stockholders, partners, 13440
members, or associates are persons or the spouses of persons 13441
related to each other within the fourth degree of kinship, 13442
according to law, provided that the sole proprietor or at least 13443
one of such related persons resides or will reside on or is or 13444
will actively operate the project or the farm or agricultural 13445
enterprise composed, in whole or in part, of the project, and 13446
provided further that the sole proprietor or all of the 13447
stockholders, members, partners, or associates are natural 13448
persons. The agricultural financing commission may establish 13449
procedures for the determination of the eligibility of borrowers 13450
under this chapter which determinations are conclusive in relation 13451
to the validity and enforceability of bonds issued under bond 13452
proceedings authorized in connection therewith, and in relation to 13453
security interests given and leases, subleases, sale agreements, 13454
loan agreements, and other agreements made in connection 13455
therewith, all in accordance with their terms. 13456

(D) "Composite financing arrangement" means the sale of a 13457
single issue of bonds to finance two or more projects, including, 13458
but not limited to, a single issue of bonds for a group of loans 13459
submitted by or through a single lending institution or with 13460
credit enhancement from a single lending institution, or the sale 13461
by or on behalf of one or more issuers of two or more issues or 13462
lots of bonds under or pursuant to a single sale agreement, single 13463

marketing arrangement, or single official statement, offering 13464
circular, or other marketing document. 13465

(E) "Issuer" means the state, or any county or municipal 13466
corporation of the state. 13467

(F) "Issuing authority" means ~~in the case of the state, the~~ 13468
~~agricultural financing commission created by section 901.61 of the~~ 13469
~~Revised Code;~~ in the case of a municipal corporation, the 13470
legislative authority thereof; and in the case of a county, the 13471
board of county commissioners or whatever officers, board, 13472
commission, council, or other body might succeed to or assume the 13473
legislative powers of the board of county commissioners. 13474

(G) "Lending institution" means any domestic building and 13475
loan association as defined in section 1151.01 of the Revised 13476
Code, any service corporation the entire stock of which is owned 13477
by one or more such building and loan associations, a bank which 13478
has its principal place of business located in this state, a bank 13479
subsidiary corporation that is wholly owned by a bank having its 13480
principal place of business located in this state, any state or 13481
federal governmental agency or instrumentality including without 13482
limitation the federal land bank, production credit association, 13483
or bank for cooperatives, or any of their local associations, or 13484
any other financial institution or entity authorized to make 13485
mortgage loans and qualified to do business in this state. 13486

(H) "Loan" includes a loan made to or through, or a deposit 13487
with, a lending institution or a loan made directly to the owner 13488
or operator of a project to finance one or more projects. 13489
Notwithstanding any other provision of this chapter, loans from 13490
proceeds of bonds issued under a composite financing arrangement 13491
shall be made only to or through, or by a deposit with, a lending 13492
institution, including the purchase of loans from lending 13493
institutions, or be made in any other manner in which a lending 13494
institution has been or is involved in the origination or credit 13495

enhancement of the loan.	13496
(I) "Mortgage loan" means a loan secured by a mortgage, deed of trust, or other security interest.	13497 13498
(J) "Pledged facilities" means the project or projects mortgaged or facilities the rentals, revenues, and other income, charges, and moneys from which are pledged, or both, for the payment of the principal of and interest on the bonds issued under authority of section 902.04 of the Revised Code, and includes a project for which a loan has been made under authority of this chapter, in which case, references in this chapter to revenues of such pledged facilities or from the disposition thereof include payments made or to be made to or for the account of the issuer pursuant to such loan.	13499 13500 13501 13502 13503 13504 13505 13506 13507 13508
(K) "Project" means real or personal property, or both, including undivided and other interests therein, acquired by gift or purchase, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, by an issuer, or by others from the proceeds of bonds, located within the boundaries of the issuer, and used or to be used by a borrower for agricultural purposes as provided in division (D) of this section. A project is hereby determined to qualify as facilities for industry, commerce, distribution, or research described in Section 13 of Article VIII, Ohio Constitution.	13509 13510 13511 13512 13513 13514 13515 13516 13517 13518
(L) "Purchase" means, with respect to loans, the purchase of loans from, or other acquisition by an issuer of loans of, lending institutions.	13519 13520 13521
(M) "Revenues" means the rentals, revenues, payments, repayments, income, charges, and moneys derived or to be derived from the use, lease, sublease, rental, sale, including installment sale or conditional sale, or other disposition of pledged facilities, or derived or to be derived pursuant to a loan made	13522 13523 13524 13525 13526

for a project, bond proceeds to the extent provided in the bond 13527
proceedings for the payment of principal of, or premium, if any, 13528
or interest on the bonds, proceeds from any insurance, 13529
condemnation, or guaranty pertaining to pledged facilities or the 13530
financing thereof, any income and profit from the investment of 13531
the proceeds of bonds or of any revenues, any fees and charges 13532
received by or on behalf of an issuer for the services of or 13533
commitments by the issuer, and moneys received in repayment of and 13534
for interest on any loan made or purchased by an issuer, moneys 13535
received by an issuer upon the sale of any bonds of the issuer 13536
under section 902.04 of the Revised Code, any moneys received from 13537
investment of funds of an issuer or from the sale of collateral 13538
securing loans made or purchased by the issuer, including 13539
collateral acquired by foreclosure or other action to enforce a 13540
security interest, and any moneys received in payment of a claim 13541
under insurance, guarantees, letters of credit, or otherwise with 13542
respect to any loans made or purchased by an issuer or any 13543
collateral held by the issuer of any bonds issued under this 13544
chapter. 13545

(N) "Security interest" means a mortgage, lien, or other 13546
encumbrance on, or pledge or assignment of, or other security 13547
interest with respect to all or any part of pledged facilities, 13548
revenues, reserve funds, or other funds established under the bond 13549
proceedings, or on, of, or with respect to, a lease, sublease, 13550
sale, conditional sale, or installment sale agreement, loan 13551
agreement, or any other agreement pertaining to the lease, 13552
sublease, sale, or other disposition of a project or pertaining to 13553
a loan made for a project, or any guaranty or insurance agreement 13554
made with respect thereto, or any interest of the issuer therein, 13555
or any other interest granted, assigned, purchased, or released to 13556
secure payments of the principal of, premium, if any, or interest 13557
on any bonds or to secure any other payments to be made by an 13558
issuer under the bond proceedings. Any security interest under 13559

this chapter may be prior or subordinate to or on a parity with 13560
any other mortgage, lien, encumbrance, pledge, assignment, or 13561
other security interest. 13562

Sec. 903.01. As used in this chapter: 13563

(A) "Agricultural animal" means any animal generally used for 13564
food or in the production of food, including cattle, sheep, goats, 13565
rabbits, poultry, and swine; horses; alpacas; llamas; and any 13566
other animal included by the director of agriculture by rule. 13567
"Agricultural animal" does not include fish or other aquatic 13568
animals regardless of whether they are raised at fish hatcheries, 13569
fish farms, or other facilities that raise aquatic animals. 13570

(B) "Animal feeding facility" means a lot, building, or 13571
structure where both of the following conditions are met: 13572

(1) Agricultural animals have been, are, or will be stabled 13573
or confined and fed or maintained there for a total of forty-five 13574
days or more in any twelve-month period. 13575

(2) Crops, vegetative forage growth, or post-harvest residues 13576
are not sustained in the normal growing season over any portion of 13577
the lot, building, or structure. 13578

"Animal feeding facility" also includes land that is owned or 13579
leased by or otherwise is under the control of the owner or 13580
operator of the lot, building, or structure and on which manure 13581
originating from agricultural animals in the lot, building, or 13582
structure or a production area is or may be applied. 13583

Two or more animal feeding facilities under common ownership 13584
shall be considered to be a single animal feeding facility for the 13585
purposes of this chapter if they adjoin each other or if they use 13586
a common area or system for the disposal of manure. 13587

(C) "Animal feeding operation" has the same meaning as 13588
"animal feeding facility." 13589

(D) "Cattle" includes, but is not limited to, heifers,	13590
steers, bulls, and cow and calf pairs.	13591
(E) "Concentrated animal feeding facility" means an animal	13592
feeding facility with a total design capacity equal to or more	13593
than the number of animals specified in any of the categories in	13594
division (M) of this section.	13595
(F) "Concentrated animal feeding operation" means an animal	13596
feeding facility that complies with one of the following:	13597
(1) Has a total design capacity equal to or more than the	13598
number of animals specified in any of the categories in division	13599
(M) of this section;	13600
(2) Satisfies the criteria in division (M), (Q), or (FF) of	13601
this section;	13602
(3) Is designated by the director of agriculture as a medium	13603
or small concentrated animal feeding operation pursuant to rules.	13604
(G) "Discharge" means to add from a point source to waters of	13605
the state.	13606
(H) "Federal Water Pollution Control Act" means the "Federal	13607
Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33	13608
U.S.C. 1251 et. seq., as amended, and regulations adopted under	13609
it.	13610
(I) "Finalized," with respect to the programs required under	13611
division (A)(1) of section 903.02 and division (A)(1) of section	13612
903.03 of the Revised Code, means that all rules that are	13613
necessary for the administration of this chapter have been adopted	13614
and all employees of the department of agriculture that are	13615
necessary for the administration of this chapter have been	13616
employed.	13617
(J) "General permit" has the meaning that is established in	13618
rules.	13619

(K) "Individual permit" has the meaning that is established in rules.	13620 13621
(L) "Installation permit" means a permit for the installation or modification of a disposal system or any part of a disposal system issued by the director of environmental protection under division (J)(1) of section 6111.03 of the Revised Code.	13622 13623 13624 13625
(M) "Large concentrated animal feeding operation" means an animal feeding facility that stables or confines at least the number of animals specified in any of the following categories:	13626 13627 13628
(1) Seven hundred mature dairy cattle whether milked or dry;	13629
(2) One thousand veal calves;	13630
(3) One thousand cattle other than mature dairy cattle or veal calves;	13631 13632
(4) Two thousand five hundred swine that each weigh fifty-five pounds or more;	13633 13634
(5) Ten thousand swine that each weigh less than fifty-five pounds;	13635 13636
(6) Five hundred horses;	13637
(7) Ten thousand sheep or lambs;	13638
(8) Fifty-five thousand turkeys;	13639
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	13640 13641
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13642 13643 13644
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13645 13646 13647
(12) Thirty thousand ducks if the animal feeding facility	13648

uses a manure handling system that is not a liquid manure handling system; 13649
13650

(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system. 13651
13652

(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section. 13653
13654
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(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta. 13657
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(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure. 13664
13665
13666
13667

(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following: 13668
13669

(1) The facility stables or confines the number of animals specified in any of the following categories: 13670
13671

(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry; 13672
13673

(b) Three hundred to nine hundred ninety-nine veal calves; 13674

(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves; 13675
13676

(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more; 13677
13678

(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	13679 13680
(f) One hundred fifty to four hundred ninety-nine horses;	13681
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	13682 13683
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	13684 13685
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	13686 13687 13688
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13689 13690 13691 13692
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13693 13694 13695 13696
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13697 13698 13699
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	13700 13701 13702
(2) The facility does one of the following:	13703
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	13704 13705 13706 13707
(b) Discharges pollutants directly into waters of the United	13708

States that originate outside of and that pass over, across, or 13709
through the facility or otherwise come into direct contact with 13710
the animals at the facility. 13711

"Medium concentrated animal feeding operation" includes an 13712
animal feeding facility that is designated by the director as a 13713
medium concentrated animal feeding operation pursuant to rules. 13714

(R) "Mortality composting" means the controlled decomposition 13715
of organic solid material consisting of dead animals that 13716
stabilizes the organic fraction of the material. 13717

(S) "NPDES permit" means a permit issued under the national 13718
pollutant discharge elimination system established in section 402 13719
of the Federal Water Pollution Control Act and includes the 13720
renewal of such a permit. "NPDES permit" includes the federally 13721
enforceable provisions of a permit to operate into which NPDES 13722
permit provisions have been incorporated. 13723

(T) "Permit" includes an initial, renewed, or modified permit 13724
to install, permit to operate, NPDES permit, and installation 13725
permit unless expressly stated otherwise. 13726

(U) "Permit to install" means a permit issued under section 13727
903.02 of the Revised Code. 13728

(V) "Permit to operate" means a permit issued or renewed 13729
under section 903.03 of the Revised Code and includes incorporated 13730
NPDES permit provisions, if applicable. 13731

(W) "Person" has the same meaning as in section 1.59 of the 13732
Revised Code and also includes the state, any political 13733
subdivision of the state, any interstate body created by compact, 13734
the United States, or any department, agency, or instrumentality 13735
of any of those entities. 13736

(X) "Point source" has the same meaning as in the Federal 13737
Water Pollution Control Act. 13738

(Y) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials except those regulated under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste, including manure, discharged into water. "Pollutant" does not include either of the following:

(1) Sewage from vessels;

(2) Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well that is used either to facilitate production or for disposal purposes is approved by the state and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(Z) "Process generated waste water" means water that is directly or indirectly used in the operation of an animal feeding facility for any of the following:

(1) Spillage or overflow from animal watering systems;

(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;

(3) Direct contact swimming, washing, or spray cooling of animals;

(4) Dust control.

(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such

as milk or eggs.	13769
(BB) "Production area" means any of the following components of an animal feeding facility:	13770
	13771
(1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables;	13772
	13773
	13774
	13775
(2) Manure storage areas, including, but not limited to, manure storage or treatment facilities;	13776
	13777
(3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials;	13778
	13779
	13780
(4) Waste containment areas, including, but not limited to, any of the following:	13781
	13782
(a) An egg washing or egg processing facility;	13783
(b) An area used in the storage, handling, treatment, or disposal of mortalities;	13784
	13785
(c) Settling basins, runoff ponds, liquid impoundments, and areas within berms and diversions that are designed and maintained to separate uncontaminated storm water runoff from contaminated water and to contain and treat contaminated storm water runoff.	13786
	13787
	13788
	13789
(CC) "Public meeting" means a nonadversarial public hearing at which a person may present written or oral statements for the director of agriculture's consideration and includes public hearings held under section 6111.12 of the Revised Code.	13790
	13791
	13792
	13793
(DD) "Review compliance certificate" means a certificate issued under section 903.04 of the Revised Code.	13794
	13795
(EE) "Rule" means a rule adopted under section 903.10 of the Revised Code.	13796
	13797

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 13798
an animal feeding facility that is not a large or medium 13799
concentrated animal feeding operation and that is designated by 13800
the director as a small concentrated animal feeding operation 13801
pursuant to rules. 13802

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 13803
section 6111.01 of the Revised Code. 13804

Sec. 903.03. (A)(1) Not later than one hundred eighty days 13805
after March 15, 2001, the director of agriculture shall prepare a 13806
program for the issuance of permits to operate under this section. 13807

(2) Except for a concentrated animal feeding facility that is 13808
operating under an installation permit ~~or a review compliance~~ 13809
~~certificate~~, on and after the date on which the director has 13810
finalized the program required under division (A)(1) of this 13811
section, no person shall own or operate a concentrated animal 13812
feeding facility without a permit to operate issued by the 13813
director under this section. 13814

(B) The director or the director's authorized representative 13815
may help an applicant for a permit to operate during the 13816
permitting process by providing guidance and technical assistance. 13817

(C) An applicant for a permit to operate shall submit a fee 13818
in an amount established by rule together with, except as 13819
otherwise provided in division (E) of this section, an application 13820
to the director on a form that the director prescribes and 13821
provides. The applicant shall include with the application all of 13822
the following information: 13823

(1) The name and address of the applicant, of all partners if 13824
the applicant is a partnership, of all members if the applicant is 13825
a limited liability company, or of all officers and directors if 13826
the applicant is a corporation, and of any other person who has a 13827

right to control or in fact controls management of the applicant 13828
or the selection of officers, directors, or managers of the 13829
applicant. As used in division (C)(1) of this section, "control" 13830
has the same meaning as in division (C)(1) of section 903.02 of 13831
the Revised Code. 13832

(2) Information concerning the applicant's past compliance 13833
with laws pertaining to environmental protection that is required 13834
to be provided under section 903.05 of the Revised Code, if 13835
applicable; 13836

(3) A manure management plan for the concentrated animal 13837
feeding facility that conforms to best management practices 13838
regarding the handling, storage, transportation, and land 13839
application of manure generated at the facility and that contains 13840
any other information required by rule; 13841

(4) An insect and rodent control plan for the concentrated 13842
animal feeding facility that conforms to best management practices 13843
and is prepared in accordance with section 903.06 of the Revised 13844
Code; 13845

(5) In the case of an application for a major concentrated 13846
animal feeding facility, written proof that the person who would 13847
be responsible for the supervision of the management and handling 13848
of manure at the facility has been issued a livestock manager 13849
certification in accordance with section 903.07 of the Revised 13850
Code or will obtain a livestock manager certification prior to 13851
applying any manure to land. 13852

(D) The director shall issue permits to operate in accordance 13853
with section 903.09 of the Revised Code. The director shall deny a 13854
permit to operate if either of the following applies: 13855

(1) The permit application contains misleading or false 13856
information; 13857

(2) The manure management plan or insect and rodent control 13858

plan fails to conform to best management practices. 13859

Additional grounds for the denial of a permit to operate 13860
shall be those established in this chapter and in rules. 13861

(E) The director shall issue general permits to operate for 13862
categories of concentrated animal feeding facilities that will 13863
apply in lieu of individual permits to operate, provided that each 13864
category of facilities meets all of the criteria established in 13865
rules for general permits to operate. A person who is required to 13866
obtain a permit to operate shall submit to the director a notice 13867
of the person's intent to be covered under an existing general 13868
permit or, at the person's option, shall submit an application for 13869
an individual permit to operate. Upon receipt of a notice of 13870
intent to be covered under an existing general permit, the 13871
director shall notify the applicant in writing that the person is 13872
covered by the general permit if the person satisfies the criteria 13873
established in rules for eligibility for such coverage. If the 13874
person is ineligible for coverage under the general permit, the 13875
director shall require the submission of an application for an 13876
individual permit to operate. 13877

(F) A permit to operate shall be valid for a period of five 13878
years. 13879

(G) A permit to operate may be renewed. An application for 13880
renewal of a permit to operate shall be submitted to the director 13881
at least one hundred eighty days prior to the expiration date of 13882
the permit to operate and shall comply with the requirements 13883
governing applications for permits to operate that are established 13884
under this section and by rules, including requirements pertaining 13885
to public notice and participation. 13886

(H) The director may modify, suspend, or revoke a permit to 13887
operate in accordance with rules. 13888

(I) The owner or operator of a concentrated animal feeding 13889

facility who proposes to make a major operational change at the 13890
facility shall submit an application for approval of the change to 13891
the director in accordance with rules. 13892

Sec. 903.07. (A) On and after the date that is established in 13893
rules by the director of agriculture, both of the following apply: 13894
13895

(1) The management and handling of manure at a major 13896
concentrated animal feeding facility, including the land 13897
application of manure or the removal of manure from a manure 13898
storage or treatment facility, shall be conducted only by or under 13899
the supervision of a person holding a livestock manager 13900
certification issued under this section. A person managing or 13901
handling manure who is acting under the instructions and control 13902
of a person holding a livestock manager certification is 13903
considered to be under the supervision of the certificate holder 13904
if the certificate holder is responsible for the actions of the 13905
person and is available when needed even though the certificate 13906
holder is not physically present at the time of the manure 13907
management or handling. 13908

(2) No person shall transport and land apply annually or buy, 13909
sell, or land apply annually the volume of manure established in 13910
rules adopted by the director under division ~~(E)~~(D)(5) of section 13911
903.10 of the Revised Code unless the person holds a livestock 13912
manager certification issued under this section. 13913

(B) The director shall issue a livestock manager 13914
certification to a person who has submitted a complete application 13915
for certification on a form prescribed and provided by the 13916
director, together with the appropriate application fee, and who 13917
has completed successfully the required training and has passed 13918
the required examination. The director may suspend or revoke a 13919
livestock manager certification and may reinstate a suspended or 13920

revoked livestock manager certification in accordance with rules. 13921

(C) Information required to be included in an application for 13922
a livestock manager certification, the amount of the application 13923
fee, requirements regarding training and the examination, 13924
requirements governing the management and handling of manure, 13925
including the land application of manure, and requirements 13926
governing the keeping of records regarding the handling of manure, 13927
including the land application of manure, shall be established in 13928
rules. 13929

Sec. 903.09. (A) Prior to issuing or modifying a permit to 13930
install, permit to operate, or NPDES permit, the director of 13931
agriculture shall issue a draft permit. The director or the 13932
director's representative shall mail notice of the issuance of a 13933
draft permit to the applicant and shall publish the notice once in 13934
a newspaper of general circulation in the county in which the 13935
concentrated animal feeding facility or discharger is located or 13936
proposed to be located. The director shall mail notice of the 13937
issuance of a draft permit and a copy of the draft permit to the 13938
board of county commissioners of the county and the board of 13939
township trustees of the township in which the concentrated animal 13940
feeding facility or discharger is located or proposed to be 13941
located. The director or the director's representative also shall 13942
provide notice of the issuance of a draft NPDES permit to any 13943
other persons that are entitled to notice under the Federal Water 13944
Pollution Control Act. Notice of the issuance of a draft permit to 13945
install, permit to operate, or NPDES permit shall include the 13946
address where written comments concerning the draft permit may be 13947
submitted and the period of time during which comments will be 13948
accepted as established by rule. 13949

If the director receives written comments in an amount that 13950
demonstrates significant public interest, as defined by rule, in 13951

the draft permit, the director shall schedule one public meeting 13952
to provide information to the public and to hear comments 13953
pertinent to the draft permit. The notice of the public meeting 13954
shall be provided in the same manner as the notice of the issuance 13955
of the draft permit. 13956

(B) If a person is required to obtain both a permit to 13957
install and a permit to operate, including any permit to operate 13958
with NPDES provisions, and public meetings are required for both 13959
permits, the public meetings for the permits shall be combined. 13960

(C) The director shall apply the antidegradation policy 13961
adopted under section 6111.12 of the Revised Code to permits 13962
issued under this chapter to the same degree and under the same 13963
circumstances as it applies to permits issued under Chapter 6111. 13964
of the Revised Code. The director shall hold one public meeting to 13965
consider antidegradation issues when such a meeting is required by 13966
the antidegradation policy. When allowed by the antidegradation 13967
policy, the director shall hold the public meeting on 13968
antidegradation issues concurrently with any public meeting held 13969
for the draft permit. 13970

(D) The director or the director's representative shall 13971
publish notice of the issuance of a final permit to install, 13972
permit to operate, or NPDES permit once in a newspaper of general 13973
circulation in the county in which the concentrated animal feeding 13974
facility or discharger is located. 13975

(E) Notice or a public meeting is not required for the 13976
modification of a permit made with the consent of the permittee 13977
for the correction of typographical errors. 13978

(F) The denial, modification, suspension, or revocation of a 13979
permit to install, permit to operate, or NPDES permit without the 13980
consent of the applicant or permittee shall be preceded by a 13981
proposed action stating the director's intention to issue an order 13982

with respect to the permit and the reasons for it. 13983

The director shall mail to the applicant or the permittee 13984
notice of the director's proposed action to deny, modify, suspend, 13985
or revoke a permit to install, permit to operate, or NPDES permit. 13986
The director shall publish the notice once in a newspaper of 13987
general circulation in the county in which the concentrated animal 13988
feeding facility or concentrated animal feeding operation is 13989
located or proposed to be located. The director shall mail a copy 13990
of the notice of the proposed action to the board of county 13991
commissioners of the county and to the board of township trustees 13992
of the township in which the concentrated animal feeding facility 13993
or concentrated animal feeding operation is located or proposed to 13994
be located. The director also shall provide notice of the 13995
director's proposed action to deny, modify, suspend, or revoke a 13996
permit to install, permit to operate, or NPDES permit to any other 13997
person that is entitled to notice under the Federal Water 13998
Pollution Control Act. The notice of the director's proposed 13999
action to deny, modify, suspend, or revoke a permit to install, 14000
permit to operate, or NPDES permit shall include the address where 14001
written comments concerning the director's proposed action may be 14002
submitted and the period of time during which comments will be 14003
accepted as established by rule. If the director receives written 14004
comments in an amount that demonstrates significant public 14005
interest, as defined by rule, the director shall schedule one 14006
public meeting to provide information to the public and to hear 14007
comments pertinent to the proposed action. The notice of the 14008
public meeting shall be provided in the same manner as the notice 14009
of the director's proposed action. 14010

The director shall not issue an order that makes the proposed 14011
action final until the applicant or permittee has had an 14012
opportunity for an adjudication hearing in accordance with Chapter 14013
119. of the Revised Code, except that section 119.12 of the 14014

Revised Code does not apply. An order of the director that 14015
finalizes the proposed action or an order issuing a permit without 14016
a prior proposed action may be appealed to the environmental 14017
review appeals commission under sections 3745.04 to 3745.06 of the 14018
Revised Code. 14019

(G)(1) The director shall issue an order issuing or denying 14020
an application for a permit to operate that contains NPDES 14021
provisions or for a NPDES permit, as well as any application for a 14022
permit to install that is submitted simultaneously, not later than 14023
one hundred eighty days after receiving the application. 14024

(2) In the case of an application for a permit to install or 14025
permit to operate that is not connected with an application for a 14026
NPDES permit, the director shall issue or propose to deny the 14027
permit not later than ninety days after receiving the application. 14028
If the director has proposed to deny the permit to install or 14029
permit to operate under division (G)(2) of this section, the 14030
director shall issue an order denying the permit or, if the 14031
director decides against the proposed denial, issuing the permit 14032
not later than one hundred eighty days after receiving the 14033
application. If the director denies the permit, the director shall 14034
notify the applicant in writing of the reason for the denial. 14035

(H) All rulemaking and the issuance of civil penalties under 14036
this chapter shall comply with Chapter 119. of the Revised Code. 14037

(I) Upon the transfer of ownership of an animal feeding 14038
facility for which a permit to install, an installation permit, a 14039
~~review compliance certificate,~~ or a permit to operate that 14040
contains no NPDES provisions has been issued, the permit ~~or~~ 14041
~~certificate~~ shall be transferred to the new owner of the animal 14042
feeding facility except as provided in division (C) of section 14043
903.05 of the Revised Code. In the case of the transfer of 14044
ownership of a point source for which a NPDES permit or a permit 14045
to operate that contains NPDES provisions has been issued, the 14046

permit shall be transferred in accordance with rules. 14047

(J) Applications for installation permits for animal feeding 14048
facilities pending before the director of environmental protection 14049
on the date on which the director of agriculture has finalized the 14050
programs required under division (A)(1) of section 903.02 and 14051
division (A)(1) of section 903.03 of the Revised Code shall be 14052
transferred to the director of agriculture. In the case of an 14053
applicant who is required to obtain a permit to install and a 14054
permit to operate under sections 903.02 and 903.03, respectively, 14055
of the Revised Code, the director of agriculture shall process the 14056
pending application for an installation permit as an application 14057
for a permit to install and a permit to operate. 14058

(K) Applications for NPDES permits for either of the 14059
following that are pending before the director of environmental 14060
protection on the date on which the United States environmental 14061
protection agency approves the NPDES program submitted by the 14062
director of agriculture under section 903.08 of the Revised Code 14063
shall be transferred to the director of agriculture: 14064

(1) The discharge of pollutants from a concentrated animal 14065
feeding operation; 14066

(2) The discharge of storm water resulting from an animal 14067
feeding facility. 14068

In the case of an applicant who is required to obtain a NPDES 14069
permit under section 903.08 of the Revised Code, the director of 14070
agriculture shall process the pending application as an 14071
application for a NPDES permit under that section. 14072

Sec. 903.10. The director of agriculture may adopt rules in 14073
accordance with Chapter 119. of the Revised Code that do all of 14074
the following: 14075

(A) Establish all of the following concerning permits to 14076

install and permits to operate:	14077
(1) A description of what constitutes a modification of a concentrated animal feeding facility;	14078
	14079
(2) A description of what constitutes a major operational change at a concentrated animal feeding facility;	14080
	14081
(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;	14082
	14083
(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;	14084
	14085
	14086
	14087
(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;	14088
	14089
	14090
(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;	14091
	14092
	14093
(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;	14094
	14095
	14096
(8) Any additional information that must be included with a permit application;	14097
	14098
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	14099
	14100
	14101
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	14102
	14103
	14104
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in	14105
	14106

addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	14107 14108
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	14109 14110 14111
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	14112 14113 14114
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	14115 14116 14117 14118 14119 14120
(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:	14121 14122 14123
(1) The form of a certificate;	14124
(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;	14125 14126
(3) Deadlines and procedures for submitting information under division (E)(2) of that section.	14127 14128
(C) Establish best management practices that minimize water pollution, odors, insects, and rodents, that govern the land application of manure that originated at a concentrated animal feeding facility, and that govern all of the following activities that occur at a concentrated animal feeding facility:	14129 14130 14131 14132 14133
(1) Manure management, including the storage, handling, transportation, and land application of manure. Rules adopted under division (C) <u>(B)</u> (1) of this section shall include practices	14134 14135 14136

that prevent surface and ground water contamination caused by the 14137
storage of manure or the land application of manure and prevent 14138
the contamination of water in drainage tiles that may be caused by 14139
that application. 14140

(2) Disposal of dead livestock; 14141

(3) Production of biodiesel, biomass energy, electric or heat 14142
energy, and biologically derived methane gas as those terms are 14143
defined in section 5713.30 of the Revised Code; 14144

(4) Any other activity that the director considers 14145
appropriate. 14146

Best management practices established in rules adopted under 14147
division ~~(C)~~(B) of this section shall not conflict with best 14148
management practices established in rules that have been adopted 14149
under any other section of the Revised Code. The rules adopted 14150
under division ~~(C)~~(B) of this section shall establish guidelines 14151
that require owners or operators of concentrated animal feeding 14152
facilities to consult with and work with local officials, 14153
including boards of county commissioners and boards of township 14154
trustees, in addressing issues related to local government 14155
infrastructure needs and the financing of that infrastructure. 14156

~~(D)~~(C) Establish all of the following concerning insect and 14157
rodent control plans required under section 903.06 of the Revised 14158
Code: 14159

(1) The information to be included in an insect and rodent 14160
control plan; 14161

(2) Criteria for approving, disapproving, or requiring 14162
modification of an insect and rodent control plan; 14163

(3) Criteria for determining compliance with or violation of 14164
an insect and rodent control plan; 14165

(4) Procedures and standards for monitoring insect and rodent 14166

control plans;	14167
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	14168 14169 14170 14171
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division (D) <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	14172 14173 14174 14175 14176 14177 14178 14179 14180 14181
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	14182 14183
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	14184 14185
(E) <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	14186 14187 14188
(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;	14189 14190 14191
(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application	14192 14193 14194 14195 14196 14197

of manure, removing manure held in a manure storage or treatment 14198
facility, and following best management practices established in 14199
rules for disposal of dead animals and manure management, 14200
including practices that control odor and protect the environment. 14201
The director may specify other types of recognized training 14202
programs that, if completed, are considered to satisfy the 14203
training and examination requirement. 14204

(3) Criteria and procedures for the issuance, denial, 14205
suspension, revocation, or reinstatement of a livestock manager 14206
certification; 14207

(4) The length of time during which livestock manager 14208
certifications will be valid and procedures for their renewal; 14209

(5) The volume of manure that must be transported and land 14210
applied annually or the volume of manure that must be bought, 14211
sold, or land applied annually by a person in order for the person 14212
to be required to obtain a livestock manager certification under 14213
division (A)(2) of section 903.07 of the Revised Code; 14214

(6) Requirements governing the management and handling of 14215
manure, including the land application of manure; 14216

(7) Requirements governing the keeping of records regarding 14217
the handling of manure, including the land application of manure; 14218

(8) Any other provisions necessary to administer and enforce 14219
section 903.07 of the Revised Code. 14220

~~(F)~~(E) Establish all of the following concerning NPDES 14221
permits: 14222

(1) The designation of concentrated animal feeding operations 14223
that are subject to NPDES permit requirements under section 903.08 14224
of the Revised Code; 14225

(2) Effluent limitations governing discharges into waters of 14226
the state that are authorized by permits; 14227

(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	14228 14229 14230
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	14231 14232 14233 14234 14235 14236 14237 14238
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	14239 14240 14241
(6) The amount of the fee that must be submitted with an application for a permit;	14242 14243
(7) Procedures for processing permit applications, including public notice and participation requirements;	14244 14245
(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	14246 14247 14248 14249
(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	14250 14251 14252
(10) Procedures for the transfer of permits to new owners or operators;	14253 14254
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	14255 14256 14257

(12) A definition of "general NPDES permit" that establishes 14258
categories of point sources to be covered under such a permit and 14259
a definition of "individual NPDES permit" together with the 14260
criteria for issuing a general NPDES permit and the criteria for 14261
determining a person's eligibility to discharge under a general 14262
NPDES permit. 14263

The rules adopted under division ~~(F)~~(E) of this section shall 14264
be consistent with the requirements of the Federal Water Pollution 14265
Control Act. 14266

~~(G)~~(F) Establish public notice and participation 14267
requirements, in addition to the procedures established in rules 14268
adopted under division ~~(F)~~(E)(7) of this section, for the 14269
issuance, denial, modification, transfer, suspension, and 14270
revocation of permits to install, permits to operate, and NPDES 14271
permits consistent with section 903.09 of the Revised Code, 14272
including a definition of what constitutes significant public 14273
interest for the purposes of divisions (A) and (F) of section 14274
903.09 of the Revised Code and procedures for public meetings. The 14275
rules shall require that information that is presented at such a 14276
public meeting be limited to the criteria that are applicable to 14277
the permit application that is the subject of the public meeting. 14278

~~(H)~~(G) Establish the amount of civil penalties assessed by 14279
the director of agriculture under division (B) of section 903.16 14280
of the Revised Code for violation of the terms and conditions of a 14281
permit to install, or permit to operate, ~~or review compliance~~ 14282
~~certificate~~, provided that the rules adopted under this division 14283
shall not establish a civil penalty of more than ten thousand 14284
dollars per day for each violation; 14285

~~(I)~~(H) Establish procedures for the protection of trade 14286
secrets from public disclosure. The procedures shall authorize the 14287
release of trade secrets to officers, employees, or authorized 14288
representatives of the state, another state, or the United States 14289

when necessary for an enforcement action brought under this 14290
chapter or when otherwise required by the Federal Water Pollution 14291
Control Act. The rules shall require at least ten days' written 14292
notice to the person to whom a trade secret applies prior to the 14293
release of the trade secret. Rules adopted under this division do 14294
not apply to any information that is contained in applications, 14295
including attachments, for NPDES permits and that is required to 14296
be submitted under section 903.08 of the Revised Code or rules 14297
adopted under division ~~(F)~~(E) of this section. 14298

~~(J)~~(I) Establish any other provisions necessary to administer 14299
and enforce this chapter. 14300

Sec. 903.11. (A) The director of agriculture may enter into 14301
contracts or agreements to carry out the purposes of this chapter 14302
with any public or private person, including OSU extension, the 14303
natural resources conservation service in the United States 14304
department of agriculture, the environmental protection agency, 14305
the division of soil and water resources in the department of 14306
natural resources, and soil and water conservation districts 14307
established under Chapter 1515. of the Revised Code. However, the 14308
director shall not enter into a contract or agreement with a 14309
private person for the review of applications for permits to 14310
install, permits to operate, or NPDES permits, ~~or review~~ 14311
~~compliance certificates~~ that are issued under this chapter or for 14312
the inspection of a facility regulated under this chapter or with 14313
any person for the issuance of any of those permits ~~or~~ 14314
~~certificates~~ or for the enforcement of this chapter and rules 14315
adopted under it. 14316

(B) The director may administer grants and loans using moneys 14317
from the federal government and other sources, public or private, 14318
for carrying out any of the director's functions. Nothing in this 14319
chapter shall be construed to limit the eligibility of owners or 14320

operators of animal feeding facilities or other agricultural 14321
enterprises to receive moneys from the water pollution control 14322
loan fund established under section 6111.036 of the Revised Code 14323
and the nonpoint source pollution management fund established 14324
under section 6111.037 of the Revised Code. 14325

The director of agriculture shall provide the director of 14326
environmental protection with written recommendations for 14327
providing financial assistance from those funds to agricultural 14328
enterprises. The director of environmental protection shall 14329
consider the recommendations in developing priorities for 14330
providing financial assistance from the funds. 14331

Sec. 903.12. (A) The director of agriculture or the 14332
director's authorized representative at reasonable times may enter 14333
on any public or private property, real or personal, to make 14334
investigations and inspections, including the sampling of 14335
discharges and the inspection of discharge monitoring equipment, 14336
or to otherwise execute duties that are necessary for the 14337
administration and enforcement of this chapter. The director or 14338
the director's authorized representative at reasonable times may 14339
examine and copy any records pertaining to discharges that are 14340
subject to this chapter or any records that are required to be 14341
maintained by the terms and conditions of a permit ~~or review~~ 14342
~~compliance certificate~~ issued under this chapter. If refused 14343
entry, the director or the director's authorized representative 14344
may apply for and the court of common pleas having jurisdiction 14345
may issue an appropriate warrant. 14346

(B) No person to whom a permit ~~or review compliance~~ 14347
~~certificate~~ has been issued under this chapter shall refuse entry 14348
to the director or the director's authorized representative or 14349
purposely hinder or thwart the director or the director's 14350
authorized representative in the exercise of any authority granted 14351

under division (A) of this section. 14352

Sec. 903.13. In a private civil action for an alleged 14353
nuisance related to agricultural activities conducted at a 14354
concentrated animal feeding facility, it is an affirmative defense 14355
if the person owning, operating, or otherwise responsible for the 14356
concentrated animal feeding facility is in compliance with best 14357
management practices established in the installation permit, or 14358
permit to operate, ~~or review compliance certificate~~ issued for the 14359
concentrated animal feeding facility and the agricultural 14360
activities do not violate federal, state, and local laws governing 14361
nuisances. 14362

Sec. 903.16. (A) The director of agriculture may propose to 14363
require corrective actions and assess a civil penalty against an 14364
owner or operator of a concentrated animal feeding facility if the 14365
director or the director's authorized representative determines 14366
that the owner or operator is not in compliance with section 14367
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 14368
the Revised Code, the terms and conditions of a permit to install, 14369
or permit to operate, ~~or review compliance certificate~~ issued for 14370
the concentrated animal feeding facility, including the 14371
requirements established under division (C) of section 903.06 of 14372
the Revised Code, or rules adopted under division (A), (B), (C), 14373
(D), ~~(E)~~, or ~~(F)~~ (I) of section 903.10 of the Revised Code. 14374
However, the director may impose a civil penalty only if all of 14375
the following occur: 14376

(1) The owner or operator is notified in writing of the 14377
deficiencies resulting in noncompliance, the actions that the 14378
owner or operator must take to correct the deficiencies, and the 14379
time period within which the owner or operator must correct the 14380
deficiencies and attain compliance. 14381

(2) After the time period specified in the notice has elapsed, the director or the director's duly authorized representative has inspected the concentrated animal feeding facility, determined that the owner or operator is still not in compliance, and issued a notice of an adjudication hearing.

(3) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation has occurred or is occurring, the director may issue an order requiring compliance and assess the civil penalty. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

Civil penalties shall be assessed under this division as follows:

(1) A person who has violated section 903.02, ~~or 903.03, or 903.04~~ of the Revised Code, the terms and conditions of a permit to install, ~~or permit to operate, or review compliance certificate,~~ or rules adopted under division (A), (B), (C), (D), ~~(E),~~ or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a civil penalty in an amount established in rules unless the violation is of the requirements established under division (C) of section 903.06 or division (A) of section 903.07 of the Revised Code.

(2) A person who has violated the requirements established under division (C) of section 903.06 of the Revised Code shall pay a civil penalty in an amount established in rules for each

violation. Each seven-day period during which a violation 14413
continues constitutes a separate violation. 14414

(3) A person who has violated the requirements established 14415
under division (A) of section 903.07 of the Revised Code shall pay 14416
a civil penalty of not more than ten thousand dollars for each 14417
violation. Each thirty-day period during which a violation 14418
continues constitutes a separate violation. 14419

(C) The attorney general, upon the written request of the 14420
director, shall bring an action for an injunction in any court of 14421
competent jurisdiction against any person violating or threatening 14422
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 14423
section 903.07 of the Revised Code; the terms and conditions of a 14424
permit to install, or permit to operate, ~~or review compliance~~ 14425
~~certificate~~, including the requirements established under division 14426
(C) of section 903.06 of the Revised Code; rules adopted under 14427
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 14428
the Revised Code; or an order issued under division (B) of this 14429
section or division (B) of section 903.07 of the Revised Code. 14430

(D)(1) In lieu of seeking civil penalties under division (A) 14431
of this section, the director may request the attorney general, in 14432
writing, to bring an action for a civil penalty in a court of 14433
competent jurisdiction against any person that has violated or is 14434
violating division (A) of section 903.07 of the Revised Code or 14435
the terms and conditions of a permit to install, or permit to 14436
operate, ~~or review compliance certificate~~, including the 14437
requirements established under division (C) of section 903.06 of 14438
the Revised Code. 14439

(2) The director may request the attorney general, in 14440
writing, to bring an action for a civil penalty in a court of 14441
competent jurisdiction against any person that has violated or is 14442
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 14443
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 14444

~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 14445
under division (B) of this section or division (B) of section 14446
903.07 of the Revised Code. 14447

(3) A person who has committed a violation for which the 14448
attorney general may bring an action for a civil penalty under 14449
division (D)(1) or (2) of this section shall pay a civil penalty 14450
of not more than ten thousand dollars per violation. Each day that 14451
a violation continues constitutes a separate violation. 14452

(E) In addition to any other penalties imposed under this 14453
section, the director may impose an administrative penalty against 14454
an owner or operator of a concentrated animal feeding facility if 14455
the director or the director's authorized representative 14456
determines that the owner or operator is not in compliance with 14457
best management practices that are established in rules adopted 14458
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 14459
Code or in the permit to install, or permit to operate, ~~or review~~ 14460
~~compliance certificate~~ issued for the facility. The administrative 14461
penalty shall not exceed five thousand dollars. 14462

The director shall afford the owner or operator an 14463
opportunity for an adjudication hearing under Chapter 119. of the 14464
Revised Code to challenge the director's determination under this 14465
division, the director's imposition of an administrative penalty 14466
under this division, or both. The director's determination and the 14467
imposition of the administrative penalty may be appealed in 14468
accordance with section 119.12 of the Revised Code. 14469

Sec. 903.17. (A) The director of agriculture may propose to 14470
require corrective actions and assess a civil penalty against an 14471
owner or operator of an animal feeding operation if the director 14472
or the director's authorized representative determines that the 14473
owner or operator is not in compliance with section 903.08 of the 14474
Revised Code, the terms and conditions of a NPDES permit, the 14475

NPDES provisions of a permit to operate, or rules adopted under 14476
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 14477
the director may impose a civil penalty only if all of the 14478
following occur: 14479

(1) The owner or operator is notified in writing of the 14480
deficiencies resulting in noncompliance, the actions that the 14481
owner or operator must take to correct the deficiencies, and the 14482
time period within which the owner or operator must correct the 14483
deficiencies and attain compliance. 14484

(2) After the time period specified in the notice has 14485
elapsed, the director or the director's duly authorized 14486
representative has inspected the animal feeding operation, 14487
determined that the owner or operator is still not in compliance, 14488
and issued a notice of violation to require corrective actions. 14489

(3) The director affords the owner or operator an opportunity 14490
for an adjudication hearing under Chapter 119. of the Revised Code 14491
to challenge the director's determination that the owner or 14492
operator is not in compliance or the imposition of the civil 14493
penalty, or both. However, the owner or operator may waive the 14494
right to an adjudication hearing. 14495

(B) If the opportunity for an adjudication hearing is waived 14496
or if, after an adjudication hearing, the director determines that 14497
a violation has occurred or is occurring, the director may issue 14498
an order and assess a civil penalty of not more than ten thousand 14499
dollars per violation against the violator. For purposes of 14500
determining the civil penalty, each day that a violation continues 14501
constitutes a separate and distinct violation. The order and the 14502
assessment of the civil penalty may be appealed in accordance with 14503
section 119.12 of the Revised Code. 14504

(C) To the extent consistent with the Federal Water Pollution 14505
Control Act, the director shall consider technical feasibility and 14506

economic costs in issuing orders under this section. 14507

(D)(1) The attorney general, upon the written request of the 14508
director, shall bring an action for an injunction in any court of 14509
competent jurisdiction against any person violating or threatening 14510
to violate section 903.08 of the Revised Code, the terms and 14511
conditions of a NPDES permit, the NPDES provisions of a permit to 14512
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 14513
the Revised Code, or an order issued under division (B) of this 14514
section. 14515

(2) In lieu of seeking civil penalties under division (A) of 14516
this section, the director may request, in writing, the attorney 14517
general to bring an action for a civil penalty of not more than 14518
ten thousand dollars per violation in a court of competent 14519
jurisdiction against any person that has violated or is violating 14520
section 903.08 of the Revised Code, the terms and conditions of a 14521
NPDES permit, the NPDES provisions of a permit to operate, rules 14522
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 14523
Code, or an order issued under division (B) of this section. For 14524
purposes of determining the civil penalty to be assessed under 14525
division (B) of this section, each day that a violation continues 14526
constitutes a separate and distinct violation. 14527

(E) In addition to any other penalties imposed under this 14528
section, the director may impose an administrative penalty against 14529
an owner or operator of an animal feeding operation if the 14530
director or the director's authorized representative determines 14531
that the owner or operator has discharged pollutants into waters 14532
of the state in violation of section 903.08 of the Revised Code or 14533
the terms and conditions of a NPDES permit or the NPDES provisions 14534
of the permit to operate issued for the operation. The 14535
administrative penalty shall not exceed five thousand dollars. 14536

The director shall afford the owner or operator an 14537
opportunity for an adjudication hearing under Chapter 119. of the 14538

Revised Code to challenge the director's determination under this 14539
division, the director's imposition of an administrative penalty 14540
under this division, or both. The director's determination and the 14541
imposition of the administrative penalty may be appealed in 14542
accordance with section 119.12 of the Revised Code. 14543

Sec. 903.25. An owner or operator of an animal feeding 14544
facility who holds a permit to install, a permit to operate, a 14545
~~review compliance certificate,~~ or a NPDES permit or who is 14546
operating under an operation and management plan, as defined in 14547
section 1511.01 of the Revised Code, developed or approved by the 14548
chief of the division of soil and water resources in the 14549
department of natural resources under section 1511.02 of the 14550
Revised Code or by the supervisors of the appropriate soil and 14551
water conservation district under section 1515.08 of the Revised 14552
Code shall not be required by any political subdivision of the 14553
state or any officer, employee, agency, board, commission, 14554
department, or other instrumentality of a political subdivision to 14555
obtain a license, permit, or other approval pertaining to manure, 14556
insects or rodents, odor, or siting requirements for installation 14557
of an animal feeding facility. 14558

Sec. 918.41. If the director of agriculture has not entered 14559
into an agreement with the United States department of agriculture 14560
in compliance with section 918.44 of the Revised Code, ~~he~~ the 14561
director shall establish and maintain a state acceptance service 14562
within the department of agriculture to examine and monitor 14563
compliance by meat and poultry vendors ~~on the list established and~~ 14564
~~maintained by the director of administrative services under~~ 14565
~~section 125.17 of the Revised Code~~ with the specifications of the 14566
state purchase contracts awarded them under section 125.11 of the 14567
Revised Code, and by establishments, as defined in section 918.01 14568
or 918.21 of the Revised Code, subject to state or federal 14569

inspection. State acceptance service shall be made available to 14570
such vendors and establishments within the state from eight a.m. 14571
to five p.m. Monday through Friday. 14572

At least forty-eight hours, excluding Saturday and Sunday, 14573
before the date on which ~~he~~ a vendor or authorized representative 14574
from such an establishment desires examination and monitoring of 14575
the production of meat products, as defined in section 918.01 of 14576
the Revised Code, or poultry products, as defined in section 14577
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 14578
intends to supply to the state under a state purchase contract, a 14579
vendor or authorized representative from such an establishment 14580
shall contact the state acceptance service and request examination 14581
and monitoring. A state acceptor shall examine and monitor the 14582
production of the meat or poultry products to determine whether 14583
there is compliance with the state purchase contract 14584
specifications. The containers of products found to be in 14585
compliance shall be sealed, dated, and marked with an official 14586
mark. The state acceptor shall provide an official acceptance 14587
certificate to accompany each shipment to its destination. 14588

The director shall train and appoint as state acceptors 14589
inspectors, as defined in sections 918.01 and 918.21 of the 14590
Revised Code. 14591

Acceptance may be provided by the United States department of 14592
agriculture at the option of the vendor or authorized 14593
representative of such an establishment. 14594

Sec. 955.12. Except as provided in section 955.121 of Revised 14595
Code, a board of county commissioners shall appoint or employ a 14596
county dog warden and deputies in such number, for such periods of 14597
time, and at such compensation as the board considers necessary to 14598
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 14599
955.53 of the Revised Code. 14600

The warden and deputies shall give bond in a sum not less 14601
than five hundred dollars and not more than two thousand dollars, 14602
as set by the board, conditioned for the faithful performance of 14603
their duties. The bond or bonds may, in the discretion of the 14604
board, be individual or blanket bonds. The bonds shall be filed 14605
with the county auditor of their respective counties. 14606

The warden and deputies shall make a record of all dogs 14607
owned, kept, and harbored in their respective counties. They shall 14608
patrol their respective counties and seize and impound on sight 14609
all dogs found running at large and all dogs more than three 14610
months of age found not wearing a valid registration tag, except 14611
any dog that wears a valid registration tag and is: on the 14612
premises of its owner, keeper, or harborer, under the reasonable 14613
control of its owner or some other person, hunting with its owner 14614
or its handler at a field trial, kept constantly confined in a dog 14615
kennel registered under this chapter or one licensed under Chapter 14616
956. of the Revised Code, or acquired by, and confined on the 14617
premises of, an institution or organization of the type described 14618
in section 955.16 of the Revised Code. A dog that wears a valid 14619
registration tag may be seized on the premises of its owner, 14620
keeper, or harborer and impounded only in the event of a natural 14621
disaster. 14622

If a dog warden has reason to believe that a dog is being 14623
treated inhumanely on the premises of its owner, keeper, or 14624
harborer, the warden shall apply to the court of common pleas for 14625
the county in which the premises are located for an order to enter 14626
the premises, and if necessary, seize the dog. If the court finds 14627
probable cause to believe that the dog is being treated 14628
inhumanely, it shall issue such an order. 14629

The warden and deputies shall also ~~investigate all claims for~~ 14630
~~damages to animals reported to them under section 955.29 of the~~ 14631
~~Revised Code and assist claimants to fill out the claim form~~ 14632

~~therefor. They shall~~ make weekly reports, in writing, to the board 14633
in their respective counties of all dogs seized, impounded, 14634
redeemed, and destroyed ~~and of all claims for damage to animals~~ 14635
~~inflicted by dogs.~~ 14636

The wardens and deputies shall have the same police powers as 14637
are conferred upon sheriffs and police officers in the performance 14638
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 14639
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 14640
also have power to summon the assistance of bystanders in 14641
performing their duties and may serve writs and other legal 14642
processes issued by any court in their respective counties with 14643
reference to enforcing those sections. County auditors may 14644
deputize the wardens or deputies to issue dog licenses as provided 14645
in sections 955.01 and 955.14 of the Revised Code. 14646

Whenever any person files an affidavit in a court of 14647
competent jurisdiction that there is a dog running at large that 14648
is not kept constantly confined either in a dog kennel registered 14649
under this chapter or one licensed under Chapter 956. of the 14650
Revised Code or on the premises of an institution or organization 14651
of the type described in section 955.16 of the Revised Code or 14652
that a dog is kept or harbored in the warden's jurisdiction 14653
without being registered as required by law, the court shall 14654
immediately order the warden to seize and impound the dog. 14655
Thereupon the warden shall immediately seize and impound the dog 14656
complained of. The warden shall give immediate notice by certified 14657
mail to the owner, keeper, or harborer of the dog seized and 14658
impounded by the warden, if the owner, keeper, or harborer can be 14659
determined from the current year's registration list maintained by 14660
the warden and the county auditor of the county where the dog is 14661
registered, that the dog has been impounded and that, unless the 14662
dog is redeemed within fourteen days of the date of the notice, it 14663
may thereafter be sold or destroyed according to law. If the 14664

owner, keeper, or harborer cannot be determined from the current 14665
year's registration list maintained by the warden and the county 14666
auditor of the county where the dog is registered, the officer 14667
shall post a notice in the pound or animal shelter both describing 14668
the dog and place where seized and advising the unknown owner 14669
that, unless the dog is redeemed within three days, it may 14670
thereafter be sold or destroyed according to law. 14671

~~As used in this section, "animal" has the same meaning as in 14672
section 955.51 of the Revised Code. 14673~~

Sec. 955.121. (A)(1) In lieu of appointing a county dog 14674
warden and deputies under section 955.12 of the Revised Code, a 14675
board of county commissioners may appoint the county sheriff to 14676
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 14677
955.53 of the Revised Code. If a board chooses to appoint the 14678
county sheriff as the county dog warden, the board shall enter 14679
into a two-year written agreement with the sheriff for that 14680
purpose at the first meeting in a calendar year following a 14681
general election in which at least one of the members of the board 14682
was elected. 14683

(2) The agreement may authorize both of the following: 14684

(a) The sheriff to appoint sheriff's deputies or persons 14685
other than peace officers as deputy dog wardens; 14686

(b) The transfer of any benefits accrued by employees who are 14687
transferred as a result of the county sheriff's being appointed as 14688
the county dog warden. 14689

(B) Any dog warden and deputy dog wardens appointed under 14690
this section shall comply with both of the following: 14691

(1) Any training requirements applicable to county dog 14692
wardens and deputy dog wardens appointed or employed under section 14693
955.12 of the Revised Code; 14694

(2) The requirements established in that section. 14695

(C) If a county sheriff or a sheriff's deputies are appointed 14696
as a dog warden or deputy dog wardens under this section, 14697
references in this chapter and in Chapters 953., 956., and 959. of 14698
the Revised Code to "dog warden" and "deputy dog warden" shall be 14699
deemed to be replaced, respectively, with references to "sheriff" 14700
and "deputy sheriff." 14701

Sec. 955.14. (A) Notwithstanding section 955.01 of the 14702
Revised Code, a board of county commissioners by resolution may 14703
increase dog and kennel registration fees in the county. The 14704
amount of the fees shall not exceed an amount that the board, in 14705
its discretion, estimates is needed to pay all expenses for the 14706
administration of this chapter ~~and to pay claims allowed for~~ 14707
~~animals injured or destroyed by dogs~~. Such a resolution shall be 14708
adopted not earlier than the first day of February and not later 14709
than the thirty-first day of August of any year and shall specify 14710
the registration period or periods to which the increased fees 14711
apply. An increase in fees adopted under this division shall be in 14712
the ratio of two dollars for each year of registration for a dog 14713
registration fee, twenty dollars for a permanent dog registration 14714
fee, and ten dollars for a kennel registration fee. 14715

(B) ~~Not later than the fifteenth day of October of each year,~~ 14716
~~the board of county commissioners shall determine if there is~~ 14717
~~sufficient money in the dog and kennel fund, after paying the~~ 14718
~~expenses of administration incurred or estimated to be incurred~~ 14719
~~for the remainder of the year, to pay the claims allowed for~~ 14720
~~animals injured or destroyed by dogs. If the board determines~~ 14721
~~there is not sufficient money in the dog and kennel fund to pay~~ 14722
~~the claims allowed, the board shall provide by resolution that all~~ 14723
~~claims remaining unpaid shall be paid from the general fund of the~~ 14724
~~county. All money paid out of the general fund for those purposes~~ 14725

~~may be replaced by the board from the dog and kennel fund at any~~ 14726
~~time during the following year notwithstanding section 5705.14 of~~ 14727
~~the Revised Code.~~ 14728

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 14729
dog and kennel registration fees in any county are increased above 14730
two dollars for each year of registration and twenty dollars for a 14731
permanent registration for a dog registration fee and ten dollars 14732
for a kennel registration fee under authority of division (A) of 14733
this section, then on or before the first day of March following 14734
each year in which the increased fees are in effect, the county 14735
auditor shall draw on the dog and kennel fund a warrant payable to 14736
the college of veterinary medicine of the Ohio state university in 14737
an amount equal to ten cents for each one-year dog registration, 14738
thirty cents for each three-year dog registration, one dollar for 14739
each permanent dog registration, and ten cents for each kennel 14740
registration fee received during the preceding year. The money 14741
received by the college of veterinary medicine of the Ohio state 14742
university under this division shall be applied for research and 14743
study of the diseases of dogs, particularly those transmittable to 14744
humans, and for research of other diseases of dogs that by their 14745
nature will provide results applicable to the prevention and 14746
treatment of both human and canine illness. 14747

~~(D)~~(C) The Ohio state university college of veterinary 14748
medicine shall be responsible to report annually to the general 14749
assembly the progress of the research and study authorized and 14750
funded by division ~~(C)~~(B) of this section. The report shall 14751
briefly describe the research projects undertaken and assess the 14752
value of each. The report shall account for funds received 14753
pursuant to division ~~(C)~~(B) of this section and for the funds 14754
expended attributable to each research project and for other 14755
necessary expenses in conjunction with the research authorized by 14756
division ~~(C)~~(B) of this section. The report shall be filed with 14757

the general assembly by the first day of May of each year. 14758

~~(E)~~(D) The county auditor may authorize agents to receive 14759
applications for registration of dogs and kennels and to issue 14760
certificates of registration and tags. If authorized agents are 14761
employed in a county, each applicant for a dog or kennel 14762
registration shall pay to the agent an administrative fee of 14763
seventy-five cents in addition to the registration fee. The 14764
administrative fee shall be the compensation of the agent. The 14765
county auditor shall establish rules for reporting and accounting 14766
by the agents. No administrative or similar fee shall be charged 14767
in any county except as authorized by this division or division 14768
~~(F)~~(E) of this section. 14769

~~(F)~~(E) For any county that accepts the payment of dog and 14770
kennel registration fees by financial transaction devices in 14771
accordance with section 955.013 of the Revised Code, in addition 14772
to those registration fees, the county auditor shall collect for 14773
each registration paid by a financial transaction device one of 14774
the following: 14775

(1) An administrative fee of seventy-five cents or another 14776
amount necessary to cover actual costs designated by the county 14777
auditor; 14778

(2) If the board of county commissioners adopts a surcharge 14779
or convenience fee for making payments by a financial transaction 14780
device under division (E) of section 301.28 of the Revised Code, 14781
that surcharge or convenience fee; 14782

(3) If the county auditor contracts with a third party to 14783
provide services to enable registration via the internet as 14784
provided in section 955.013 of the Revised Code, a surcharge or 14785
convenience fee as agreed to between that third party and the 14786
county for those internet registration services. Any additional 14787
expenses incurred by the county auditor that result from a 14788

contract with a third party as provided in this section and 14789
section 955.013 of the Revised Code and that are not covered by a 14790
surcharge or convenience fee shall be paid out of the allowance 14791
provided to the county auditor under section 955.20 of the Revised 14792
Code. 14793

~~(G)~~(F) The county auditor shall post conspicuously the amount 14794
of the administrative fee, surcharge, or convenience fee that is 14795
permissible under this section on the web page where the auditor 14796
accepts payments for registrations made under division (B)(1) of 14797
section 955.013 of the Revised Code. If any person chooses to pay 14798
by financial transaction device, the administrative fee, 14799
surcharge, or convenience fee shall be considered voluntary and is 14800
not refundable. 14801

~~(H) As used in this section, "animal" has the same meaning as 14802
in section 955.51 of the Revised Code. 14803~~

Sec. 955.15. The board of county commissioners shall provide 14804
nets and other suitable devices for the taking of dogs in a humane 14805
manner, provide a suitable place for impounding dogs, make proper 14806
provision for feeding and caring for the same, and provide humane 14807
devices and methods for destroying dogs. In any county in which 14808
there is a society for the prevention of cruelty to children and 14809
animals, having one or more agents and maintaining an animal 14810
shelter suitable for a dog pound and devices for humanely 14811
destroying dogs, the board need not furnish a dog pound, but the 14812
county dog warden shall deliver all dogs seized by ~~him~~ the warden 14813
and ~~his~~ the warden's deputies to such society at its animal 14814
shelter, there to be dealt with in accordance with law. The board 14815
shall provide for the payment of reasonable compensation to such 14816
society for its services so performed out of the dog and kennel 14817
fund. The board may designate and appoint any officers regularly 14818
employed by any society organized under sections 1717.02 to 14819

1717.05, ~~inclusive~~, of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections 955.01 to 955.27, ~~inclusive~~, and ~~955.29 to 955.38, inclusive~~, of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs.

Sec. 955.20. The registration fees provided for in sections 955.01 to 955.14 of the Revised Code constitute a special fund known as "the dog and kennel fund." The fees shall be deposited by the county auditor in the county treasury daily as collected. Money in the fund shall be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets, and other equipment, for the purpose of paying the compensation of county dog wardens, deputies, poundkeepers, and other employees necessary to carry out and enforce sections 955.01 to 955.261 of the Revised Code, ~~and for the payment of animal claims as provided in sections 955.29 to 955.38 of the Revised Code~~, and in accordance with section 955.27 of the Revised Code. The board of county commissioners, by resolution, shall appropriate sufficient funds out of the dog and kennel fund, not more than fifteen per cent of which shall be expended by the auditor for registration tags, blanks, records, and clerk hire, for the purpose of defraying the necessary expenses of registering, seizing, impounding, and destroying dogs in accordance with sections 955.01 to 955.27 of the Revised Code, and for the purpose of covering any additional expenses incurred by the county auditor as authorized by division ~~(F)~~(E)(3) of section 955.14 of the Revised Code.

If the funds so appropriated in any calendar year are found by the board to be insufficient to defray the necessary cost and expense of the county dog warden in enforcing sections 955.01 to 955.27 of the Revised Code, the board, by resolution so provided, ~~after setting aside a sum equal to the total amount of animal claims filed in that calendar year, or an amount equal to the~~

~~total amount of animal claims paid or allowed the preceding year,~~ 14852
~~whichever amount is larger,~~ may appropriate further funds for the 14853
use and purpose of the county dog warden in administering those 14854
sections. 14855

Sec. 955.27. After paying all necessary expenses of 14856
administering the sections of the Revised Code relating to the 14857
registration, seizing, impounding, and destroying of dogs, 14858
including the purchase, construction, and repair of vehicles and 14859
facilities necessary for the proper administration of such 14860
sections, ~~making compensation for injuries to livestock inflicted~~ 14861
~~by dogs, and after paying all animal claims,~~ the board of county 14862
commissioners, at the December session, if there remains more than 14863
two thousand dollars in the dog and kennel fund for that year in a 14864
county in which there is a society for the prevention of cruelty 14865
to children and animals, incorporated and organized by law, and 14866
having one or more agents appointed pursuant to law, or any other 14867
society organized under Chapter 1717. of the Revised Code, that 14868
owns or controls a suitable dog kennel or a place for the keeping 14869
and destroying of dogs that has one or more agents appointed and 14870
employed pursuant to law, may pay to the treasurer of the society, 14871
upon warrant of the county auditor, all such excess as the board 14872
deems necessary for the uses and purposes of the society. 14873

~~As used in this section, "animal" has the same meaning as in~~ 14874
~~section 955.51 of the Revised Code.~~ 14875

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 14876
Code, each state agency shall determine if, and the extent to 14877
which, it will send and receive electronic records and electronic 14878
signatures to and from other persons and otherwise create, 14879
generate, communicate, store, process, use, and rely upon 14880
electronic records and electronic signatures. 14881

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:	14882
	14883
	14884
	14885
(a) The method of posting or displaying records;	14886
(b) The manner of sending, communicating, or transmitting records;	14887
	14888
(c) The manner of formatting records.	14889
(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:	14890
	14891
	14892
(a) The requirement relates to a matter over which the state agency has jurisdiction;	14893
	14894
(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	14895
	14896
	14897
	14898
	14899
	14900
	14901
(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:	14902
	14903
(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	14904
	14905
	14906
	14907
(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.	14908
	14909
	14910
(D) If a state agency creates, uses, or receives electronic	14911

signatures, the state agency shall create, use, or receive the 14912
signatures in accordance with rules adopted by the department of 14913
administrative services pursuant to division (A) of section 14914
1306.21 of the Revised Code. 14915

(E)~~(1)~~ To the extent a state agency retains an electronic 14916
record, the state agency may retain a record in a format that is 14917
different from the format in which the record was originally 14918
created, used, sent, or received only if it can be demonstrated 14919
that the alternative format used accurately and completely 14920
reflects the record as it was originally created, used, sent, or 14921
received. 14922

~~(2) If a state agency in retaining any set of electronic 14923
records pursuant to division (E)(1) of this section alters the 14924
format of the records, the state agency shall create a certificate 14925
of authenticity for each set of records that is altered. 14926~~

~~(3) The department of administrative services, in 14927
consultation with the state archivist, shall adopt rules in 14928
accordance with section 111.15 of the Revised Code that establish 14929
the methods for creating certificates of authenticity pursuant to 14930
division (E)(2) of this section. 14931~~

(F) Whenever any rule of law requires or authorizes the 14932
filing of any information, notice, lien, or other document or 14933
record with any state agency, a filing made by an electronic 14934
record shall have the same force and effect as a filing made on 14935
paper in all cases where the state agency has authorized or agreed 14936
to such electronic filing and the filing is made in accordance 14937
with applicable rules or agreement. 14938

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 14939
Code shall be construed to require any state agency to use or 14940
permit the use of electronic records and electronic signatures. 14941

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 14942~~

~~section, any state agency that, prior to September 14, 2000, used 14943
or permitted the use of electronic records or electronic 14944
signatures pursuant to laws enacted, rules adopted, or agency 14945
policies adopted before September 14, 2000, may use or permit the 14946
use of electronic records or electronic signatures pursuant to 14947
those previously enacted laws, adopted rules, or adopted policies 14948
for a period of two years after September 14, 2000. 14949~~

~~(2) Subject to division (H)(3) of this section, after the 14950
two-year period described in division (H)(1) of this section has 14951
concluded, all state agencies that use or permit the use of 14952
electronic records or electronic signatures before September 14, 14953
2000, shall only use or permit the use of electronic records or 14954
electronic signatures consistent with rules adopted by the 14955
department of administrative services pursuant to division (A) of 14956
section 1306.21 of the Revised Code. 14957~~

~~(3) After the two-year period described in division (H)(1) of 14958
this section has concluded, the department of administrative 14959
services may permit a state agency to use electronic records or 14960
electronic signatures that do not comply with division (H)(2) of 14961
this section, if the state agency files a written request with the 14962
department. 14963~~

~~(I) For the purposes of this section, "state agency" means 14964
every organized body, office, or agency established by the laws of 14965
the state for the exercise of any function of state government, 14966
but does not include the general assembly, any legislative agency, 14967
the supreme court, the other courts of record in this state, any 14968
judicial agency, or any state university identified in section 14969
3345.011 of the Revised Code, or the northeast Ohio medical 14970
university. 14971~~

~~(J)(I) A state university identified in section 3345.011 of 14972
the Revised Code, and the northeast Ohio medical university, that 14973
uses or permits the use of electronic records or electronic 14974~~

signatures on ~~the effective date of this amendment~~ September 16, 14975
2014, shall, within six months after ~~the effective date of this~~ 14976
~~amendment~~ September 16, 2014, adopt rules in accordance with 14977
section 111.15 of the Revised Code to provide for the use or 14978
permission to use electronic records or electronic signatures. A 14979
state university identified in section 3345.011 of the Revised 14980
Code, and the northeast Ohio medical university, if not using or 14981
permitting the use of electronic records or electronic signatures 14982
on ~~the effective date of this amendment~~ September 16, 2014, shall 14983
adopt rules in accordance with section 111.15 of the Revised Code 14984
when it elects to begin using or permitting the use of electronic 14985
records or electronic signatures. 14986

Sec. 1309.528. All fees collected by the secretary of state 14987
for filings under Title XIII or XVII of the Revised Code shall be 14988
deposited into the state treasury to the credit of the corporate 14989
and uniform commercial code filing fund, which is hereby created. 14990
The fund shall also receive revenue from fees charged to customers 14991
for special database requests. All moneys credited to the fund 14992
shall be used for the purpose of paying for the operations of the 14993
office of the secretary of state and for the purpose of paying for 14994
expenses relating to the processing of filings under Title XIII or 14995
XVII of the Revised Code. 14996

Sec. 1321.20. (A) Every person licensed or registered under 14997
this chapter shall pay to the superintendent of financial 14998
institutions, prior to the last day of June, an annual license or 14999
certificate of registration fee. On or about the fifteenth day of 15000
April of each year, the superintendent shall determine the license 15001
or certificate fees to be charged, pursuant to sections 1321.03, 15002
1321.05, and 1321.73 of the Revised Code. Such determination shall 15003
be made by dividing the appropriation for the consumer finance 15004
section of the division of financial institutions for the current 15005

fiscal year by the number of licenses and certificates issued as 15006
of the date of the computation. In no event shall the amount of 15007
the fee exceed three hundred dollars, except that the maximum fee 15008
which may be charged insurance premium finance companies licensed 15009
under section 1321.73 of the Revised Code shall not exceed three 15010
hundred seventy-five dollars. Prior to the first day of June of 15011
each year, the superintendent shall inform each person licensed or 15012
registered under this chapter of the amount of the license or 15013
certificate fee for the succeeding fiscal year as determined by 15014
this section. 15015

~~(B)(1) Each person licensed under Chapter 4727. of the 15016
Revised Code who is subject to annual license renewal under 15017
division (E)(1) of section 4727.03 of the Revised Code shall, 15018
prior to the last day of June, pay to the superintendent a fee 15019
equal to twice the amount of the fee determined by the 15020
superintendent pursuant to division (A) of this section. However, 15021
in no event shall the amount of the fee exceed three hundred 15022
dollars. 15023~~

~~(2) Each person licensed under Chapter 4727. of the Revised 15024
Code who is subject to biennial license renewal under division 15025
(E)(2) of section 4727.03 of the Revised Code shall, prior to the 15026
date the license expires, pay to the superintendent a fee equal to 15027
four times the amount of the fee determined by the superintendent 15028
pursuant to division (A) of this section. However, in no event 15029
shall the amount of the fee exceed six hundred dollars. 15030~~

(C) The fee for a license or certificate issued pursuant to 15031
Chapter 4727. or 4728. of the Revised Code after the first day of 15032
January of the year the license or certificate expires shall be 15033
equal to one-half the amount determined according to divisions (A) 15034
and (B) of this section or in accordance with section 4728.03 of 15035
the Revised Code. 15036

(D) If the renewal fees billed by the superintendent pursuant 15037

to divisions (A) and (B) of this section are less than the 15038
estimated expenditures of the consumer finance section of the 15039
division of financial institutions, as determined by the 15040
superintendent, for the following fiscal year, the superintendent 15041
may assess each person licensed pursuant to section 1321.04 of the 15042
Revised Code at a rate sufficient to equal in the aggregate the 15043
difference between the renewal fees billed and the estimated 15044
expenditures. Each person shall pay the assessed amount to the 15045
superintendent prior to the last day of June. In no case shall the 15046
assessment exceed ten cents per each one hundred dollars of 15047
interest (excluding charge-off recoveries), points, loan 15048
origination charges, and credit line charges collected by that 15049
person during the previous calendar year. If an assessment is 15050
imposed under this division, it shall not be less than two hundred 15051
fifty dollars per licensee or registrant and shall not exceed 15052
thirty thousand dollars less the total renewal fees paid pursuant 15053
to division (A) of this section by each licensee or registrant. 15054

Sec. 1347.08. (A) Every state or local agency that maintains 15055
a personal information system, upon the request and the proper 15056
identification of any person who is the subject of personal 15057
information in the system, shall: 15058

(1) Inform the person of the existence of any personal 15059
information in the system of which the person is the subject; 15060

(2) Except as provided in divisions (C) and (E)(2) of this 15061
section, permit the person, the person's legal guardian, or an 15062
attorney who presents a signed written authorization made by the 15063
person, to inspect all personal information in the system of which 15064
the person is the subject; 15065

(3) Inform the person about the types of uses made of the 15066
personal information, including the identity of any users usually 15067
granted access to the system. 15068

(B) Any person who wishes to exercise a right provided by 15069
this section may be accompanied by another individual of the 15070
person's choice. 15071

(C)(1) A state or local agency, upon request, shall disclose 15072
medical, psychiatric, or psychological information to a person who 15073
is the subject of the information or to the person's legal 15074
guardian, unless a physician, psychiatrist, or psychologist 15075
determines for the agency that the disclosure of the information 15076
is likely to have an adverse effect on the person, in which case 15077
the information shall be released to a physician, psychiatrist, or 15078
psychologist who is designated by the person or by the person's 15079
legal guardian. 15080

(2) Upon the signed written request of either a licensed 15081
attorney at law or a licensed physician designated by the inmate, 15082
together with the signed written request of an inmate of a 15083
correctional institution under the administration of the 15084
department of rehabilitation and correction, the department shall 15085
disclose medical information to the designated attorney or 15086
physician as provided in division (C) of section 5120.21 of the 15087
Revised Code. 15088

(D) If an individual who is authorized to inspect personal 15089
information that is maintained in a personal information system 15090
requests the state or local agency that maintains the system to 15091
provide a copy of any personal information that the individual is 15092
authorized to inspect, the agency shall provide a copy of the 15093
personal information to the individual. Each state and local 15094
agency may establish reasonable fees for the service of copying, 15095
upon request, personal information that is maintained by the 15096
agency. 15097

(E)(1) This section regulates access to personal information 15098
that is maintained in a personal information system by persons who 15099
are the subject of the information, but does not limit the 15100

authority of any person, including a person who is the subject of 15101
personal information maintained in a personal information system, 15102
to inspect or have copied, pursuant to section 149.43 of the 15103
Revised Code, a public record as defined in that section. 15104

(2) This section does not provide a person who is the subject 15105
of personal information maintained in a personal information 15106
system, the person's legal guardian, or an attorney authorized by 15107
the person, with a right to inspect or have copied, or require an 15108
agency that maintains a personal information system to permit the 15109
inspection of or to copy, a confidential law enforcement 15110
investigatory record or trial preparation record, as defined in 15111
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 15112

(F) This section does not apply to any of the following: 15113

(1) The contents of an adoption file maintained by the 15114
department of health under sections 3705.12 to 3705.124 of the 15115
Revised Code; 15116

(2) Information contained in the putative father registry 15117
established by section 3107.062 of the Revised Code, regardless of 15118
whether the information is held by the department of job and 15119
family services or, pursuant to section 3111.69 of the Revised 15120
Code, the office of child support in the department or a child 15121
support enforcement agency; 15122

(3) Papers, records, and books that pertain to an adoption 15123
and that are subject to inspection in accordance with section 15124
3107.17 of the Revised Code; 15125

(4) Records specified in division (A) of section 3107.52 of 15126
the Revised Code; 15127

(5) Records that identify an individual described in division 15128
(A)(1) of section 3721.031 of the Revised Code, or that would tend 15129
to identify such an individual; 15130

(6) Files and records that have been expunged under division	15131
(D)(1) or (2) of section 3721.23 of the Revised Code;	15132
(7) Records that identify an individual described in division	15133
(A)(1) of section 3721.25 of the Revised Code, or that would tend	15134
to identify such an individual;	15135
(8) Records that identify an individual described in division	15136
(A)(1) of section 5165.88 of the Revised Code, or that would tend	15137
to identify such an individual;	15138
(9) Test materials, examinations, or evaluation tools used in	15139
an examination for licensure as a nursing home administrator that	15140
the board of executives of long-term services and supports	15141
administers under section 4751.04 of the Revised Code or contracts	15142
under that section with a private or government entity to	15143
administer;	15144
(10) Information contained in a database established and	15145
maintained pursuant to section 5101.13 of the Revised Code;	15146
<u>(11) Information contained in a database established and</u>	15147
<u>maintained pursuant to section 5101.612 of the Revised Code.</u>	15148
Sec. 1349.04. (A) As used in this section:	15149
(1) "Active duty" means active duty pursuant to an executive	15150
order of the president of the United States, an act of the	15151
congress of the United States, or section 5919.29 or 5923.21 of	15152
the Revised Code.	15153
(2) "Immediate family" means a person's spouse residing in	15154
the person's household; brothers and sisters of the whole or half	15155
blood; children, including adopted children and stepchildren;	15156
parents; and grandparents.	15157
(B) The attorney general shall appoint a member of the staff	15158
of the consumer protection division of the attorney general's	15159
office to expedite cases or issues raised by a person, or the	15160

immediate family of the person, who is deployed on active duty, 15161
which cases or issues raised relate to ~~sections 125.021,~~ section 15162
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 15163
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 15164
Code or to any other relevant section of the Revised Code 15165
regulating consumer protection. 15166

Sec. 1501.01. (A) Except where otherwise expressly provided, 15167
the director of natural resources shall formulate and institute 15168
all the policies and programs of the department of natural 15169
resources. The chief of any division of the department shall not 15170
enter into any contract, agreement, or understanding unless it is 15171
approved by the director. No appointee or employee of the 15172
director, other than the assistant director, may bind the director 15173
in a contract except when given general or special authority to do 15174
so by the director. 15175

The director may enter into contracts or agreements with any 15176
agency of the United States government, any other public agency, 15177
or any private entity or organization for the performance of the 15178
duties of the department. 15179

(B) The director shall correlate and coordinate the work and 15180
activities of the divisions in the department to eliminate 15181
unnecessary duplications of effort and overlapping of functions. 15182
The chiefs of the various divisions of the department shall meet 15183
with the director at least once each month at a time and place 15184
designated by the director. 15185

The director may create advisory boards to any of those 15186
divisions in conformity with section 121.13 of the Revised Code. 15187

(C) The director may accept and expend gifts, devises, and 15188
bequests of money, lands, and other properties on behalf of the 15189
department or any division thereof under the terms set forth in 15190
section 9.20 of the Revised Code. Any political subdivision of 15191

this state may make contributions to the department for the use of 15192
the department or any division therein according to the terms of 15193
the contribution. 15194

(D) The director may publish and sell or otherwise distribute 15195
data, reports, and information. 15196

(E) The director may identify and develop the geographic 15197
information system needs for the department, which may include, 15198
but not be limited to, all of the following: 15199

(1) Assisting in the training and education of department 15200
resource managers, administrators, and other staff in the 15201
application and use of geographic information system technology; 15202

(2) Providing technical support to the department in the 15203
design, preparation of data, and use of appropriate geographic 15204
information system applications in order to help solve resource 15205
related problems and to improve the effectiveness and efficiency 15206
of department delivered services; 15207

(3) Creating, maintaining, and documenting spatial digital 15208
data bases; 15209

(4) Providing information to and otherwise assisting 15210
government officials, planners, and resource managers in 15211
understanding land use planning and resource management; 15212

(5) Providing continuing assistance to local government 15213
officials and others in natural resource digital data base 15214
development and in applying and utilizing the geographic 15215
information system for land use planning, current agricultural use 15216
value assessment, development reviews, coastal management, and 15217
other resource management activities; 15218

(6) Coordinating and administering the remote sensing needs 15219
of the department, including the collection and analysis of aerial 15220
photography, satellite data, and other data pertaining to land, 15221

water, and other resources of the state;	15222
(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	15223 15224 15225
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	15226 15227 15228
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	15229 15230 15231
(10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;	15232 15233 15234 15235 15236
(11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.	15237 15238 15239
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.	15240 15241 15242 15243 15244 15245 15246
(G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of	15247 15248 15249 15250 15251 15252

administrative services. This authority to appropriate property is 15253
in addition to the authority provided by law for the appropriation 15254
of property by divisions of the department. The director of 15255
natural resources also may acquire by purchase, lease, or 15256
otherwise such real and personal property rights or privileges in 15257
the name of the state as are necessary for the purposes of the 15258
department or any division therein. The director, ~~with the~~ 15259
~~approval of the governor and the attorney general~~ in accordance 15260
with section 5301.13 of the Revised Code, if applicable, may sell, 15261
lease, or exchange portions of lands or property, real or 15262
personal, of any division of the department or grant easements or 15263
licenses for the use thereof, or enter into agreements for the 15264
sale of water from lands and waters under the administration or 15265
care of the department or any of its divisions, when the sale, 15266
lease, exchange, easement, agreement, or license for use is in an 15267
amount that is less than fifty thousand dollars and is 15268
advantageous to the state, ~~provided that such approval is not~~ 15269
~~required for leases and contracts made under section 1501.07,~~ 15270
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code.~~ With the 15271
approval of the governor, the director, in accordance with section 15272
5301.13 of the Revised Code, if applicable, may sell, lease, or 15273
exchange portions of, grant easements or licenses for the use of, 15274
or enter into agreements for the sale of such lands, property, or 15275
waters in an amount of fifty thousand dollars or more when the 15276
sale, lease, exchange, easement, agreement, or license is 15277
advantageous to the state. Water may be sold from a reservoir only 15278
to the extent that the reservoir was designed to yield a supply of 15279
water for a purpose other than recreation or wildlife, and the 15280
water sold is in excess of that needed to maintain the reservoir 15281
for purposes of recreation or wildlife. 15282

Money received from such sales, leases, easements, exchanges, 15283
agreements, or licenses for use, except revenues required to be 15284
set aside or paid into depositories or trust funds for the payment 15285

of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, revenues required to be paid and credited pursuant to the bond proceeding applicable to obligations issued pursuant to section 154.22, and revenues generated under section 1520.05 of the Revised Code, shall be deposited in the state treasury to the credit of the fund of the division of the department having prior jurisdiction over the lands or property. If no such fund exists, the money shall be credited to the general revenue fund. All such money received from lands or properties administered by the division of wildlife shall be credited to the wildlife fund.

(H) The director shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the department or its employees prior to paying them to the treasurer of state under section 113.08 of the Revised Code.

(I) The director shall cooperate with the nature conservancy, other nonprofit organizations, and the United States fish and wildlife service in order to secure protection of islands in the Ohio river and the wildlife and wildlife habitat of those islands.

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

Sec. 1501.011. (A) Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction commission shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of, any projects or improvements for the department of natural resources that may be

authorized by legislative appropriations or any other funds 15317
available therefor, the estimated cost of which amounts to two 15318
hundred thousand dollars or more or the amount determined pursuant 15319
to section 153.53 of the Revised Code or more. 15320

(B) The department of natural resources shall administer the 15321
construction of improvements under an agreement with the 15322
supervisors of a soil and water conservation district pursuant to 15323
division (I) of section 1515.08 of the Revised Code. 15324

(C)(1) The department of natural resources shall supervise 15325
the design and construction of, and make contracts for the 15326
construction, reconstruction, improvement, enlargement, 15327
alteration, repair, or decoration of, any of the following 15328
activities, projects, or improvements: 15329

(a) Dam repairs administered by the division of engineering 15330
under Chapter 1507. of the Revised Code; 15331

(b) Projects or improvements administered by the division of 15332
watercraft and funded through the waterways safety fund 15333
established in section 1547.75 of the Revised Code; 15334

(c) Projects or improvements administered by the division of 15335
wildlife under Chapter 1531. or 1533. of the Revised Code; 15336

(d) Activities conducted by the department pursuant to 15337
section 5511.05 of the Revised Code in order to maintain the 15338
department's roadway inventory. 15339

(2) If a contract to be let under division (C)(1) of this 15340
section involves an exigency that concerns the public health, 15341
safety, or welfare or addresses an emergency situation in which 15342
timeliness is crucial in preventing the cost of the contract from 15343
increasing significantly, pursuant to the declaration of a public 15344
exigency, the department may award the contract without 15345
competitive bidding or selection as otherwise required by Chapter 15346
153. of the Revised Code. 15347

A notice published by the department of natural resources 15348
regarding an activity, project, or improvement shall be published 15349
as contemplated in section 7.16 of the Revised Code. 15350

(D) The executive director of the Ohio facilities 15351
construction commission may authorize the department of natural 15352
resources to administer any other project or improvement, the 15353
estimated cost of which, including design fees, construction, 15354
equipment, and contingency amounts, is not more than one million 15355
five hundred thousand dollars. 15356

Sec. 1505.10. ~~The chief of the division of geological survey~~ 15357
director of natural resources or the director's designee shall 15358
prepare and publish for public distribution annual reports that 15359
shall include all of the following: 15360

(A) A list of the operators of mines, quarries, pits, or 15361
other mineral resource extraction operations in this state; 15362

(B) Information on the location of and commodity extracted at 15363
each operation; 15364

(C) Information on the employment at each operation; 15365

(D) Information on the tonnage of coal or other minerals 15366
extracted at each operation along with the method of extraction; 15367

(E) Information on the production, use, distribution, value, 15368
and other facts relative to the mineral resources of the state 15369
that may be of public interest. 15370

The director or the director's designee may require the 15371
division of mineral resources management to perform the duties 15372
required by this section. 15373

Each operator engaged in the extraction of minerals shall 15374
submit an accurate and complete annual report, on or before the 15375
last day of January each year, to the ~~chief of the division of~~ 15376
~~geological survey~~ director or the director's designee on forms 15377

provided by the ~~chief~~ director or the director's designee and 15378
containing the information specified in divisions (A) to (E) of 15379
this section for the immediately preceding calendar year. The 15380
~~chief of the division of mineral resources management~~ director or 15381
the director's designee may use all or portions of the information 15382
collected pursuant to this section in preparing the annual report 15383
required by section 1561.04 of the Revised Code. 15384

No person shall fail to comply with this section. 15385

Sec. 1509.01. As used in this chapter: 15386

(A) "Well" means any borehole, whether drilled or bored, 15387
within the state for production, extraction, or injection of any 15388
gas or liquid mineral, excluding potable water to be used as such, 15389
but including natural or artificial brines and oil field waters. 15390

(B) "Oil" means crude petroleum oil and all other 15391
hydrocarbons, regardless of gravity, that are produced in liquid 15392
form by ordinary production methods, but does not include 15393
hydrocarbons that were originally in a gaseous phase in the 15394
reservoir. 15395

(C) "Gas" means all natural gas and all other fluid 15396
hydrocarbons that are not oil, including condensate. 15397

(D) "Condensate" means liquid hydrocarbons separated at or 15398
near the well pad or along the gas production or gathering system 15399
prior to gas processing. 15400

(E) "Pool" means an underground reservoir containing a common 15401
accumulation of oil or gas, or both, but does not include a gas 15402
storage reservoir. Each zone of a geological structure that is 15403
completely separated from any other zone in the same structure may 15404
contain a separate pool. 15405

(F) "Field" means the general area underlaid by one or more 15406
pools. 15407

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.

(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.

(J) "Tract" means a single, ~~individually taxed~~ individual parcel of land ~~appearing on the tax list or a portion of a single,~~ individual parcel of land.

(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when

the well has been plugged in accordance with applicable rules 15438
adopted and orders issued under this chapter. "Owner" does not 15439
include a person who obtains a lease of the mineral rights for oil 15440
and gas on a parcel of land if the person does not attempt to 15441
produce or produce oil or gas from a well or obtain a permit under 15442
this chapter for a well or if the entire interest of a well is 15443
transferred to the person in accordance with division (B) of 15444
section 1509.31 of the Revised Code. 15445

(L) "Royalty interest" means the fee holder's share in the 15446
production from a well. 15447

(M) "Discovery well" means the first well capable of 15448
producing oil or gas in commercial quantities from a pool. 15449

(N) "Prepared clay" means a clay that is plastic and is 15450
thoroughly saturated with fresh water to a weight and consistency 15451
great enough to settle through saltwater in the well in which it 15452
is to be used, except as otherwise approved by the chief of the 15453
division of oil and gas resources management. 15454

(O) "Rock sediment" means the combined cutting and residue 15455
from drilling sedimentary rocks and formation. 15456

(P) "Excavations and workings," "mine," and "pillar" have the 15457
same meanings as in section 1561.01 of the Revised Code. 15458

(Q) "Coal bearing township" means a township designated as 15459
such by the chief of the division of mineral resources management 15460
under section 1561.06 of the Revised Code. 15461

(R) "Gas storage reservoir" means a continuous area of a 15462
subterranean porous sand or rock stratum or strata into which gas 15463
is or may be injected for the purpose of storing it therein and 15464
removing it therefrom and includes a gas storage reservoir as 15465
defined in section 1571.01 of the Revised Code. 15466

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 15467

Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 15468
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 15469
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 15470
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 15471
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 15472
regulations adopted under those acts. 15473

(T) "Person" includes any political subdivision, department, 15474
agency, or instrumentality of this state; the United States and 15475
any department, agency, or instrumentality thereof; ~~and~~ any legal 15476
entity defined as a person under section 1.59 of the Revised Code; 15477
and any other form of business organization or entity recognized 15478
by the laws of this state. 15479

(U) "Brine" means all saline geological formation water 15480
resulting from, obtained from, or produced in connection with 15481
exploration, drilling, well stimulation, production of oil or gas, 15482
or plugging of a well. 15483

(V) "Waters of the state" means all streams, lakes, ponds, 15484
marshes, watercourses, waterways, springs, irrigation systems, 15485
drainage systems, and other bodies of water, surface or 15486
underground, natural or artificial, that are situated wholly or 15487
partially within this state or within its jurisdiction, except 15488
those private waters that do not combine or effect a junction with 15489
natural surface or underground waters. 15490

(W) "Exempt Mississippian well" means a well that meets all 15491
of the following criteria: 15492

(1) Was drilled and completed before January 1, 1980; 15493

(2) Is located in an unglaciated part of the state; 15494

(3) Was completed in a reservoir no deeper than the 15495
Mississippian Big Injun sandstone in areas underlain by 15496
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 15497
sandstone in areas directly underlain by Permian stratigraphy; 15498

(4) Is used primarily to provide oil or gas for domestic use.	15499
(X) "Exempt domestic well" means a well that meets all of the following criteria:	15500
	15501
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	15502
	15503
(2) Is used primarily to provide gas for the owner's domestic use;	15504
	15505
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	15506
	15507
	15508
	15509
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	15510
	15511
	15512
	15513
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	15514
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	15519
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	15520
	15521
	15522
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road	15523
	15524
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construction, well drilling, well completion, well stimulation, 15529
well site activities, reclamation, and plugging. "Production 15530
operation" also includes all of the following: 15531

(1) The piping, equipment, and facilities used for the 15532
production and preparation of hydrocarbon gas or liquids for 15533
transportation or delivery; 15534

(2) The processes of extraction and recovery, lifting, 15535
stabilization, treatment, separation, production processing, 15536
storage, waste disposal, and measurement of hydrocarbon gas and 15537
liquids, including related equipment and facilities; 15538

(3) The processes and related equipment and facilities 15539
associated with production compression, gas lift, gas injection, 15540
fuel gas supply, well drilling, well stimulation, and well 15541
completion activities, including dikes, pits, and earthen and 15542
other impoundments used for the temporary storage of fluids and 15543
waste substances associated with well drilling, well stimulation, 15544
and well completion activities; 15545

(4) Equipment and facilities at a wellpad or other location 15546
that are used for the transportation, handling, recycling, 15547
temporary storage, management, processing, or treatment of any 15548
equipment, material, and by-products or other substances from an 15549
operation at a wellpad that may be used or reused at the same or 15550
another operation at a wellpad or that will be disposed of in 15551
accordance with applicable laws and rules adopted under them. 15552

(BB) "Annular overpressurization" means the accumulation of 15553
fluids within an annulus with sufficient pressure to allow 15554
migration of annular fluids into underground sources of drinking 15555
water. 15556

(CC) "Idle and orphaned well" means a well for which a bond 15557
has been forfeited or an abandoned well for which no money is 15558
available to plug the well in accordance with this chapter and 15559

rules adopted under it.	15560
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.	15561 15562 15563
(EE) "Material and substantial violation" means any of the following:	15564 15565
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	15566 15567
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	15568 15569
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	15570 15571
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	15572 15573 15574 15575 15576
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	15577 15578
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	15579 15580 15581
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	15582 15583
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	15584 15585
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	15586 15587
(GG) "Horizontal well" means a well that is drilled for the	15588

production of oil or gas in which the wellbore reaches a 15589
horizontal or near horizontal position in the Point Pleasant, 15590
Utica, or Marcellus formation and the well is stimulated. 15591

(HH) "Well pad" means the area that is cleared or prepared 15592
for the drilling of one or more horizontal wells. 15593

Sec. 1509.06. (A) An application for a permit to drill a new 15594
well, drill an existing well deeper, reopen a well, convert a well 15595
to any use other than its original purpose, or plug back a well to 15596
a different source of supply, including associated production 15597
operations, shall be filed with the chief of the division of oil 15598
and gas resources management upon such form as the chief 15599
prescribes and shall contain each of the following that is 15600
applicable: 15601

(1) The name and address of the owner and, if a corporation, 15602
the name and address of the statutory agent; 15603

(2) The signature of the owner or the owner's authorized 15604
agent. When an authorized agent signs an application, it shall be 15605
accompanied by a certified copy of the appointment as such agent. 15606

(3) The names and addresses of all persons holding the 15607
royalty interest in the tract upon which the well is located or is 15608
to be drilled or within a proposed drilling unit; 15609

(4) The location of the tract or drilling unit on which the 15610
well is located or is to be drilled identified by section or lot 15611
number, city, village, township, and county; 15612

(5) Designation of the well by name and number; 15613

(6)(a) The geological formation to be tested or used and the 15614
proposed total depth of the well; 15615

(b) If the well is for the injection of a liquid, identity of 15616
the geological formation to be used as the injection zone and the 15617
composition of the liquid to be injected. 15618

(7) The type of drilling equipment to be used; 15619

(8)(a) An identification, to the best of the owner's 15620
knowledge, of each proposed source of ground water and surface 15621
water that will be used in the production operations of the well. 15622
The identification of each proposed source of water shall indicate 15623
if the water will be withdrawn from the Lake Erie watershed or the 15624
Ohio river watershed. In addition, the owner shall provide, to the 15625
best of the owner's knowledge, the proposed estimated rate and 15626
volume of the water withdrawal for the production operations. If 15627
recycled water will be used in the production operations, the 15628
owner shall provide the estimated volume of recycled water to be 15629
used. The owner shall submit to the chief an update of any of the 15630
information that is required by division (A)(8)(a) of this section 15631
if any of that information changes before the chief issues a 15632
permit for the application. 15633

(b) Except as provided in division (A)(8)(c) of this section, 15634
for an application for a permit to drill a new well within an 15635
urbanized area, the results of sampling of water wells within 15636
three hundred feet of the proposed well prior to commencement of 15637
drilling. In addition, the owner shall include a list that 15638
identifies the location of each water well where the owner of the 15639
property on which the water well is located denied the owner 15640
access to sample the water well. The sampling shall be conducted 15641
in accordance with the guidelines established in "Best Management 15642
Practices For Pre-drilling Water Sampling" in effect at the time 15643
that the application is submitted. The division shall furnish 15644
those guidelines upon request and shall make them available on the 15645
division's web site. If the chief determines that conditions at 15646
the proposed well site warrant a revision, the chief may revise 15647
the distance established in this division for purposes of 15648
pre-drilling water sampling. 15649

(c) For an application for a permit to drill a new horizontal 15650

well, the results of sampling of water wells within one thousand 15651
five hundred feet of the proposed horizontal wellhead prior to 15652
commencement of drilling. In addition, the owner shall include a 15653
list that identifies the location of each water well where the 15654
owner of the property on which the water well is located denied 15655
the owner access to sample the water well. The sampling shall be 15656
conducted in accordance with the guidelines established in "Best 15657
Management Practices For Pre-drilling Water Sampling" in effect at 15658
the time that the application is submitted. The division shall 15659
furnish those guidelines upon request and shall make them 15660
available on the division's web site. If the chief determines that 15661
conditions at the proposed well site warrant a revision, the chief 15662
may revise the distance established in this division for purposes 15663
of pre-drilling water sampling. 15664

(9) For an application for a permit to drill a new well 15665
within an urbanized area, a sworn statement that the applicant has 15666
provided notice by regular mail of the application to the owner of 15667
each parcel of real property that is located within five hundred 15668
feet of the surface location of the well and to the executive 15669
authority of the municipal corporation or the board of township 15670
trustees of the township, as applicable, in which the well is to 15671
be located. In addition, the notice shall contain a statement that 15672
informs an owner of real property who is required to receive the 15673
notice under division (A)(9) of this section that within five days 15674
of receipt of the notice, the owner is required to provide notice 15675
under section 1509.60 of the Revised Code to each residence in an 15676
occupied dwelling that is located on the owner's parcel of real 15677
property. The notice shall contain a statement that an application 15678
has been filed with the division of oil and gas resources 15679
management, identify the name of the applicant and the proposed 15680
well location, include the name and address of the division, and 15681
contain a statement that comments regarding the application may be 15682
sent to the division. The notice may be provided by hand delivery 15683

or regular mail. The identity of the owners of parcels of real 15684
property shall be determined using the tax records of the 15685
municipal corporation or county in which a parcel of real property 15686
is located as of the date of the notice. 15687

(10) A plan for restoration of the land surface disturbed by 15688
drilling operations. The plan shall provide for compliance with 15689
the restoration requirements of division (A) of section 1509.072 15690
of the Revised Code and any rules adopted by the chief pertaining 15691
to that restoration. 15692

(11)(a) A description by name or number of the county, 15693
township, and municipal corporation roads, streets, and highways 15694
that the applicant anticipates will be used for access to and 15695
egress from the well site; 15696

(b) For an application for a permit for a horizontal well, a 15697
copy of an agreement concerning maintenance and safe use of the 15698
roads, streets, and highways described in division (A)(11)(a) of 15699
this section entered into on reasonable terms with the public 15700
official that has the legal authority to enter into such 15701
maintenance and use agreements for each county, township, and 15702
municipal corporation, as applicable, in which any such road, 15703
street, or highway is located or an affidavit on a form prescribed 15704
by the chief attesting that the owner attempted in good faith to 15705
enter into an agreement under division (A)(11)(b) of this section 15706
with the applicable public official of each such county, township, 15707
or municipal corporation, but that no agreement was executed. 15708

(12) Such other relevant information as the chief prescribes 15709
by rule. 15710

Each application shall be accompanied by a map, on a scale 15711
not smaller than four hundred feet to the inch, prepared by an 15712
Ohio registered surveyor, showing the location of the well and 15713
containing such other data as may be prescribed by the chief. If 15714

the well is or is to be located within the excavations and 15715
workings of a mine, the map also shall include the location of the 15716
mine, the name of the mine, and the name of the person operating 15717
the mine. 15718

(B) The chief shall cause a copy of the weekly circular 15719
prepared by the division to be provided to the county engineer of 15720
each county that contains active or proposed drilling activity. 15721
The weekly circular shall contain, in the manner prescribed by the 15722
chief, the names of all applicants for permits, the location of 15723
each well or proposed well, the information required by division 15724
(A)(11) of this section, and any additional information the chief 15725
prescribes. In addition, the chief promptly shall transfer an 15726
electronic copy or facsimile, or if those methods are not 15727
available to a municipal corporation or township, a copy via 15728
regular mail, of a drilling permit application to the clerk of the 15729
legislative authority of the municipal corporation or to the clerk 15730
of the township in which the well or proposed well is or is to be 15731
located if the legislative authority of the municipal corporation 15732
or the board of township trustees has asked to receive copies of 15733
such applications and the appropriate clerk has provided the chief 15734
an accurate, current electronic mailing address or facsimile 15735
number, as applicable. 15736

(C)(1) Except as provided in division (C)(2) of this section, 15737
the chief shall not issue a permit for at least ten days after the 15738
date of filing of the application for the permit unless, upon 15739
reasonable cause shown, the chief waives that period or a request 15740
for expedited review is filed under this section. However, the 15741
chief shall issue a permit within twenty-one days of the filing of 15742
the application unless the chief denies the application by order. 15743

(2) If the location of a well or proposed well will be or is 15744
within an urbanized area, the chief shall not issue a permit for 15745
at least eighteen days after the date of filing of the application 15746

for the permit unless, upon reasonable cause shown, the chief 15747
waives that period or the chief at the chief's discretion grants a 15748
request for an expedited review. However, the chief shall issue a 15749
permit for a well or proposed well within an urbanized area within 15750
thirty days of the filing of the application unless the chief 15751
denies the application by order. 15752

(D) An applicant may file a request with the chief for 15753
expedited review of a permit application if the well is not or is 15754
not to be located in a gas storage reservoir or reservoir 15755
protective area, as "reservoir protective area" is defined in 15756
section 1571.01 of the Revised Code. If the well is or is to be 15757
located in a coal bearing township, the application shall be 15758
accompanied by the affidavit of the landowner prescribed in 15759
section 1509.08 of the Revised Code. 15760

In addition to a complete application for a permit that meets 15761
the requirements of this section and the permit fee prescribed by 15762
this section, a request for expedited review shall be accompanied 15763
by a separate nonrefundable filing fee of two hundred fifty 15764
dollars. Upon the filing of a request for expedited review, the 15765
chief shall cause the county engineer of the county in which the 15766
well is or is to be located to be notified of the filing of the 15767
permit application and the request for expedited review by 15768
telephone or other means that in the judgment of the chief will 15769
provide timely notice of the application and request. The chief 15770
shall issue a permit within seven days of the filing of the 15771
request unless the chief denies the application by order. 15772
Notwithstanding the provisions of this section governing expedited 15773
review of permit applications, the chief may refuse to accept 15774
requests for expedited review if, in the chief's judgment, the 15775
acceptance of the requests would prevent the issuance, within 15776
twenty-one days of their filing, of permits for which applications 15777
are pending. 15778

(E) A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

(F) The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions, including, if applicable, terms and conditions regarding subjects identified in rules adopted under section 1509.03 of the Revised Code. The issuance of a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been approved under this section on the division's web site not later than two business days after the application for a permit has been approved.

(G) Each application for a permit required by section 1509.05 of the Revised Code, ~~except an application to plug back an existing well that is required by that section and an application~~ for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee as follows:

(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;

(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;

(3) One thousand dollars for a permit to conduct activities in either of the following:

(a) A township with a population of fifteen thousand or more;	15810
(b) A municipal corporation regardless of population.	15811
(4) If the application is for a permit that requires	15812
mandatory pooling, an additional five thousand dollars.	15813
For purposes of calculating fee amounts, populations shall be	15814
determined using the most recent federal decennial census.	15815
Each application for the revision or reissuance of a permit	15816
shall be accompanied by a nonrefundable fee of two hundred fifty	15817
dollars.	15818
(H)(1) Prior to the commencement of well pad construction and	15819
prior to the issuance of a permit to drill a proposed horizontal	15820
well or a proposed well that is to be located in an urbanized	15821
area, the division shall conduct a site review to identify and	15822
evaluate any site-specific terms and conditions that may be	15823
attached to the permit. At the site review, a representative of	15824
the division shall consider fencing, screening, and landscaping	15825
requirements, if any, for similar structures in the community in	15826
which the well is proposed to be located. The terms and conditions	15827
that are attached to the permit shall include the establishment of	15828
fencing, screening, and landscaping requirements for the surface	15829
facilities of the proposed well, including a tank battery of the	15830
well.	15831
(2) Prior to the issuance of a permit to drill a proposed	15832
well, the division shall conduct a review to identify and evaluate	15833
any site-specific terms and conditions that may be attached to the	15834
permit if the proposed well will be located in a one-hundred-year	15835
floodplain or within the five-year time of travel associated with	15836
a public drinking water supply.	15837
(I) A permit shall be issued by the chief in accordance with	15838
this chapter. A permit issued under this section for a well that	15839
is or is to be located in an urbanized area shall be valid for	15840

twelve months, and all other permits issued under this section 15841
shall be valid for twenty-four months. 15842

(J) An applicant or a permittee, as applicable, shall submit 15843
to the chief an update of the information that is required under 15844
division (A)(8)(a) of this section if any of that information 15845
changes prior to commencement of production operations. 15846

(K) A permittee or a permittee's authorized representative 15847
shall notify an inspector from the division at least twenty-four 15848
hours, or another time period agreed to by the chief's authorized 15849
representative, prior to the commencement of well pad construction 15850
and of drilling, reopening, converting, well stimulation, or 15851
plugback operations. 15852

Sec. 1509.11. (A)(1) The owner of any well, except a 15853
horizontal well, that is producing or capable of producing oil or 15854
gas shall file with the chief of the division of oil and gas 15855
resources management, on or before the thirty-first day of March, 15856
a statement of production of oil, gas, and brine for the last 15857
preceding calendar year in such form as the chief may prescribe. 15858
An owner that has more than one hundred such wells in this state 15859
shall submit electronically the statement of production in a 15860
format that is approved by the chief. ~~The chief shall include on 15861
the form, at the minimum, a request for the submittal of the 15862
information that a person who is regulated under this chapter is 15863
required to submit under the "Emergency Planning and Community 15864
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 15865
regulations adopted under it, and that the division of oil and gas 15866
resources management does not obtain through other reporting 15867
mechanisms.~~ 15868

(2) The owner of any horizontal well that is producing or 15869
capable of producing oil or gas shall file with the chief, on the 15870
forty-fifth day following the close of each calendar quarter, a 15871

statement of production of oil, gas, and brine for the preceding 15872
calendar quarter in a form that the chief prescribes. An owner 15873
that has more than one hundred horizontal wells in this state 15874
shall submit electronically the statement of production in a 15875
format that is approved by the chief. ~~The chief shall include on~~ 15876
~~the form, at a minimum, a request for the submittal of the~~ 15877
~~information that a person who is regulated under this chapter is~~ 15878
~~required to submit under the "Emergency Planning and Community~~ 15879
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 15880
~~regulations adopted under it, and that the division does not~~ 15881
~~obtain through other reporting mechanisms.~~ 15882

(B) The chief shall not disclose information received from 15883
the department of taxation under division (C)(12) of section 15884
5703.21 of the Revised Code until the related statement of 15885
production required by division (A) of this section is filed with 15886
the chief. 15887

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 15888
and gas resources management may specify practices to be followed 15889
in the drilling and treatment of wells, production of oil and gas, 15890
and plugging of wells for protection of public health or safety or 15891
to prevent damage to natural resources, including specification of 15892
the following: 15893

~~(1)~~(A) Appropriate devices; 15894

~~(2)~~(B) Minimum distances that wells and other excavations, 15895
structures, and equipment shall be located from water wells, 15896
streets, roads, highways, rivers, lakes, streams, ponds, other 15897
bodies of water, railroad tracks, public or private recreational 15898
areas, zoning districts, and buildings or other structures. Rules 15899
adopted under this division ~~(A)(2) of this section~~ shall not 15900
conflict with section 1509.021 of the Revised Code. 15901

~~(3)~~(C) Other methods of operation; 15902

~~(4)(D)~~ Procedures, methods, and equipment and other 15903
requirements for equipment to prevent and contain discharges of 15904
oil and brine from oil production facilities and oil drilling and 15905
workover facilities consistent with and equivalent in scope, 15906
content, and coverage to section 311(j)(1)(c) of the "Federal 15907
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 15908
U.S.C.A. 1251, as amended, and regulations adopted under it. In 15909
addition, the rules may specify procedures, methods, and equipment 15910
and other requirements for equipment to prevent and contain 15911
surface and subsurface discharges of fluids, condensates, and 15912
gases. 15913

~~(5)(E)~~ Notifications; 15914

~~(6)(F)~~ Requirements governing the location and construction 15915
of fresh water impoundments that are part of a production 15916
operation. 15917

~~(B)~~ The chief, in consultation with the emergency response 15918
commission created in section 3750.02 of the Revised Code, shall 15919
adopt rules in accordance with Chapter 119. of the Revised Code 15920
that specify the information that shall be included in an 15921
electronic database that the chief shall create and host. The 15922
information shall be that which the chief considers to be 15923
appropriate for the purpose of responding to emergency situations 15924
that pose a threat to public health or safety or the environment. 15925
At the minimum, the information shall include that which a person 15926
who is regulated under this chapter is required to submit under 15927
the "Emergency Planning and Community Right To Know Act of 1986," 15928
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 15929
it. 15930

~~In addition, the rules shall specify whether and to what 15931
extent the database and the information that it contains will be 15932
made accessible to the public. The rules shall ensure that the 15933
database will be made available via the internet or a system of 15934~~

~~computer disks to the emergency response commission and to every
local emergency planning committee and fire department in this
state.~~

Sec. 1509.231. (A) A person that is regulated under this
chapter and rules adopted under it and that is required to submit
information under the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and
regulations adopted under it shall submit the information to the
chief of the division of oil and gas resources management on or
before the first day of March of each calendar year. The person
shall submit the information in accordance with rules adopted
under division (B) of this section.

(B) The chief, in consultation with the emergency response
commission created in section 3750.02 of the Revised Code, shall
adopt rules in accordance with Chapter 119. of the Revised Code
that specify the information that shall be included in an
electronic database that the chief shall create and host. The
information shall be information that the chief considers to be
appropriate for the purpose of responding to emergency situations
that pose a threat to public health or safety or the environment.
The rules shall require that the information be consistent with
the information that a person that is regulated under this chapter
is required to submit under the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and
regulations adopted under it.

In addition, the rules shall do all of the following:

(1) Specify whether and to what extent the database and the
information that it contains will be made accessible to the
public;

(2) Ensure that the information submitted for the database
will be made immediately available to the emergency response

commission, the local emergency planning committee of the 15966
emergency planning district in which a facility is located, and 15967
the fire department having jurisdiction over a facility; 15968

(3) Ensure that the information submitted for the database 15969
includes the information required to be reported under section 15970
3750.08 of the Revised Code and rules adopted under section 15971
3750.02 of the Revised Code. 15972

(C) As used in this section, "emergency planning district," 15973
"facility," and "fire department" have the same meanings as in 15974
section 3750.01 of the Revised Code. 15975

Sec. 1509.232. (A) An owner, a person to whom an order is 15976
issued under this chapter or rules adopted under it, a person to 15977
whom a registration certificate is issued under section 1509.222 15978
of the Revised Code, or a person engaged in an activity pursuant 15979
to section 1509.226 of the Revised Code shall notify the division 15980
of oil and gas resources management by means of a toll free 15981
telephone number designated by the chief of the division of oil 15982
and gas resources management or by electronic means designated by 15983
the chief within thirty minutes after becoming aware of the 15984
occurrence of any of the following unless notification within that 15985
time is impracticable under the circumstances: 15986

(1) An uncontrolled or unplanned release of gas associated 15987
with a production operation or other activity regulated under this 15988
chapter or rules adopted under it in an amount determined, in good 15989
faith, to equal or exceed one hundred MCF as defined in section 15990
5727.80 of the Revised Code; 15991

(2) A release of oil outside a containment area associated 15992
with a production operation or other activity regulated under this 15993
chapter or rules adopted under it if the release is in an amount 15994
determined, in good faith, to exceed two hundred ten United States 15995
gallons or as specified by rule adopted by the chief in accordance 15996

<u>with Chapter 119. of the Revised Code;</u>	15997
<u>(3) A release of brine, drill cuttings, or other drilling wastes regulated under this chapter or rules adopted under it</u>	15998
<u>outside the boundary of a site or facility regulated under this chapter or rules adopted under it;</u>	15999
	16000
	16001
<u>(4) A release of hydrogen sulfide associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed twenty parts per million;</u>	16002
	16003
	16004
	16005
<u>(5) A discharge or spill of a liquid, solid, or semisolid substance or material associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed a reportable quantity as defined in rules adopted under section 3750.02 of the Revised Code, excluding a discharge or spill consisting solely of fresh water or storm water;</u>	16006
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	16012
<u>(6) A fire or explosion associated with a production operation or other activity regulated under this chapter or rules adopted under it, excluding flaring or controlled burns authorized under this chapter or rules adopted under it or by the terms and conditions of a permit issued under this chapter;</u>	16013
	16014
	16015
	16016
	16017
<u>(7) The response by a fire department as defined in section 742.01 of the Revised Code or a person providing emergency medical services as defined in section 4765.01 of the Revised Code to the location of, and for the purpose of responding to, an occurrence specified in division (A)(1), (2), (3), (4), (5), or (6) of this section.</u>	16018
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<u>(B) If a contractor performs services on behalf of a person specified in division (A) of this section, the contractor shall notify that person within thirty minutes after the contractor becomes aware of any occurrence specified in that division unless</u>	16024
	16025
	16026
	16027

notification within that time is impracticable under the 16028
circumstances. 16029

(C) The chief may adopt rules in accordance with Chapter 119. 16030
of the Revised Code that are necessary for the administration of 16031
this section. 16032

(D) No person shall fail to comply with this section. 16033

(E)(1) Section 1509.33 of the Revised Code applies to this 16034
section. 16035

(2) Section 1509.99 of the Revised Code does not apply to 16036
this section. 16037

Sec. 1509.27. If a tract ~~of land is~~ or tracts are of 16038
insufficient size or shape to meet the requirements for drilling a 16039
proposed well thereon as provided in section 1509.24 or 1509.25 of 16040
the Revised Code, whichever is applicable, and the owner ~~of the~~ 16041
~~tract who also is the owner of the mineral interest~~ has been 16042
unable to form a drilling unit under agreement as provided in 16043
section 1509.26 of the Revised Code, on a just and equitable 16044
basis, ~~such as~~ the owner may make application to the division of 16045
oil and gas resources management for a mandatory pooling order. 16046

The application shall include information as shall be 16047
reasonably required by the chief of the division of oil and gas 16048
resources management and shall be accompanied by an application 16049
for a permit as required by section 1509.05 of the Revised Code. 16050
The chief shall notify all mineral rights owners of ~~land tracts~~ 16051
within the area proposed to be pooled by an order and included 16052
within the drilling unit of the filing of the application and of 16053
their right to a hearing. After the hearing or after the 16054
expiration of thirty days from the date notice of application was 16055
mailed to such owners, the chief, if satisfied that the 16056
application is proper in form and that mandatory pooling is 16057

necessary to protect correlative rights and to provide effective 16058
development, use, and conservation of oil and gas, shall issue a 16059
drilling permit and a mandatory pooling order complying with the 16060
requirements for drilling a well as provided in section 1509.24 or 16061
1509.25 of the Revised Code, whichever is applicable. The 16062
mandatory pooling order shall: 16063

(A) Designate the boundaries of the drilling unit within 16064
which the well shall be drilled; 16065

(B) Designate the proposed production site; 16066

(C) Describe each separately owned tract or part thereof 16067
pooled by the order; 16068

(D) Allocate on a surface acreage basis a pro rata portion of 16069
the production to ~~the owner of~~ each tract pooled by the order. The 16070
pro rata portion shall be in the same proportion that the 16071
percentage of the ~~owner's~~ tract's acreage is to the state minimum 16072
acreage requirements established in rules adopted under this 16073
chapter for a drilling unit unless the applicant demonstrates to 16074
the chief using geological evidence that the geologic structure 16075
containing the oil or gas is larger than the minimum acreage 16076
requirement in which case the pro rata portion shall be in the 16077
same proportion that the percentage of the ~~owner's~~ tract's acreage 16078
is to the geologic structure. 16079

(E) Specify the basis upon which each mineral rights owner of 16080
a tract pooled by the order shall share all reasonable costs and 16081
expenses of drilling and producing if the mineral rights owner 16082
elects to participate in the drilling and operation of the well; 16083

(F) Designate the person to whom the permit shall be issued. 16084

A person shall not submit more than five applications for 16085
mandatory pooling orders per year under this section unless 16086
otherwise approved by the chief. 16087

No surface operations or disturbances to the surface of the 16088
land shall occur on a tract pooled by an order without the written 16089
consent of or a written agreement with the surface rights owner of 16090
the tract that approves the operations or disturbances. 16091

If ~~an~~ a mineral rights owner of a tract pooled by the order 16092
does not elect to participate in the risk and cost of the drilling 16093
and operation of a well, the mineral rights owner shall be 16094
designated as a nonparticipating owner in the drilling and 16095
operation of the well on a limited or carried basis and is subject 16096
to terms and conditions determined by the chief to be just and 16097
reasonable. In addition, if ~~an~~ a mineral rights owner is 16098
designated as a nonparticipating owner, the mineral rights owner 16099
is not liable for actions or conditions associated with the 16100
drilling or operation of the well. If the applicant bears the 16101
costs of drilling, equipping, and operating a well for the benefit 16102
of a nonparticipating owner, as provided for in the pooling order, 16103
then the applicant shall be entitled to the share of production 16104
from the drilling unit accruing to the interest of that 16105
nonparticipating owner, exclusive of the nonparticipating owner's 16106
proportionate share of the royalty interest until there has been 16107
received the share of costs charged to that nonparticipating owner 16108
plus such additional percentage of the share of costs as the chief 16109
shall determine. The total amount receivable hereunder shall in no 16110
event exceed two hundred per cent of the share of costs charged to 16111
that nonparticipating owner. After receipt of that share of costs 16112
by such an applicant, a nonparticipating owner shall receive a 16113
proportionate share of the working interest in the well in 16114
addition to a proportionate share of the royalty interest, if any. 16115

If there is a dispute as to costs of drilling, equipping, or 16116
operating a well, the chief shall determine those costs. 16117

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 16118

1509.31 of the Revised Code, or any rules adopted or orders or 16119
terms or conditions of a permit or registration certificate issued 16120
pursuant to these sections for which no specific penalty is 16121
provided in this section, shall pay a civil penalty of not more 16122
than ~~four~~ ten thousand dollars for each offense. 16123

(B) Whoever violates section 1509.221 of the Revised Code or 16124
any rules adopted or orders or terms or conditions of a permit 16125
issued thereunder shall pay a civil penalty of not more than ~~two~~ 16126
ten thousand ~~five hundred~~ dollars for each violation. 16127

(C) Whoever violates division (D) of section 1509.22 or 16128
division (A)(1) of section 1509.222 of the Revised Code shall pay 16129
a civil penalty of not less than two thousand five hundred dollars 16130
nor more than twenty thousand dollars for each violation. 16131

(D) Whoever violates division (A) of section 1509.22 of the 16132
Revised Code shall pay a civil penalty of not less than two 16133
thousand five hundred dollars nor more than ten thousand dollars 16134
for each violation. 16135

(E) Whoever violates division (A) of section 1509.223 of the 16136
Revised Code shall pay a civil penalty of not more than ten 16137
thousand dollars for each violation. 16138

(F) Whoever violates section 1509.072 of the Revised Code or 16139
any rules adopted or orders issued to administer, implement, or 16140
enforce that section shall pay a civil penalty of not more than 16141
five thousand dollars for each violation. 16142

(G) In addition to any other penalties provided in this 16143
chapter, whoever violates section 1509.05, section 1509.21, 16144
division (B) of section 1509.22, or division (A)(1) of section 16145
1509.222 of the Revised Code or a term or condition of a permit or 16146
an order issued by the chief of the division of oil and gas 16147
resources management under this chapter or knowingly violates 16148
division (A) of section 1509.223 of the Revised Code is liable for 16149

any damage or injury caused by the violation and for the actual 16150
cost of rectifying the violation and conditions caused by the 16151
violation. If two or more persons knowingly violate one or more of 16152
those divisions in connection with the same event, activity, or 16153
transaction, they are jointly and severally liable under this 16154
division. 16155

(H) The attorney general, upon the request of the chief of 16156
the division of oil and gas resources management, shall commence 16157
an action under this section against any person who violates 16158
sections 1509.01 to 1509.31 of the Revised Code, or any rules 16159
adopted or orders or terms or conditions of a permit or 16160
registration certificate issued pursuant to these sections. Any 16161
action under this section is a civil action, governed by the Rules 16162
of Civil Procedure and other rules of practice and procedure 16163
applicable to civil actions. The remedy provided in this division 16164
is cumulative and concurrent with any other remedy provided in 16165
this chapter, and the existence or exercise of one remedy does not 16166
prevent the exercise of any other, except that no person shall be 16167
subject to both a civil penalty under division (A), (B), (C), or 16168
(D) of this section and a ~~criminal penalty under~~ fine established 16169
in section 1509.99 of the Revised Code for the same offense. 16170

(I) For purposes of this section, each day of violation 16171
constitutes a separate offense. 16172

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 16173
operation without a permit for the operation issued by the chief 16174
of the division of mineral resources management. 16175

(2) All permits issued pursuant to this chapter shall be 16176
issued for a term not to exceed five years, except that, if the 16177
applicant demonstrates that a specified longer term is reasonably 16178
needed to allow the applicant to obtain necessary financing for 16179
equipment and the opening of the operation and if the application 16180

is full and complete for the specified longer term, the chief may 16181
grant a permit for the longer term. A successor in interest to a 16182
permittee who applies for a new permit within thirty days after 16183
succeeding to the interest and who is able to obtain the 16184
performance security of the original permittee may continue coal 16185
mining and reclamation operations according to the approved mining 16186
and reclamation plan of the original permittee until the 16187
successor's application is granted or denied. 16188

(3) A permit shall terminate if the permittee has not 16189
commenced the coal mining operations covered by the permit within 16190
three years after the issuance of the permit, except that the 16191
chief may grant reasonable extensions of the time upon a showing 16192
that the extensions are necessary by reason of litigation 16193
precluding the commencement or threatening substantial economic 16194
loss to the permittee or by reason of conditions beyond the 16195
control and without the fault or negligence of the permittee, and 16196
except that with respect to coal to be mined for use in a 16197
synthetic fuel facility or specified major electric generating 16198
facility, the permittee shall be deemed to have commenced coal 16199
mining operations at the time construction of the synthetic fuel 16200
or generating facility is initiated. 16201

(4)(a) Any permit issued pursuant to this chapter shall carry 16202
with it the right of successive renewal upon expiration with 16203
respect to areas within the boundaries of the permit. The holders 16204
of the permit may apply for renewal and the renewal shall be 16205
issued unless the chief determines by written findings, subsequent 16206
to fulfillment of the public notice requirements of this section 16207
and section 1513.071 of the Revised Code through demonstrations by 16208
opponents of renewal or otherwise, that one or more of the 16209
following circumstances exists: 16210

(i) The terms and conditions of the existing permit are not 16211
being satisfactorily met. 16212

(ii) The present coal mining and reclamation operation is not 16213
in compliance with the environmental protection standards of this 16214
chapter. 16215

(iii) The renewal requested substantially jeopardizes the 16216
operator's continuing responsibilities on existing permit areas. 16217

(iv) The applicant has not provided evidence that the 16218
performance security in effect for the operation will continue in 16219
effect for any renewal requested in the application. 16220

(v) Any additional, revised, or updated information required 16221
by the chief has not been provided. Prior to the approval of any 16222
renewal of a permit, the chief shall provide notice to the 16223
appropriate public authorities as prescribed by rule of the chief. 16224

(b) If an application for renewal of a valid permit includes 16225
a proposal to extend the mining operation beyond the boundaries 16226
authorized in the existing permit, the portion of the application 16227
for renewal of a valid permit that addresses any new land areas 16228
shall be subject to the full standards applicable to new 16229
applications under this chapter. 16230

(c) A permit renewal shall be for a term not to exceed the 16231
period of the original permit established by this chapter. 16232
Application for permit renewal shall be made at least one hundred 16233
twenty days prior to the expiration of the valid permit. 16234

(5) A permit issued pursuant to this chapter does not 16235
eliminate the requirements for obtaining a permit to install or 16236
modify a disposal system or any part thereof or to discharge 16237
sewage, industrial waste, or other wastes into the waters of the 16238
state in accordance with Chapter 6111. of the Revised Code. 16239

(B)(1) The permit application shall be submitted in a manner 16240
satisfactory to the chief and shall contain, among other things, 16241
all of the following: 16242

(a) The names and addresses of all of the following:	16243
(i) The permit applicant;	16244
(ii) Every legal owner of record of the property, surface and mineral, to be mined;	16245 16246
(iii) The holders of record of any leasehold interest in the property;	16247 16248
(iv) Any purchaser of record of the property under a real estate contract;	16249 16250
(v) The operator if different from the applicant;	16251
(vi) If any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and statutory agent for service of process.	16252 16253 16254
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	16255 16256 16257
(c) A statement of any current or previous coal mining permits in the United States held by the applicant, the permit identification, and any pending applications;	16258 16259 16260
(d) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, the name and address of any person owning, of record, ten per cent or more of any class of voting stock of the applicant, a list of all names under which the applicant, partner, or principal shareholder previously operated a coal mining operation within the United States within the five-year period preceding the date of submission of the application, and a list of the person or persons primarily responsible for ensuring that the applicant complies with the requirements of this chapter and rules	16261 16262 16263 16264 16265 16266 16267 16268 16269 16270 16271 16272

adopted pursuant thereto while mining and reclaiming under the 16273
permit; 16274

(e) A statement of whether the applicant, any subsidiary, 16275
affiliate, or persons controlled by or under common control with 16276
the applicant, any partner if the applicant is a partnership, any 16277
officer, principal shareholder, or director if the applicant is a 16278
corporation, or any other person who has a right to control or in 16279
fact controls the management of the applicant or the selection of 16280
officers, directors, or managers of the applicant: 16281

(i) Has ever held a federal or state coal mining permit that 16282
in the five-year period prior to the date of submission of the 16283
application has been suspended or revoked or has had a coal mining 16284
bond, performance security, or similar security deposited in lieu 16285
of bond forfeited and, if so, a brief explanation of the facts 16286
involved; 16287

(ii) Has been an officer, partner, director, principal 16288
shareholder, or person having the right to control or has in fact 16289
controlled the management of or the selection of officers, 16290
directors, or managers of a business entity that has had a coal 16291
mining or surface mining permit that in the five-year period prior 16292
to the date of submission of the application has been suspended or 16293
revoked or has had a coal mining or surface mining bond, 16294
performance security, or similar security deposited in lieu of 16295
bond forfeited and, if so, a brief explanation of the facts 16296
involved. 16297

(f) A copy of the applicant's advertisement to be published 16298
in a newspaper of general circulation in the locality of the 16299
proposed site at least once a week for four successive weeks, 16300
which shall include the ownership of the proposed mine, a 16301
description of the exact location and boundaries of the proposed 16302
site sufficient to make the proposed operation readily 16303
identifiable by local residents, and the location where the 16304

application is available for public inspection; 16305

(g) A description of the type and method of coal mining 16306
operation that exists or is proposed, the engineering techniques 16307
proposed or used, and the equipment used or proposed to be used; 16308

(h) The anticipated or actual starting and termination dates 16309
of each phase of the mining operation and number of acres of land 16310
to be affected; 16311

(i) An accurate map or plan, to an appropriate scale, clearly 16312
showing the land to be affected ~~and~~, the land upon which the 16313
applicant has the legal right to enter and commence coal mining 16314
operations, and the land for which the applicant will acquire the 16315
legal right to enter and commence coal mining operations during 16316
the term of the permit, copies of those documents upon which is 16317
based the applicant's legal right to enter and commence coal 16318
mining operations or a notarized statement describing the 16319
applicant's legal right to enter and commence coal mining 16320
operations, and a statement whether that right is the subject of 16321
pending litigation. This chapter does not authorize the chief to 16322
adjudicate property title disputes. 16323

(j) The name of the watershed and location of the surface 16324
stream or tributary into which drainage from the operation will be 16325
discharged; 16326

(k) A determination of the probable hydrologic consequences 16327
of the mining and reclamation operations, both on and off the mine 16328
site, with respect to the hydrologic regime, providing information 16329
on the quantity and quality of water in surface and ground water 16330
systems including the dissolved and suspended solids under 16331
seasonal flow conditions and the collection of sufficient data for 16332
the mine site and surrounding areas so that an assessment can be 16333
made by the chief of the probable cumulative impacts of all 16334
anticipated mining in the area upon the hydrology of the area and 16335

particularly upon water availability, but this determination shall 16336
not be required until hydrologic information of the general area 16337
prior to mining is made available from an appropriate federal or 16338
state agency; however, the permit shall not be approved until the 16339
information is available and is incorporated into the application; 16340

(l) When requested by the chief, the climatological factors 16341
that are peculiar to the locality of the land to be affected, 16342
including the average seasonal precipitation, the average 16343
direction and velocity of prevailing winds, and the seasonal 16344
temperature ranges; 16345

(m) Accurate maps prepared by or under the direction of and 16346
certified by a qualified registered professional engineer, 16347
registered surveyor, or licensed landscape architect to an 16348
appropriate scale clearly showing all types of information set 16349
forth on topographical maps of the United States geological survey 16350
of a scale of not more than four hundred feet to the inch, 16351
including all artificial features and significant known 16352
archeological sites. The map, among other things specified by the 16353
chief, shall show all boundaries of the land to be affected, the 16354
boundary lines and names of present owners of record of all 16355
surface areas abutting the permit area, and the location of all 16356
buildings within one thousand feet of the permit area. 16357

(n)(i) Cross-section maps or plans of the land to be affected 16358
including the actual area to be mined, prepared by or under the 16359
direction of and certified by a qualified registered professional 16360
engineer or certified professional geologist with assistance from 16361
experts in related fields such as hydrology, hydrogeology, 16362
geology, and landscape architecture, showing pertinent elevations 16363
and locations of test borings or core samplings and depicting the 16364
following information: the nature and depth of the various strata 16365
of overburden; the nature and thickness of any coal or rider seam 16366
above the coal seam to be mined; the nature of the stratum 16367

immediately beneath the coal seam to be mined; all mineral crop 16368
lines and the strike and dip of the coal to be mined within the 16369
area to be affected; existing or previous coal mining limits; the 16370
location and extent of known workings of any underground mines, 16371
including mine openings to the surface; the location of spoil, 16372
waste, or refuse areas and topsoil preservation areas; the 16373
location of all impoundments for waste or erosion control; any 16374
settling or water treatment facility; constructed or natural 16375
drainways and the location of any discharges to any surface body 16376
of water on the land to be affected or adjacent thereto; profiles 16377
at appropriate cross sections of the anticipated final surface 16378
configuration that will be achieved pursuant to the operator's 16379
proposed reclamation plan; the location of subsurface water, if 16380
encountered; the location and quality of aquifers; and the 16381
estimated elevation of the water table. Registered surveyors shall 16382
be allowed to perform all plans, maps, and certifications under 16383
this chapter as they are authorized under Chapter 4733. of the 16384
Revised Code. 16385

(ii) A statement of the quality and locations of subsurface 16386
water. The chief shall provide by rule the number of locations to 16387
be sampled, frequency of collection, and parameters to be analyzed 16388
to obtain the statement required. 16389

(o) A statement of the results of test borings or core 16390
samplings from the permit area, including logs of the drill holes, 16391
the thickness of the coal seam found, an analysis of the chemical 16392
properties of the coal, the sulfur content of any coal seam, 16393
chemical analysis of potentially acid or toxic forming sections of 16394
the overburden, and chemical analysis of the stratum lying 16395
immediately underneath the coal to be mined, except that this 16396
division may be waived by the chief with respect to the specific 16397
application by a written determination that its requirements are 16398
unnecessary. If the test borings or core samplings from the permit 16399

area indicate the existence of potentially acid forming or toxic 16400
forming quantities of sulfur in the coal or overburden to be 16401
disturbed by mining, the application also shall include a 16402
statement of the acid generating potential and the acid 16403
neutralizing potential of the rock strata to be disturbed as 16404
calculated in accordance with the calculation method established 16405
under section 1513.075 of the Revised Code or with another 16406
calculation method. 16407

(p) For those lands in the permit application that a 16408
reconnaissance inspection suggests may be prime farmlands, a soil 16409
survey shall be made or obtained according to standards 16410
established by the secretary of the United States department of 16411
agriculture in order to confirm the exact location of the prime 16412
farmlands, if any; 16413

(q) A certificate issued by an insurance company authorized 16414
to do business in this state certifying that the applicant has a 16415
public liability insurance policy in force for the coal mining and 16416
reclamation operations for which the permit is sought or evidence 16417
that the applicant has satisfied other state self-insurance 16418
requirements. The policy shall provide for personal injury and 16419
property damage protection in an amount adequate to compensate any 16420
persons damaged as a result of coal mining and reclamation 16421
operations, including the use of explosives, and entitled to 16422
compensation under the applicable provisions of state law. The 16423
policy shall be maintained in effect during the term of the permit 16424
or any renewal, including the length of all reclamation 16425
operations. The insurance company shall give prompt notice to the 16426
permittee and the chief if the public liability insurance policy 16427
lapses for any reason including the nonpayment of insurance 16428
premiums. Upon the lapse of the policy, the chief may suspend the 16429
permit and all other outstanding permits until proper insurance 16430
coverage is obtained. 16431

(r) The business telephone number of the applicant; 16432

(s) If the applicant seeks an authorization under division 16433
(E)(7) of this section to conduct coal mining and reclamation 16434
operations on areas to be covered by the permit that were affected 16435
by coal mining operations before August 3, 1977, that have 16436
resulted in continuing water pollution from or on the previously 16437
mined areas, such additional information pertaining to those 16438
previously mined areas as may be required by the chief, including, 16439
without limitation, maps, plans, cross sections, data necessary to 16440
determine existing water quality from or on those areas with 16441
respect to pH, iron, and manganese, and a pollution abatement plan 16442
that may improve water quality from or on those areas with respect 16443
to pH, iron, and manganese. 16444

(2) Information pertaining to coal seams, test borings, core 16445
samplings, or soil samples as required by this section shall be 16446
made available by the chief to any person with an interest that is 16447
or may be adversely affected, except that information that 16448
pertains only to the analysis of the chemical and physical 16449
properties of the coal, excluding information regarding mineral or 16450
elemental content that is potentially toxic in the environment, 16451
shall be kept confidential and not made a matter of public record. 16452

(3)(a) If the chief finds that the probable total annual 16453
production at all locations of any operator will not exceed three 16454
hundred thousand tons, the following activities, upon the written 16455
request of the operator in connection with a permit application, 16456
shall be performed by a qualified public or private laboratory or 16457
another public or private qualified entity designated by the 16458
chief, and the cost of the activities shall be assumed by the 16459
chief, provided that sufficient moneys for such assistance are 16460
available: 16461

(i) The determination of probable hydrologic consequences 16462
required under division (B)(1)(k) of this section; 16463

(ii) The development of cross-section maps and plans required under division (B)(1)(n)(i) of this section;	16464 16465
(iii) The geologic drilling and statement of results of test borings and core samplings required under division (B)(1)(o) of this section;	16466 16467 16468
(iv) The collection of archaeological information required under division (B)(1)(m) of this section and any other archaeological and historical information required by the chief, and the preparation of plans necessitated thereby;	16469 16470 16471 16472
(v) Pre-blast surveys required under division (E) of section 1513.161 of the Revised Code;	16473 16474
(vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the chief under this chapter.	16475 16476 16477 16478
(b) A coal operator that has received assistance under division (B)(3)(a) of this section shall reimburse the chief for the cost of the services rendered if the chief finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons during the twelve months immediately following the date on which the operator was issued a coal mining and reclamation permit.	16479 16480 16481 16482 16483 16484 16485
(4) Each applicant for a permit shall submit to the chief as part of the permit application a reclamation plan that meets the requirements of this chapter.	16486 16487 16488
(5) Each applicant for a coal mining and reclamation permit shall file a copy of the application for a permit, excluding that information pertaining to the coal seam itself, for public inspection with the county recorder or an appropriate public office approved by the chief in the county where the mining is proposed to occur.	16489 16490 16491 16492 16493 16494

(6) Each applicant for a coal mining and reclamation permit shall submit to the chief as part of the permit application a blasting plan that describes the procedures and standards by which the operator will comply with section 1513.161 of the Revised Code.

(C) Each reclamation plan submitted as part of a permit application shall include, in the detail necessary to demonstrate that reclamation required by this chapter can be accomplished and in the detail necessary for the chief to determine the estimated cost of reclamation if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant, a statement of:

(1) The identification of the lands subject to coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) The condition of the land to be covered by the permit prior to any mining, including all of the following:

(a) The uses existing at the time of the application and, if the land has a history of previous mining, the uses that preceded any mining;

(b) The capability of the land prior to any mining to support a variety of uses, giving consideration to soil and foundation characteristics, topography, and vegetative cover and, if applicable, a soil survey prepared pursuant to division (B)(1)(p) of this section;

(c) The productivity of the land prior to mining, including appropriate classification as prime farmlands as well as the average yield of food, fiber, forage, or wood products obtained from the land under high levels of management.

(3) The use that is proposed to be made of the land following reclamation, including information regarding the utility and capacity of the reclaimed land to support a variety of alternative uses, the relationship of the proposed use to existing land use policies and plans, and the comments of any owner of the land and state and local governments or agencies thereof that would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation;

(4) A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities that may be needed to achieve the proposed land use;

(5) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance standards in section 1513.16 of the Revised Code, for those food, forage, and forest lands identified in that section; and a statement as to how the permittee plans to comply with each of the requirements set out in section 1513.16 of the Revised Code;

(6) A description of the means by which the utilization and conservation of the solid fuel resource being recovered will be maximized so that re-affecting the land in the future can be minimized;

(7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) A description of the degree to which the coal mining and reclamation operations are consistent with surface owner plans and applicable state and local land use plans and programs;

(9) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions;

(11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental contents that are potentially toxic in the environment, shall be kept confidential and not made a matter of public record;

(13) A detailed description of the measures to be taken during the mining and reclamation process to ensure the protection of all of the following:

(a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process;

(b) The rights of present users to such water;

(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or, where such protection of quantity cannot be assured, provision of alternative sources of water.

(14) Any other requirements the chief prescribes by rule. 16588

(D)(1) Any information required by division (C) of this 16589
section that is not on public file pursuant to this chapter shall 16590
be held in confidence by the chief. 16591

(2) With regard to requests for an exemption from the 16592
requirements of this chapter for coal extraction incidental to the 16593
extraction of other minerals, as described in division (H)(1)(a) 16594
of section 1513.01 of the Revised Code, confidential information 16595
includes and is limited to information concerning trade secrets or 16596
privileged commercial or financial information relating to the 16597
competitive rights of the persons intending to conduct the 16598
extraction of minerals. 16599

(E)(1) Upon the basis of a complete mining application and 16600
reclamation plan or a revision or renewal thereof, as required by 16601
this chapter, and information obtained as a result of public 16602
notification and public hearing, if any, as provided by section 16603
1513.071 of the Revised Code, the chief shall grant, require 16604
modification of, or deny the application for a permit and notify 16605
the applicant in writing in accordance with division (I)(3) of 16606
this section. An application is deemed to be complete as submitted 16607
to the chief unless the chief, within fourteen days of the 16608
submission, identifies deficiencies in the application in writing 16609
and subsequently submits a copy of a written list of deficiencies 16610
to the applicant. An application shall not be considered 16611
incomplete or denied by reason of right of entry documentation, 16612
provided that the applicant documents the applicant's legal right 16613
to enter and mine at least sixty-seven per cent of the total area 16614
for which coal mining operations are proposed. 16615

A decision of the chief denying a permit shall state in 16616
writing the specific reasons for the denial. 16617

The applicant for a permit or revision of a permit has the 16618

burden of establishing that the application is in compliance with 16619
all the requirements of this chapter. Within ten days after the 16620
granting of a permit, the chief shall notify the boards of 16621
township trustees and county commissioners, the mayor, and the 16622
legislative authority in the township, county, and municipal 16623
corporation in which the area of land to be affected is located 16624
that a permit has been issued and shall describe the location of 16625
the land. However, failure of the chief to notify the local 16626
officials shall not affect the status of the permit. 16627

(2) No permit application or application for revision of an 16628
existing permit shall be approved unless the application 16629
affirmatively demonstrates and the chief finds in writing on the 16630
basis of the information set forth in the application or from 16631
information otherwise available, which shall be documented in the 16632
approval and made available to the applicant, all of the 16633
following: 16634

(a) The application is accurate and complete and all the 16635
requirements of this chapter have been complied with. 16636

(b) The applicant has demonstrated that the reclamation 16637
required by this chapter can be accomplished under the reclamation 16638
plan contained in the application. 16639

(c)(i) Assessment of the probable cumulative impact of all 16640
anticipated mining in the general and adjacent area on the 16641
hydrologic balance specified in division (B)(1)(k) of this section 16642
has been made by the chief, and the proposed operation has been 16643
designed to prevent material damage to hydrologic balance outside 16644
the permit area. 16645

(ii) There shall be an ongoing process conducted by the chief 16646
in cooperation with other state and federal agencies to review all 16647
assessments of probable cumulative impact of coal mining in light 16648
of post-mining data and any other hydrologic information as it 16649

becomes available to determine if the assessments were realistic. 16650
The chief shall take appropriate action as indicated in the review 16651
process. 16652

(d) The area proposed to be mined is not included within an 16653
area designated unsuitable for coal mining pursuant to section 16654
1513.073 of the Revised Code or is not within an area under study 16655
for such designation in an administrative proceeding commenced 16656
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 16657
Revised Code unless in an area as to which an administrative 16658
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 16659
section 1513.073 of the Revised Code, the operator making the 16660
permit application demonstrates that, prior to January 1, 1977, 16661
the operator made substantial legal and financial commitments in 16662
relation to the operation for which a permit is sought. 16663

(e) In cases where the private mineral estate has been 16664
severed from the private surface estate and surface disturbance 16665
will result from the applicant's proposed use of a strip mining 16666
method, the applicant has submitted to the chief one of the 16667
following: 16668

(i) The written consent of the surface owner to the surface 16669
disturbance that will result from the extraction of coal by the 16670
applicant's proposed strip mining method; 16671

(ii) A conveyance that expressly grants or reserves the right 16672
to extract the coal by strip mining methods that cause surface 16673
disturbance; 16674

(iii) If the conveyance does not expressly grant the right to 16675
extract coal by strip mining methods that cause surface 16676
disturbance, the surface-subsurface legal relationship concerning 16677
surface disturbance shall be determined under the law of this 16678
state. This chapter does not authorize the chief to adjudicate 16679
property rights disputes. 16680

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency that has jurisdiction over the violation and that any civil penalties owed to the state for a violation and not the subject of an appeal have been paid. No permit shall be issued to an applicant after a finding by the chief that the applicant or the operator specified in the application controls or has controlled mining operations with a demonstrated pattern of willful violations of this chapter of a nature and duration to result in irreparable damage to the environment as to indicate an intent not to comply with or a disregard of this chapter.

(b) For the purposes of division (E)(3)(a) of this section, any violation resulting from an unanticipated event or condition

at a surface coal mining operation on lands eligible for remining 16714
under a permit held by the person submitting an application for a 16715
coal mining permit under this section shall not prevent issuance 16716
of that permit. As used in this division, "unanticipated event or 16717
condition" means an event or condition encountered in a remining 16718
operation that was not contemplated by the applicable surface coal 16719
mining and reclamation permit. 16720

(4)(a) In addition to finding the application in compliance 16721
with division (E)(2) of this section, if the area proposed to be 16722
mined contains prime farmland as determined pursuant to division 16723
(B)(1)(p) of this section, the chief, after consultation with the 16724
secretary of the United States department of agriculture and 16725
pursuant to regulations issued by the secretary of the interior 16726
with the concurrence of the secretary of agriculture, may grant a 16727
permit to mine on prime farmland if the chief finds in writing 16728
that the operator has the technological capability to restore the 16729
mined area, within a reasonable time, to equivalent or higher 16730
levels of yield as nonmined prime farmland in the surrounding area 16731
under equivalent levels of management and can meet the soil 16732
reconstruction standards in section 1513.16 of the Revised Code. 16733

(b) Division (E)(4)(a) of this section does not apply to a 16734
permit issued prior to August 3, 1977, or revisions or renewals 16735
thereof. 16736

(5) The chief shall issue an order denying a permit after 16737
finding that the applicant has misrepresented or omitted any 16738
material fact in the application for the permit. 16739

(6) The chief may issue an order denying a permit after 16740
finding that the applicant, any partner, if the applicant is a 16741
partnership, any officer, principal shareholder, or director, if 16742
the applicant is a corporation, or any other person who has a 16743
right to control or in fact controls the management of the 16744
applicant or the selection of officers, directors, or managers of 16745

the applicant has been a sole proprietor or partner, officer, 16746
director, principal shareholder, or person having the right to 16747
control or has in fact controlled the management of or the 16748
selection of officers, directors, or managers of a business entity 16749
that ever has had a coal mining license or permit issued by this 16750
or any other state or the United States suspended or revoked, ever 16751
has forfeited a coal or surface mining bond, performance security, 16752
or similar security deposited in lieu of bond in this or any other 16753
state or with the United States, or ever has substantially or 16754
materially failed to comply with this chapter. 16755

(7) When issuing a permit under this section, the chief may 16756
authorize an applicant to conduct coal mining and reclamation 16757
operations on areas to be covered by the permit that were affected 16758
by coal mining operations before August 3, 1977, that have 16759
resulted in continuing water pollution from or on the previously 16760
mined areas for the purpose of potentially reducing the pollution 16761
loadings of pH, iron, and manganese from discharges from or on the 16762
previously mined areas. Following the chief's authorization to 16763
conduct such operations on those areas, the areas shall be 16764
designated as pollution abatement areas for the purposes of this 16765
chapter. 16766

The chief shall not grant an authorization under division 16767
(E)(7) of this section to conduct coal mining and reclamation 16768
operations on any such previously mined areas unless the applicant 16769
demonstrates to the chief's satisfaction that all of the following 16770
conditions are met: 16771

(a) The applicant's pollution abatement plan for mining and 16772
reclaiming the previously mined areas represents the best 16773
available technology economically achievable. 16774

(b) Implementation of the plan will potentially reduce 16775
pollutant loadings of pH, iron, and manganese resulting from 16776
discharges of surface waters or ground water from or on the 16777

previously mined areas within the permit area. 16778

(c) Implementation of the plan will not cause any additional 16779
degradation of surface water quality off the permit area with 16780
respect to pH, iron, and manganese. 16781

(d) Implementation of the plan will not cause any additional 16782
degradation of ground water. 16783

(e) The plan meets the requirements governing mining and 16784
reclamation of such previously mined pollution abatement areas 16785
established by the chief in rules adopted under section 1513.02 of 16786
the Revised Code. 16787

(f) Neither the applicant; any partner, if the applicant is a 16788
partnership; any officer, principal shareholder, or director, if 16789
the applicant is a corporation; any other person who has a right 16790
to control or in fact controls the management of the applicant or 16791
the selection of officers, directors, or managers of the 16792
applicant; nor any contractor or subcontractor of the applicant, 16793
has any of the following: 16794

(i) Responsibility or liability under this chapter or rules 16795
adopted under it as an operator for treating the discharges of 16796
water pollutants from or on the previously mined areas for which 16797
the authorization is sought; 16798

(ii) Any responsibility or liability under this chapter or 16799
rules adopted under it for reclaiming the previously mined areas 16800
for which the authorization is sought; 16801

(iii) During the eighteen months prior to submitting the 16802
permit application requesting an authorization under division 16803
(E)(7) of this section, had a coal mining and reclamation permit 16804
suspended or revoked under division (D)(3) of section 1513.02 of 16805
the Revised Code for violating this chapter or Chapter 6111. of 16806
the Revised Code or rules adopted under them with respect to water 16807
quality, effluent limitations, or surface or ground water 16808

monitoring; 16809

(iv) Ever forfeited a coal or surface mining bond, 16810
performance security, or similar security deposited in lieu of a 16811
bond in this or any other state or with the United States. 16812

(8) In the case of the issuance of a permit that involves a 16813
conflict of results between various methods of calculating 16814
potential acidity and neutralization potential for purposes of 16815
assessing the potential for acid mine drainage to occur at a mine 16816
site, the permit shall include provisions for monitoring and 16817
record keeping to identify the creation of unanticipated acid 16818
water at the mine site. If the monitoring detects the creation of 16819
acid water at the site, the permit shall impose on the permittee 16820
additional requirements regarding mining practices and site 16821
reclamation to prevent the discharge of acid mine drainage from 16822
the mine site. As used in division (E)(8) of this section, 16823
"potential acidity" and "neutralization potential" have the same 16824
meanings as in section 1513.075 of the Revised Code. 16825

(F)(1) During the term of the permit, the permittee may 16826
submit an application for a revision of the permit, together with 16827
a revised reclamation plan, to the chief. 16828

(2) An application for a revision of a permit shall not be 16829
approved unless the chief finds that reclamation required by this 16830
chapter can be accomplished under the revised reclamation plan. 16831
The revision shall be approved or disapproved within ninety days 16832
after receipt of a complete revision application. The chief shall 16833
establish, by rule, criteria for determining the extent to which 16834
all permit application information requirements and procedures, 16835
including notice and hearings, shall apply to the revision 16836
request, except that any revisions that propose significant 16837
alterations in the reclamation plan, at a minimum, shall be 16838
subject to notice and hearing requirements. 16839

(3) Any extensions to the area covered by the permit except 16840
incidental boundary revisions shall be made by application for a 16841
permit. 16842

(4) Documents or a notarized statement that form the basis of 16843
the applicant's legal right to enter and commence coal mining 16844
operations on land that is located within an area covered by the 16845
permit and that was legally acquired subsequent to the issuance of 16846
the permit for the area shall be submitted with an application for 16847
a revision of the permit. 16848

(G) No transfer, assignment, or sale of the rights granted 16849
under a permit issued pursuant to this chapter shall be made 16850
without the written approval of the chief. 16851

(H) The chief, within a time limit prescribed in the chief's 16852
rules, shall review outstanding permits and may require reasonable 16853
revision or modification of a permit. A revision or modification 16854
shall be based upon a written finding and subject to notice and 16855
hearing requirements established by rule of the chief. 16856

(I)(1) If an informal conference has been held pursuant to 16857
section 1513.071 of the Revised Code, the chief shall issue and 16858
furnish the applicant for a permit, persons who participated in 16859
the informal conference, and persons who filed written objections 16860
pursuant to division (B) of section 1513.071 of the Revised Code, 16861
with the written finding of the chief granting or denying the 16862
permit in whole or in part and stating the reasons therefor within 16863
sixty days of the conference, provided that the chief shall comply 16864
with the time frames established in division (I)(3) of this 16865
section. 16866

(2) If there has been no informal conference held pursuant to 16867
section 1513.071 of the Revised Code, the chief shall submit to 16868
the applicant for a permit the written finding of the chief 16869
granting or denying the permit in whole or in part and stating the 16870

reasons therefor within the time frames established in division 16871
(I)(3) of this section. 16872

(3) The chief shall grant or deny a permit not later than two 16873
hundred forty days after the submission of a complete application 16874
for the permit. Any time during which the applicant is making 16875
revisions to an application or providing additional information 16876
requested by the chief regarding an application shall not be 16877
included in the two hundred forty days. If the chief determines 16878
that a permit cannot be granted or denied within the 16879
two-hundred-forty-day time frame, the chief, not later than two 16880
hundred ten days after the submission of a complete application 16881
for the permit, shall provide the applicant with written notice of 16882
the expected delay. 16883

(4) If the application is approved, the permit shall be 16884
issued. However, the permit shall prohibit the commencement of 16885
coal mining operations on any land that is located within an area 16886
covered by the permit if the permittee has not provided to the 16887
chief documents that form the basis of the permittee's legal right 16888
to enter and conduct coal mining operations on that land. If the 16889
application is disapproved, specific reasons therefor shall be set 16890
forth in the notification. Within thirty days after the applicant 16891
is notified of the final decision of the chief on the permit 16892
application, the applicant or any person with an interest that is 16893
or may be adversely affected may appeal the decision to the 16894
reclamation commission pursuant to section 1513.13 of the Revised 16895
Code. 16896

(5) Any applicant or any person with an interest that is or 16897
may be adversely affected who has participated in the 16898
administrative proceedings as an objector and is aggrieved by the 16899
decision of the reclamation commission, or if the commission fails 16900
to act within the time limits specified in this chapter, may 16901
appeal in accordance with section 1513.14 of the Revised Code. 16902

Sec. 1513.16. (A) Any permit issued under this chapter to 16903
conduct coal mining operations shall require that the operations 16904
meet all applicable performance standards of this chapter and such 16905
other requirements as the chief of the division of mineral 16906
resources management shall adopt by rule. General performance 16907
standards shall apply to all coal mining and reclamation 16908
operations and shall require the operator at a minimum to do all 16909
of the following: 16910

(1) Conduct coal mining operations so as to maximize the 16911
utilization and conservation of the solid fuel resource being 16912
recovered so that re-affecting the land in the future through coal 16913
mining can be minimized; 16914

(2) Restore the land affected to a condition capable of 16915
supporting the uses that it was capable of supporting prior to any 16916
mining, or higher or better uses of which there is reasonable 16917
likelihood, so long as the uses do not present any actual or 16918
probable hazard to public health or safety or pose any actual or 16919
probable threat of diminution or pollution of the waters of the 16920
state, and the permit applicants' declared proposed land uses 16921
following reclamation are not considered to be impractical or 16922
unreasonable, to be inconsistent with applicable land use policies 16923
and plans, to involve unreasonable delay in implementation, or to 16924
violate federal, state, or local law; 16925

(3) Except as provided in division (B) of this section, with 16926
respect to all coal mining operations, backfill, compact where 16927
advisable to ensure stability or to prevent leaching of toxic 16928
materials, and grade in order to restore the approximate original 16929
contour of the land with all highwalls, spoil piles, and 16930
depressions eliminated unless small depressions are needed in 16931
order to retain moisture to assist revegetation or as otherwise 16932
authorized pursuant to this chapter, provided that if the operator 16933

demonstrates that due to volumetric expansion the amount of 16934
overburden and the spoil and waste materials removed in the course 16935
of the mining operation are more than sufficient to restore the 16936
approximate original contour, the operator shall backfill, grade, 16937
and compact the excess overburden and other spoil and waste 16938
materials to attain the lowest grade, but not more than the angle 16939
of repose, and to cover all acid-forming and other toxic materials 16940
in order to achieve an ecologically sound land use compatible with 16941
the surrounding region in accordance with the approved mining 16942
plan. The overburden or spoil shall be shaped and graded in such a 16943
way as to prevent slides, erosion, and water pollution and shall 16944
be revegetated in accordance with this chapter. 16945

(4) Stabilize and protect all surface areas, including spoil 16946
piles affected by the coal mining and reclamation operation, to 16947
control erosion and attendant air and water pollution effectively; 16948

(5) Remove the topsoil from the land in a separate layer, 16949
replace it on the backfill area, or, if not utilized immediately, 16950
segregate it in a separate pile from the spoil, and when the 16951
topsoil is not replaced on a backfill area within a time short 16952
enough to avoid deterioration of the topsoil, maintain a 16953
successful cover by quick-growing plants or other means thereafter 16954
so that the topsoil is preserved from wind and water erosion, 16955
remains free of any contamination by acid or other toxic material, 16956
and is in a usable condition for sustaining vegetation when 16957
restored during reclamation. If the topsoil is of insufficient 16958
quantity or of poor quality for sustaining vegetation or if other 16959
strata can be shown to be more suitable for vegetation 16960
requirements, the operator shall remove, segregate, and preserve 16961
in a like manner such other strata as are best able to support 16962
vegetation. 16963

(6) Restore the topsoil or the best available subsoil that is 16964
best able to support vegetation; 16965

(7) For all prime farmlands as identified in division 16966
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 16967
reclaimed, perform soil removal, storage, replacement, and 16968
reconstruction in accordance with specifications established by 16969
the secretary of the United States department of agriculture under 16970
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 16971
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 16972
required to do all of the following: 16973

(a) Segregate the A horizon of the natural soil, except where 16974
it can be shown that other available soil materials will create a 16975
final soil having a greater productive capacity, and, if not 16976
utilized immediately, stockpile this material separately from the 16977
spoil and provide needed protection from wind and water erosion or 16978
contamination by acid or other toxic material; 16979

(b) Segregate the B horizon of the natural soil, or 16980
underlying C horizons or other strata, or a combination of such 16981
horizons or other strata that are shown to be both texturally and 16982
chemically suitable for plant growth and that can be shown to be 16983
equally or more favorable for plant growth than the B horizon, in 16984
sufficient quantities to create in the regraded final soil a root 16985
zone of comparable depth and quality to that which existed in the 16986
natural soil, and, if not utilized immediately, stockpile this 16987
material separately from the spoil and provide needed protection 16988
from wind and water erosion or contamination by acid or other 16989
toxic material; 16990

(c) Replace and regrade the root zone material described in 16991
division (A)(7)(b) of this section with proper compaction and 16992
uniform depth over the regraded spoil material; 16993

(d) Redistribute and grade in a uniform manner the surface 16994
soil horizon described in division (A)(7)(a) of this section. 16995

(8) Create, if authorized in the approved mining and 16996

reclamation plan and permit, permanent impoundments of water on 16997
mining sites as part of reclamation activities only when it is 16998
adequately demonstrated by the operator that all of the following 16999
conditions will be met: 17000

(a) The size of the impoundment is adequate for its intended 17001
purposes. 17002

(b) The impoundment dam construction will be so designed as 17003
to achieve necessary stability with an adequate margin of safety 17004
compatible with that of structures constructed under the 17005
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 17006
(1954), 16 U.S.C. 1001, as amended. 17007

(c) The quality of impounded water will be suitable on a 17008
permanent basis for its intended use and discharges from the 17009
impoundment will not degrade the water quality below water quality 17010
standards established pursuant to applicable federal and state law 17011
in the receiving stream. 17012

(d) The level of water will be reasonably stable. 17013

(e) Final grading will provide adequate safety and access for 17014
proposed water users. 17015

(f) The water impoundments will not result in the diminution 17016
of the quality or quantity of water utilized by adjacent or 17017
surrounding landowners for agricultural, industrial, recreational, 17018
or domestic uses. 17019

(9) Conduct any augering operation associated with strip 17020
mining in a manner to maximize recoverability of mineral reserves 17021
remaining after the operation and reclamation are complete and 17022
seal all auger holes with an impervious and noncombustible 17023
material in order to prevent drainage, except where the chief 17024
determines that the resulting impoundment of water in such auger 17025
holes may create a hazard to the environment or the public health 17026
or safety. The chief may prohibit augering if necessary to 17027

maximize the utilization, recoverability, or conservation of the 17028
solid fuel resources or to protect against adverse water quality 17029
impacts. 17030

(10) Minimize the disturbances to the prevailing hydrologic 17031
balance at the mine site and in associated offsite areas and to 17032
the quality and quantity of water in surface and ground water 17033
systems both during and after coal mining operations and during 17034
reclamation by doing all of the following: 17035

(a) Avoiding acid or other toxic mine drainage by such 17036
measures as, but not limited to: 17037

(i) Preventing or removing water from contact with toxic 17038
producing deposits; 17039

(ii) Treating drainage to reduce toxic content that adversely 17040
affects downstream water upon being released to water courses in 17041
accordance with rules adopted by the chief in accordance with 17042
section 1513.02 of the Revised Code; 17043

(iii) Casing, sealing, or otherwise managing boreholes, 17044
shafts, and wells, and keeping acid or other toxic drainage from 17045
entering ground and surface waters. 17046

(b)(i) Conducting coal mining operations so as to prevent, to 17047
the extent possible using the best technology currently available, 17048
additional contributions of suspended solids to streamflow or 17049
runoff outside the permit area, but in no event shall 17050
contributions be in excess of requirements set by applicable state 17051
or federal laws; 17052

(ii) Constructing any siltation structures pursuant to 17053
division (A)(10)(b)(i) of this section prior to commencement of 17054
coal mining operations. The structures shall be certified by 17055
persons approved by the chief to be constructed as designed and as 17056
approved in the reclamation plan. 17057

(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief;

(d) Restoring recharge capacity of the mined area to approximate premining conditions;

(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(f) Such other actions as the chief may prescribe.

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter;

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, 17089
modify, and remove or abandon, in accordance with the standards 17090
and criteria developed pursuant to rules adopted by the chief, all 17091
existing and new coal mine waste piles consisting of mine wastes, 17092
tailings, coal processing wastes, or other liquid and solid 17093
wastes, and used either temporarily or permanently as dams or 17094
embankments; 17095

(14) Ensure that all debris, acid-forming materials, toxic 17096
materials, or materials constituting a fire hazard are treated or 17097
buried and compacted or otherwise disposed of in a manner designed 17098
to prevent contamination of ground or surface waters and that 17099
contingency plans are developed to prevent sustained combustion; 17100

(15) Ensure that all reclamation efforts proceed in an 17101
environmentally sound manner and as contemporaneously as 17102
practicable with the coal mining operations, except that where the 17103
applicant proposes to combine strip mining operations with 17104
underground mining operations to ensure maximum practical recovery 17105
of the mineral resources, the chief may grant a variance for 17106
specific areas within the reclamation plan from the requirement 17107
that reclamation efforts proceed as contemporaneously as 17108
practicable to permit underground mining operations prior to 17109
reclamation if: 17110

(a) The chief finds in writing that: 17111

(i) The applicant has presented, as part of the permit 17112
application, specific, feasible plans for the proposed underground 17113
mining operations. 17114

(ii) The proposed underground mining operations are necessary 17115
or desirable to ensure maximum practical recovery of the mineral 17116
resource and will avoid multiple disturbance of the surface. 17117

(iii) The applicant has satisfactorily demonstrated that the 17118
plan for the underground mining operations conforms to 17119

requirements for underground mining in this state and that permits 17120
necessary for the underground mining operations have been issued 17121
by the appropriate authority. 17122

(iv) The areas proposed for the variance have been shown by 17123
the applicant to be necessary for the implementing of the proposed 17124
underground mining operations. 17125

(v) No substantial adverse environmental damage, either 17126
on-site or off-site, will result from the delay in completion of 17127
reclamation as required by this chapter. 17128

(vi) Provisions for the off-site storage of spoil will comply 17129
with division (A)(21) of this section. 17130

(b) The chief has adopted specific rules to govern the 17131
granting of such variances in accordance with this division and 17132
has imposed such additional requirements as the chief considers 17133
necessary. 17134

(c) Variances granted under this division shall be reviewed 17135
by the chief not more than three years from the date of issuance 17136
of the permit. 17137

(d) Liability under the performance security filed by the 17138
applicant with the chief pursuant to section 1513.08 of the 17139
Revised Code shall be for the duration of the underground mining 17140
operations and until the requirements of this section and section 17141
1513.08 of the Revised Code have been fully complied with. 17142

(16) Ensure that the construction, maintenance, and 17143
postmining conditions of access roads into and across the site of 17144
operations will control or prevent erosion and siltation, 17145
pollution of water, and damage to fish or wildlife or their 17146
habitat, or to public or private property; 17147

(17) Refrain from the construction of roads or other access 17148
ways up a stream bed or drainage channel or in such proximity to 17149

the channel as to seriously alter the normal flow of water; 17150

(18) Establish, on the regraded areas and all other lands 17151
affected, a diverse, effective, and permanent vegetative cover of 17152
the same seasonal variety native to the area of land to be 17153
affected and capable of self-regeneration and plant succession at 17154
least equal in extent of cover to the natural vegetation of the 17155
area, except that introduced species may be used in the 17156
revegetation process where desirable and necessary to achieve the 17157
approved postmining land use plan; 17158

(19)(a) Assume the responsibility for successful 17159
revegetation, as required by division (A)(18) of this section, for 17160
a period of five full years after the last year of augmented 17161
seeding, fertilizing, irrigation, or other work in order to ensure 17162
compliance with that division, except that when the chief approves 17163
a long-term intensive agricultural postmining land use, the 17164
applicable five-year period of responsibility for revegetation 17165
shall commence at the date of initial planting for that long-term 17166
intensive agricultural postmining land use, and except that when 17167
the chief issues a written finding approving a long-term intensive 17168
agricultural postmining land use as part of the mining and 17169
reclamation plan, the chief may grant an exception to division 17170
(A)(18) of this section; 17171

(b) On lands eligible for remining, assume the responsibility 17172
for successful revegetation, as required by division (A)(18) of 17173
this section, for a period of two full years after the last year 17174
of augmented seeding, fertilizing, irrigation, or other work in 17175
order to ensure compliance with that division. 17176

(20) Protect off-site areas from slides or damage occurring 17177
during the coal mining and reclamation operations and not deposit 17178
spoil material or locate any part of the operations or waste 17179
accumulations outside the permit area; 17180

(21) Place all excess spoil material resulting from coal 17181
mining and reclamation operations in such a manner that all of the 17182
following apply: 17183

(a) Spoil is transported and placed in a controlled manner in 17184
position for concurrent compaction and in such a way as to ensure 17185
mass stability and to prevent mass movement. 17186

(b) The areas of disposal are within the permit areas for 17187
which performance security has been provided. All organic matter 17188
shall be removed immediately prior to spoil placement except in 17189
the zoned concept method. 17190

(c) Appropriate surface and internal drainage systems and 17191
diversion ditches are used so as to prevent spoil erosion and mass 17192
movement. 17193

(d) The disposal area does not contain springs, natural 17194
watercourses, or wet weather seeps unless lateral drains are 17195
constructed from the wet areas to the main underdrains in such a 17196
manner that filtration of the water into the spoil pile will be 17197
prevented unless the zoned concept method is used. 17198

(e) If placed on a slope, the spoil is placed upon the most 17199
moderate slope among those slopes upon which, in the judgment of 17200
the chief, the spoil could be placed in compliance with all the 17201
requirements of this chapter and is placed, where possible, upon, 17202
or above, a natural terrace, bench, or berm if that placement 17203
provides additional stability and prevents mass movement. 17204

(f) Where the toe of the spoil rests on a downslope, a rock 17205
toe buttress of sufficient size to prevent mass movement is 17206
constructed. 17207

(g) The final configuration is compatible with the natural 17208
drainage pattern and surroundings and suitable for intended uses. 17209

(h) Design of the spoil disposal area is certified by a 17210

qualified registered professional engineer in conformance with 17211
professional standards. 17212

(i) All other provisions of this chapter are met. 17213

(22) Meet such other criteria as are necessary to achieve 17214
reclamation in accordance with the purpose of this chapter, taking 17215
into consideration the physical, climatological, and other 17216
characteristics of the site; 17217

(23) To the extent possible, using the best technology 17218
currently available, minimize disturbances and adverse impacts of 17219
the operation on fish, wildlife, and related environmental values, 17220
and achieve enhancement of such resources where practicable; 17221

(24) Provide for an undisturbed natural barrier beginning at 17222
the elevation of the lowest coal seam to be mined and extending 17223
from the outslope for such distance as the chief shall determine 17224
to be retained in place as a barrier to slides and erosion; 17225

(25) Restore on the permit area streams and wetlands affected 17226
by mining operations unless the chief approves restoration off the 17227
permit area without a permit required by section 1513.07 or 17228
1513.074 of the Revised Code, instead of restoration on the permit 17229
area, of a stream or wetland or a portion of a stream or wetland, 17230
provided that the chief first makes all of the following written 17231
determinations: 17232

(a) A hydrologic and engineering assessment of the affected 17233
lands, submitted by the operator, demonstrates that restoration on 17234
the permit area is not possible. 17235

(b) The proposed mitigation plan under which mitigation 17236
activities described in division (A)(25)(c) of this section will 17237
be conducted is limited to a stream or wetland, or a portion of a 17238
stream or wetland, for which restoration on the permit area is not 17239
possible. 17240

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as mountain top removal set forth in divisions (A)(3) or (C)(2) and (3) of this section may be granted for the mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in division (B)(4)(a) of this section, by

removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

(i) Compatible with adjacent land uses;

(ii) Obtainable according to data regarding expected need and market;

(iii) Assured of investment in necessary public facilities;

(iv) Supported by commitments from public agencies where appropriate;

(v) Practicable with respect to private financial capability for completion of the proposed use;

(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the

site. 17302

(c) The proposed use is consistent with adjacent land uses 17303
and existing state and local land use plans and programs. 17304

(d) The chief provides the governing body of the unit of 17305
general-purpose local government in which the land is located, and 17306
any state or federal agency that the chief, in the chief's 17307
discretion, determines to have an interest in the proposed use, an 17308
opportunity of not more than sixty days to review and comment on 17309
the proposed use. 17310

(e) All other requirements of this chapter will be met. 17311

(4) In granting a permit pursuant to this division, the chief 17312
shall require that each of the following is met: 17313

(a) The toe of the lowest coal seam and the overburden 17314
associated with it are retained in place as a barrier to slides 17315
and erosion. 17316

(b) The reclaimed area is stable. 17317

(c) The resulting plateau or rolling contour drains inward 17318
from the out slopes except at specified points. 17319

(d) No damage will be done to natural watercourses. 17320

(e) Spoil will be placed on the mountaintop bench as is 17321
necessary to achieve the planned postmining land use, except that 17322
all excess spoil material not retained on the mountaintop bench 17323
shall be placed in accordance with division (A)(21) of this 17324
section. 17325

(f) Stability of the spoil retained on the mountaintop bench 17326
is ensured and the other requirements of this chapter are met. 17327

(5) The chief shall adopt specific rules to govern the 17328
granting of permits in accordance with divisions (B)(1) to (4) of 17329
this section and may impose such additional requirements as the 17330
chief considers necessary. 17331

(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.

(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this

section, the chief shall require that only such amount of spoil 17395
will be placed off the mine bench as is necessary to achieve the 17396
planned postmining land use, ensure stability of the spoil 17397
retained on the bench, and meet all other requirements of this 17398
chapter. All spoil placement off the mine bench shall comply with 17399
division (A)(21) of this section. 17400

(5) The chief shall adopt specific rules to govern the 17401
granting of variances under division (D) of this section and may 17402
impose such additional requirements as the chief considers 17403
necessary. 17404

(6) All variances granted under division (D) of this section 17405
shall be reviewed not more than three years from the date of 17406
issuance of the permit unless the permittee affirmatively 17407
demonstrates that the proposed development is proceeding in 17408
accordance with the terms of the reclamation plan. 17409

(E) The chief shall establish standards and criteria 17410
regulating the design, location, construction, operation, 17411
maintenance, enlargement, modification, removal, and abandonment 17412
of new and existing coal mine waste piles referred to in division 17413
(A)(13) of this section and division (A)(5) of section 1513.35 of 17414
the Revised Code. The standards and criteria shall conform to the 17415
standards and criteria used by the chief of the United States army 17416
corps of engineers to ensure that flood control structures are 17417
safe and effectively perform their intended function. In addition 17418
to engineering and other technical specifications, the standards 17419
and criteria developed pursuant to this division shall include 17420
provisions for review and approval of plans and specifications 17421
prior to construction, enlargement, modification, removal, or 17422
abandonment; performance of periodic inspections during 17423
construction; issuance of certificates of approval upon completion 17424
of construction; performance of periodic safety inspections; and 17425
issuance of notices for required remedial or maintenance work. 17426

(F)(1) The permittee may file a request with the chief for 17427
release of a part of a performance security under division (F)(3) 17428
of this section. Within thirty days after any request for 17429
performance security release under this section has been filed 17430
with the chief, the operator shall submit a copy of an 17431
advertisement placed at least once a week for four successive 17432
weeks in a newspaper of general circulation in the locality of the 17433
coal mining operation. The advertisement shall be considered part 17434
of any performance security release application and shall contain 17435
a notification of the precise location of the land affected, the 17436
number of acres, the permit number and the date approved, the 17437
amount of the performance security filed and the portion sought to 17438
be released, the type and appropriate dates of reclamation work 17439
performed, and a description of the results achieved as they 17440
relate to the operator's approved reclamation plan and, if 17441
applicable, the operator's pollution abatement plan. In addition, 17442
as part of any performance security release application, the 17443
applicant shall submit copies of the letters sent to adjoining 17444
property owners, local governmental bodies, planning agencies, and 17445
sewage and water treatment authorities or water companies in the 17446
locality in which the coal mining and reclamation activities took 17447
place, notifying them of the applicant's intention to seek release 17448
from the performance security. 17449

(2) Upon receipt of a copy of the advertisement and request 17450
for release of a performance security under division (F)(3)(c) of 17451
this section, the chief, within thirty days, shall conduct an 17452
inspection and evaluation of the reclamation work involved. The 17453
evaluation shall consider, among other things, the degree of 17454
difficulty to complete any remaining reclamation, whether 17455
pollution of surface and subsurface water is occurring, the 17456
probability of continuation or future occurrence of the pollution, 17457
and the estimated cost of abating the pollution. The chief shall 17458
notify the permittee in writing of the decision to release or not 17459

to release all or part of the performance security within sixty 17460
days after the filing of the request if no public hearing is held 17461
pursuant to division (F)(6) of this section or, if there has been 17462
a public hearing held pursuant to division (F)(6) of this section, 17463
within thirty days thereafter. 17464

(3) The chief may release the performance security if the 17465
reclamation covered by the performance security or portion thereof 17466
has been accomplished as required by this chapter and rules 17467
adopted under it according to the following schedule: 17468

(a) When the operator completes the backfilling, regrading, 17469
and drainage control of an area for which performance security has 17470
been provided in accordance with the approved reclamation plan, 17471
and, if the area covered by the performance security is one for 17472
which an authorization was made under division (E)(7) of section 17473
1513.07 of the Revised Code, the operator has complied with the 17474
approved pollution abatement plan and all additional requirements 17475
established by the chief in rules adopted under section 1513.02 of 17476
the Revised Code governing coal mining and reclamation operations 17477
on pollution abatement areas, the chief shall grant a release of 17478
fifty per cent of the performance security for the applicable 17479
permit area. 17480

(b) After resoiling and revegetation have been established on 17481
the regraded mined lands in accordance with the approved 17482
reclamation plan, the chief shall grant a release in an amount not 17483
exceeding thirty-five per cent of the original performance 17484
security for all or part of the affected area under the permit. 17485
When determining the amount of performance security to be released 17486
after successful revegetation has been established, the chief 17487
shall retain that amount of performance security for the 17488
revegetated area that would be sufficient for a third party to 17489
cover the cost of reestablishing revegetation for the period 17490
specified for operator responsibility in this section for 17491

reestablishing revegetation. No part of the performance security 17492
shall be released under this division so long as the lands to 17493
which the release would be applicable are contributing suspended 17494
solids to streamflow or runoff outside the permit area in excess 17495
of the requirements of this section or until soil productivity for 17496
prime farmlands has returned to equivalent levels of yield as 17497
nonmined land of the same soil type in the surrounding area under 17498
equivalent management practices as determined from the soil survey 17499
performed pursuant to section 1513.07 of the Revised Code. If the 17500
area covered by the performance security is one for which an 17501
authorization was made under division (E)(7) of section 1513.07 of 17502
the Revised Code, no part of the performance security shall be 17503
released under this division until the operator has complied with 17504
the approved pollution abatement plan and all additional 17505
requirements established by the chief in rules adopted under 17506
section 1513.02 of the Revised Code governing coal mining and 17507
reclamation operations on pollution abatement areas. Where a silt 17508
dam is to be retained as a permanent impoundment pursuant to 17509
division (A)(10) of this section, the portion of performance 17510
security may be released under this division so long as provisions 17511
for sound future maintenance by the operator or the landowner have 17512
been made with the chief. 17513

(c) When the operator has completed successfully all coal 17514
mining and reclamation activities, including, if applicable, all 17515
additional requirements established in the pollution abatement 17516
plan approved under division (E)(7) of section 1513.07 of the 17517
Revised Code and all additional requirements established by the 17518
chief in rules adopted under section 1513.02 of the Revised Code 17519
governing coal mining and reclamation operations on pollution 17520
abatement areas, the chief shall release all or any of the 17521
remaining portion of the performance security for all or part of 17522
the affected area under a permit, but not before the expiration of 17523
the period specified for operator responsibility in this section, 17524

except that the chief may adopt rules for a variance to the 17525
operator period of responsibility considering vegetation success 17526
and probability of continued growth and consent of the landowner, 17527
provided that no performance security shall be fully released 17528
until all reclamation requirements of this chapter are fully met. 17529

(4) If the chief disapproves the application for release of 17530
the performance security or portion thereof, the chief shall 17531
notify the permittee, in writing, stating the reasons for 17532
disapproval and recommending corrective actions necessary to 17533
secure the release, and allowing the opportunity for a public 17534
adjudicatory hearing. 17535

(5) When any application for total or partial performance 17536
security release is filed with the chief under this section, the 17537
chief shall notify the municipal corporation in which the coal 17538
mining operation is located by certified mail at least thirty days 17539
prior to the release of all or a portion of the performance 17540
security. 17541

(6) A person with a valid legal interest that might be 17542
adversely affected by release of a performance security under this 17543
section or the responsible officer or head of any federal, state, 17544
or local government agency that has jurisdiction by law or special 17545
expertise with respect to any environmental, social, or economic 17546
impact involved in the operation or is authorized to develop and 17547
enforce environmental standards with respect to such operations 17548
may file written objections to the proposed release from the 17549
performance security with the chief within thirty days after the 17550
last publication of the notice required by division (F)(1) of this 17551
section. If written objections are filed and an informal 17552
conference is requested, the chief shall inform all interested 17553
parties of the time and place of the conference. The date, time, 17554
and location of the informal conference shall be advertised by the 17555
chief in a newspaper of general circulation in the locality of the 17556

coal mining operation proposed for performance security release 17557
for at least once a week for two consecutive weeks. The informal 17558
conference shall be held in the locality of the coal mining 17559
operation proposed for performance security release or in Franklin 17560
county, at the option of the objector, within thirty days after 17561
the request for the conference. An electronic or stenographic 17562
record shall be made of the conference proceeding unless waived by 17563
all parties. The record shall be maintained and shall be 17564
accessible to the parties until final release of the performance 17565
security at issue. In the event all parties requesting the 17566
informal conference stipulate agreement prior to the requested 17567
informal conference and withdraw their request, the informal 17568
conference need not be held. 17569

(7) If an informal conference has been held pursuant to 17570
division (F)(6) of this section, the chief shall issue and furnish 17571
the applicant and persons who participated in the conference with 17572
the written decision regarding the release within sixty days after 17573
the conference. Within thirty days after notification of the final 17574
decision of the chief regarding the performance security release, 17575
the applicant or any person with an interest that is or may be 17576
adversely affected by the decision may appeal the decision to the 17577
reclamation commission pursuant to section 1513.13 of the Revised 17578
Code. 17579

(8)(a) If the chief determines that a permittee is 17580
responsible for mine drainage that requires water treatment after 17581
reclamation is completed under the terms of the permit or that a 17582
permittee must provide an alternative water supply after 17583
reclamation is completed under the terms of the permit, the 17584
permittee shall provide alternative financial security in an 17585
amount determined by the chief prior to the release of the 17586
remaining portion of performance security under division (F)(3)(c) 17587
of this section. The alternative financial security shall be in an 17588

amount that is equal to or greater than the present value of the 17589
estimated cost over time to develop and implement mine drainage 17590
plans and provide water treatment or in an amount that is 17591
necessary to provide and maintain an alternative water supply, as 17592
applicable. The alternative financial security shall include a 17593
contract, trust, or other agreement or mechanism that is 17594
enforceable under law to provide long-term water treatment or a 17595
long-term alternative water supply, or both. The contract, trust, 17596
or other agreement or mechanism included with the alternative 17597
financial security may provide for the funding of the alternative 17598
financial security incrementally over a period of time, not to 17599
exceed five years, with reliance on guarantees or other collateral 17600
provided by the permittee and approved by the chief for the 17601
balance of the alternative financial security required until the 17602
alternative financial security has been fully funded by the 17603
permittee. 17604

(b) The chief shall adopt rules in accordance with Chapter 17605
119. of the Revised Code that are necessary for the administration 17606
of division (F)(8)(a) of this section. 17607

(c) If the chief determines that a permittee must provide 17608
alternative financial security under division (F)(8)(a) of this 17609
section and the performance security for the permit was provided 17610
under division (C)(2) of section 1513.08 of the Revised Code, the 17611
permittee may fund the alternative financial security 17612
incrementally over a period of time, not to exceed five years, 17613
with reliance on the reclamation forfeiture fund created in 17614
section 1513.18 of the Revised Code for the balance of the 17615
alternative financial security required until the alternative 17616
financial security has been fully funded by the permittee. The 17617
permittee semiannually shall pay to the division of mineral 17618
resources management a fee that is equal to seven and one-half per 17619
cent of the average balance of the alternative financial security 17620

that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is the property of the state.

Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund shall be used for boating access construction, improvements, ~~and~~ maintenance and repair of dams and impoundments, and acquisitions, including lands and facilities for boating access, and to pay for equipment and personnel costs involved with those activities, on ~~lakes~~ waters on which the operation of gasoline-powered watercraft is permissible. However, not more than ~~two~~ five hundred thousand dollars of the

annual expenditures from the fund may be used to pay for the 17652
equipment and personnel costs. 17653

Sec. 1533.10. Except as provided in this section or division 17654
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 17655
Revised Code, no person shall hunt any wild bird or wild quadruped 17656
without a hunting license. Each day that any person hunts within 17657
the state without procuring such a license constitutes a separate 17658
offense. Except as otherwise provided in this section, every 17659
applicant for a hunting license who is a resident of the state and 17660
eighteen years of age or more shall procure a resident hunting 17661
license or an apprentice resident hunting license, the fee for 17662
which shall be eighteen dollars unless the rules adopted under 17663
division (B) of section 1533.12 of the Revised Code provide for 17664
issuance of a resident hunting license to the applicant free of 17665
charge. Except as provided in rules adopted under division (B)(2) 17666
of that section, each applicant who is a resident of this state 17667
and who at the time of application is sixty-six years of age or 17668
older shall procure a special senior hunting license, the fee for 17669
which shall be one-half of the regular hunting license fee. Every 17670
applicant who is under the age of eighteen years shall procure a 17671
special youth hunting license or an apprentice youth hunting 17672
license, the fee for which shall be one-half of the regular 17673
hunting license fee. 17674

A resident of this state who owns lands in the state and the 17675
owner's children of any age and grandchildren under eighteen years 17676
of age may hunt on the lands without a hunting license. A resident 17677
of any other state who owns real property in this state, and the 17678
spouse and children living with the property owner, may hunt on 17679
that property without a license, provided that the state of 17680
residence of the real property owner allows residents of this 17681
state owning real property in that state, and the spouse and 17682
children living with the property owner, to hunt without a 17683

license. If the owner of land in this state is a limited liability 17684
company or a limited liability partnership that consists of three 17685
or fewer individual members or partners, as applicable, an 17686
individual member or partner who is a resident of this state and 17687
the member's or partner's children of any age and grandchildren 17688
under eighteen years of age may hunt on the land owned by the 17689
limited liability company or limited liability partnership without 17690
a hunting license. In addition, if the owner of land in this state 17691
is a trust that has a total of three or fewer trustees and 17692
beneficiaries, an individual who is a trustee or beneficiary and 17693
who is a resident of this state and the individual's children of 17694
any age and grandchildren under eighteen years of age may hunt on 17695
the land owned by the trust without a hunting license. The tenant 17696
and children of the tenant, residing on lands in the state, may 17697
hunt on them without a hunting license. 17698

Except as otherwise provided in division (A)(1) of section 17699
1533.12 of the Revised Code, every applicant for a hunting license 17700
who is a nonresident of the state and who is eighteen years of age 17701
or older shall procure a nonresident hunting license or an 17702
apprentice nonresident hunting license, the fee for which shall be 17703
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 17704
a resident of a state that is a party to an agreement under 17705
section 1533.91 of the Revised Code, in which case the fee shall 17706
be eighteen dollars. Apprentice resident hunting licenses, 17707
apprentice youth hunting licenses, and apprentice nonresident 17708
hunting licenses are subject to the requirements established under 17709
section 1533.102 of the Revised Code and rules adopted pursuant to 17710
it. 17711

The chief of the division of wildlife may issue a small game 17712
hunting license expiring three days from the effective date of the 17713
license to a nonresident of the state, the fee for which shall be 17714
thirty-nine dollars. No person shall take or possess deer, wild 17715

turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 17716
animal while possessing only a small game hunting license. A small 17717
game hunting license or an apprentice nonresident hunting license 17718
does not authorize the taking or possessing of ducks, geese, or 17719
brant without having obtained, in addition to the small game 17720
hunting license or the apprentice nonresident hunting license, a 17721
wetlands habitat stamp as provided in section 1533.112 of the 17722
Revised Code. A small game hunting license or an apprentice 17723
nonresident hunting license does not authorize the taking or 17724
possessing of deer, wild turkeys, or fur-bearing animals. A 17725
nonresident of the state who wishes to take or possess deer, wild 17726
turkeys, or fur-bearing animals in this state shall procure, 17727
respectively, a deer or wild turkey permit as provided in section 17728
1533.11 of the Revised Code or a fur taker permit as provided in 17729
section 1533.111 of the Revised Code in addition to a nonresident 17730
hunting license, an apprentice nonresident hunting license, a 17731
special youth hunting license, or an apprentice youth hunting 17732
license, as applicable, as provided in this section. 17733

No person shall procure or attempt to procure a hunting 17734
license by fraud, deceit, misrepresentation, or any false 17735
statement. 17736

This section does not authorize the taking and possessing of 17737
deer or wild turkeys without first having obtained, in addition to 17738
the hunting license required by this section, a deer or wild 17739
turkey permit as provided in section 1533.11 of the Revised Code 17740
or the taking and possessing of ducks, geese, or brant without 17741
first having obtained, in addition to the hunting license required 17742
by this section, a wetlands habitat stamp as provided in section 17743
1533.112 of the Revised Code. 17744

This section does not authorize the hunting or trapping of 17745
fur-bearing animals without first having obtained, in addition to 17746
a hunting license required by this section, a fur taker permit as 17747

provided in section 1533.111 of the Revised Code. 17748

No hunting license shall be issued unless it is accompanied 17749
by a written explanation of the law in section 1533.17 of the 17750
Revised Code and the penalty for its violation, including a 17751
description of terms of imprisonment and fines that may be 17752
imposed. 17753

No hunting license, other than an apprentice hunting license, 17754
shall be issued unless the applicant presents to the agent 17755
authorized to issue the license a previously held hunting license 17756
or evidence of having held such a license in content and manner 17757
approved by the chief, a certificate of completion issued upon 17758
completion of a hunter education and conservation course approved 17759
by the chief, or evidence of equivalent training in content and 17760
manner approved by the chief. A previously held apprentice hunting 17761
license does not satisfy the requirement concerning the 17762
presentation of a previously held hunting license or evidence of 17763
it. 17764

No person shall issue a hunting license, except an apprentice 17765
hunting license, to any person who fails to present the evidence 17766
required by this section. No person shall purchase or obtain a 17767
hunting license, other than an apprentice hunting license, without 17768
presenting to the issuing agent the evidence required by this 17769
section. Issuance of a hunting license in violation of the 17770
requirements of this section is an offense by both the purchaser 17771
of the illegally obtained hunting license and the clerk or agent 17772
who issued the hunting license. Any hunting license issued in 17773
violation of this section is void. 17774

The chief, with approval of the wildlife council, shall adopt 17775
rules prescribing a hunter education and conservation course for 17776
first-time hunting license buyers, other than buyers of apprentice 17777
hunting licenses, and for volunteer instructors. The course shall 17778
consist of subjects including, but not limited to, hunter safety 17779

and health, use of hunting implements, hunting tradition and 17780
ethics, the hunter and conservation, the law in section 1533.17 of 17781
the Revised Code along with the penalty for its violation, 17782
including a description of terms of imprisonment and fines that 17783
may be imposed, and other law relating to hunting. Authorized 17784
personnel of the division or volunteer instructors approved by the 17785
chief shall conduct such courses with such frequency and at such 17786
locations throughout the state as to reasonably meet the needs of 17787
license applicants. The chief shall issue a certificate of 17788
completion to each person who successfully completes the course 17789
and passes an examination prescribed by the chief. 17790

Sec. 1533.11. (A)(1) Except as provided in this section or 17791
section 1533.731 of the Revised Code, no person shall hunt deer on 17792
lands of another without first obtaining an annual deer permit. 17793
Except as provided in this section, no person shall hunt wild 17794
turkeys on lands of another without first obtaining an annual wild 17795
turkey permit. ~~Each~~ 17796

(2) ~~Each~~ applicant for a ~~deer or~~ wild turkey permit shall pay 17797
an annual fee of twenty-three dollars for ~~each~~ the permit unless 17798
the rules adopted under division (B) of section 1533.12 of the 17799
Revised Code provide for issuance of a ~~deer or~~ wild turkey permit 17800
to the applicant free of charge. Except as provided in rules 17801
adopted under division (B)(2) of that section, each applicant who 17802
is a resident of this state and who at the time of application is 17803
sixty-six years of age or older shall procure a senior ~~deer or~~ 17804
wild turkey permit, the fee for which shall be one-half of the 17805
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 17806
under the age of eighteen years shall procure a youth ~~deer or~~ wild 17807
turkey permit, the fee for which shall be one-half of the regular 17808
~~deer or~~ wild turkey permit fee. ~~Except~~ 17809

(3) Each applicant for a deer permit who is a resident of 17810

this state shall procure a resident deer permit, the fee for which 17811
is twenty-three dollars unless the rules adopted under division 17812
(B) of section 1533.12 of the Revised Code provide for issuance of 17813
a deer permit to the applicant free of charge. Each applicant for 17814
a deer permit who is a nonresident of this state shall procure a 17815
nonresident deer permit, the fee for which is ninety-nine dollars 17816
unless the rules adopted under that division provide for issuance 17817
of a deer permit to the applicant free of charge. Except as 17818
provided in rules adopted under division (B)(2) of section 1533.12 17819
of the Revised Code, each applicant who is a resident of this 17820
state and who at the time of application is sixty-six years of age 17821
or older shall procure a senior resident deer permit, the fee for 17822
which is one-half of the regular resident deer permit fee. Each 17823
applicant who is under the age of eighteen years, regardless of 17824
residency, shall procure a youth deer permit, the fee for which is 17825
one-half of the regular resident deer permit fee. 17826

(4) As used in this chapter, "deer permit" includes a 17827
resident deer permit and a nonresident deer permit unless the 17828
context indicates otherwise. 17829

(5) Except as provided in division (A)(2) of section 1533.12 17830
of the Revised Code, a deer or wild turkey permit shall run 17831
concurrently with the hunting license. The money received shall be 17832
paid into the state treasury to the credit of the wildlife fund, 17833
created in section 1531.17 of the Revised Code, exclusively for 17834
the use of the division of wildlife in the acquisition and 17835
development of land for deer or wild turkey management, for 17836
investigating deer or wild turkey problems, and for the stocking, 17837
management, and protection of deer or wild turkey. Every person, 17838
while hunting deer or wild turkey on lands of another, shall carry 17839
the person's deer or wild turkey permit and exhibit it to any 17840
enforcement officer so requesting. Failure to so carry and exhibit 17841
such a permit constitutes an offense under this section. The chief 17842

of the division of wildlife shall adopt any additional rules the 17843
chief considers necessary to carry out this section and section 17844
1533.10 of the Revised Code. 17845

An owner who is a resident of this state or an owner who is 17846
exempt from obtaining a hunting license under section 1533.10 of 17847
the Revised Code and the children of the owner of lands in this 17848
state may hunt deer or wild turkey thereon without a deer or wild 17849
turkey permit. If the owner of land in this state is a limited 17850
liability company or a limited liability partnership that consists 17851
of three or fewer individual members or partners, as applicable, 17852
an individual member or partner who is a resident of this state 17853
and the member's or partner's children of any age may hunt deer or 17854
wild turkey on the land owned by the limited liability company or 17855
limited liability partnership without a deer or wild turkey 17856
permit. In addition, if the owner of land in this state is a trust 17857
that has a total of three or fewer trustees and beneficiaries, an 17858
individual who is a trustee or beneficiary and who is a resident 17859
of this state and the individual's children of any age may hunt 17860
deer or wild turkey on the land owned by the trust without a deer 17861
or wild turkey permit. The tenant and children of the tenant may 17862
hunt deer or wild turkey on lands where they reside without a deer 17863
or wild turkey permit. 17864

(B) A deer or wild turkey permit is not transferable. No 17865
person shall carry a deer or wild turkey permit issued in the name 17866
of another person. 17867

(C) The wildlife refunds fund is hereby created in the state 17868
treasury. The fund shall consist of money received from 17869
application fees for deer permits that are not issued. Money in 17870
the fund shall be used to make refunds of such application fees. 17871

(D) If the division establishes a system for the electronic 17872
submission of information regarding deer or wild turkey that are 17873
taken, the division shall allow the owner and the children of the 17874

owner of lands in this state to use the owner's name or address 17875
for purposes of submitting that information electronically via 17876
that system. 17877

Sec. 1533.12. (A)(1) Except as otherwise provided in division 17878
(A)(2) of this section, every person on active duty in the armed 17879
forces of the United States who is stationed in this state and who 17880
wishes to engage in an activity for which a license, permit, or 17881
stamp is required under this chapter first shall obtain the 17882
requisite license, permit, or stamp. Such a person is eligible to 17883
obtain a resident hunting or fishing license regardless of whether 17884
the person qualifies as a resident of this state. To obtain a 17885
resident hunting or fishing license, the person shall present a 17886
card or other evidence identifying the person as being on active 17887
duty in the armed forces of the United States and as being 17888
stationed in this state. 17889

(2) Every person on active duty in the armed forces of the 17890
United States, while on leave or furlough, may take or catch fish 17891
of the kind lawfully permitted to be taken or caught within the 17892
state, may hunt any wild bird or wild quadruped lawfully permitted 17893
to be hunted within the state, and may trap fur-bearing animals 17894
lawfully permitted to be trapped within the state, without 17895
procuring a fishing license, a hunting license, a fur taker 17896
permit, or a wetlands habitat stamp required by this chapter, 17897
provided that the person shall carry on the person when fishing, 17898
hunting, or trapping, a card or other evidence identifying the 17899
person as being on active duty in the armed forces of the United 17900
States, and provided that the person is not otherwise violating 17901
any of the hunting, fishing, and trapping laws of this state. 17902

In order to hunt deer or wild turkey, any such person shall 17903
obtain a resident deer or wild turkey permit, as applicable, under 17904
section 1533.11 of the Revised Code. Such a person is eligible to 17905

obtain a resident deer permit regardless of whether the person is 17906
a resident of this state. However, the person need not obtain a 17907
hunting license in order to obtain ~~such a~~ either permit. 17908

(B) The chief of the division of wildlife shall provide by 17909
rule adopted under section 1531.10 of the Revised Code all of the 17910
following: 17911

(1) Every resident of this state with a disability that has 17912
been determined by the veterans administration to be permanently 17913
and totally disabling, who receives a pension or compensation from 17914
the veterans administration, and who received an honorable 17915
discharge from the armed forces of the United States, and every 17916
veteran to whom the registrar of motor vehicles has issued a set 17917
of license plates under section 4503.41 of the Revised Code, shall 17918
be issued a fishing license, hunting license, fur taker permit, 17919
deer or wild turkey permit, or wetlands habitat stamp, or any 17920
combination of those licenses, permits, and stamp, free of charge 17921
on an annual, multi-year, or lifetime basis as determined 17922
appropriate by the chief when application is made to the chief in 17923
the manner prescribed by and on forms provided by the chief. 17924

(2) Every resident of the state who was born on or before 17925
December 31, 1937, shall be issued an annual fishing license, 17926
hunting license, fur taker permit, deer or wild turkey permit, or 17927
wetlands habitat stamp, or any combination of those licenses, 17928
permits, and stamp, free of charge when application is made to the 17929
chief in the manner prescribed by and on forms provided by the 17930
chief. 17931

(3) Every resident of state or county institutions, 17932
charitable institutions, and military homes in this state shall be 17933
issued an annual fishing license free of charge when application 17934
is made to the chief in the manner prescribed by and on forms 17935
provided by the chief. 17936

(4) Any mobility impaired or blind person, as defined in section 955.011 of the Revised Code, who is a resident of this state and who is unable to engage in fishing without the assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the mobility impaired or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

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

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1548.11. (A) In the event of the transfer of ownership 17968
of a watercraft or outboard motor by operation of law, as upon 17969
inheritance, devise, bequest, order in bankruptcy, insolvency, 17970
replevin, or execution of sale, or whenever the engine of a 17971
watercraft is replaced by another engine, a watercraft or outboard 17972
motor is sold to satisfy storage or repair charges, or 17973
repossession is had upon default in performance of the terms of a 17974
security agreement as provided in Chapter 1309. of the Revised 17975
Code, a clerk of a court of common pleas, upon the surrender of 17976
the prior certificate of title or the manufacturer's or importer's 17977
certificate, or, when that is not possible, upon presentation of 17978
satisfactory proof to the clerk of ownership and rights of 17979
possession to the watercraft or outboard motor, and upon payment 17980
of the fee prescribed in section 1548.10 of the Revised Code and 17981
presentation of an application for certificate of title, may issue 17982
to the applicant a certificate of title to the watercraft or 17983
outboard motor. Only an affidavit by the person or agent of the 17984
person to whom possession of the watercraft or outboard motor has 17985
passed, setting forth the facts entitling the person to possession 17986
and ownership, together with a copy of the journal entry, court 17987
order, or instrument upon which the claim of possession and 17988
ownership is founded, is satisfactory proof of ownership and right 17989
of possession. If the applicant cannot produce such proof of 17990
ownership, the applicant may apply directly to the chief of the 17991
division of watercraft and submit such evidence as the applicant 17992
has, and the chief, if the chief finds the evidence sufficient, 17993
may authorize the clerk to issue a certificate of title. If the 17994
chief finds the evidence insufficient, the applicant may petition 17995
the court of common pleas for a court order ordering the clerk to 17996
issue a certificate of title. The court shall grant or deny the 17997
petition based on the sufficiency of the evidence presented to the 17998
court. If, from the records in the office of the clerk, there 17999

appears to be any lien on the watercraft or outboard motor, the 18000
certificate of title shall contain a statement of the lien unless 18001
the application is accompanied by proper evidence of its 18002
extinction. 18003

(B) Upon the death of one of the persons who have established 18004
joint ownership with right of survivorship under section 2131.12 18005
of the Revised Code in a watercraft or outboard motor and the 18006
presentation to the clerk of the title and the certificate of 18007
death of the deceased person, the clerk shall enter into the 18008
records the transfer of the watercraft or outboard motor to the 18009
surviving person, and the title to the watercraft or outboard 18010
motor immediately passes to the surviving person. The transfer 18011
does not affect any liens on the watercraft or outboard motor. 18012

(C) The clerk shall transfer a decedent's interest in one 18013
watercraft, one watercraft trailer, one outboard motor, or one of 18014
each to the decedent's surviving spouse as provided in section 18015
2106.19 of the Revised Code. 18016

(D) Upon the death of an owner of a watercraft or outboard 18017
motor designated in beneficiary form under section 2131.13 of the 18018
Revised Code, upon application of the transfer-on-death 18019
beneficiary or beneficiaries designated pursuant to that section, 18020
and upon presentation to the clerk of the certificate of title and 18021
the certificate of death of the deceased owner, the clerk shall 18022
transfer the watercraft or outboard motor and issue a certificate 18023
of title to the transfer-on-death beneficiary or beneficiaries. 18024
The transfer does not affect any liens upon any watercraft or 18025
outboard motor so transferred. 18026

Sec. 1561.04. ~~The chief of the division of mineral resources~~ 18027
~~management~~ director of natural resources or the director's 18028
designee shall annually make a report to the governor, which shall 18029
include: 18030

(A) A summary of the activities and of the reports of the 18031
deputy mine inspectors; 18032

(B) A statement of the condition and the operation of the 18033
mines of the state; 18034

(C) A statement of the number of accidents in and about the 18035
mines, the manner in which they occurred, and any other data and 18036
facts bearing upon the prevention of accidents and the 18037
preservation of life, health, and property, and any suggestions 18038
relative to the better preservation of the life, health, and 18039
property of those engaged in the mining industry. 18040

The records of the bureau of workers' compensation shall be 18041
available to the ~~chief~~ director or the director's designee for 18042
information concerning such a report. The ~~chief~~ director or the 18043
director's designee shall send by mail to each coal operator in 18044
the state, to a duly designated representative of the miners at 18045
each mine, and to such other persons as the ~~chief~~ director or the 18046
director's designee deems proper, a copy of such report. The ~~chief~~ 18047
director or the director's designee may have as many copies of 18048
such report printed as are needed to make the distribution thereof 18049
as provided in this section. 18050

The ~~chief~~ director or the director's designee shall also 18051
prepare and publish for public distribution quarterly reports, 18052
including therein information relative to the items enumerated in 18053
this section that is pertinent or available at such times. 18054

Sec. 1707.01. As used in this chapter: 18055

(A) Whenever the context requires it, "division" or "division 18056
of securities" may be read as "director of commerce" or as 18057
"commissioner of securities." 18058

(B) "Security" means any certificate or instrument, or any 18059
oral, written, or electronic agreement, understanding, or 18060

opportunity, that represents title to or interest in, or is 18061
secured by any lien or charge upon, the capital, assets, profits, 18062
property, or credit of any person or of any public or governmental 18063
body, subdivision, or agency. It includes shares of stock, 18064
certificates for shares of stock, an uncertificated security, 18065
membership interests in limited liability companies, voting-trust 18066
certificates, warrants and options to purchase securities, 18067
subscription rights, interim receipts, interim certificates, 18068
promissory notes, all forms of commercial paper, evidences of 18069
indebtedness, bonds, debentures, land trust certificates, fee 18070
certificates, leasehold certificates, syndicate certificates, 18071
endowment certificates, interests in or under profit-sharing or 18072
participation agreements, interests in or under oil, gas, or 18073
mining leases, preorganization or reorganization subscriptions, 18074
preorganization certificates, reorganization certificates, 18075
interests in any trust or pretended trust, any investment 18076
contract, any life settlement interest, any instrument evidencing 18077
a promise or an agreement to pay money, warehouse receipts for 18078
intoxicating liquor, and the currency of any government other than 18079
those of the United States and Canada, but sections 1707.01 to 18080
1707.45 of the Revised Code do not apply to the sale of real 18081
estate. 18082

(C)(1) "Sale" has the full meaning of "sale" as applied by or 18083
accepted in courts of law or equity, and includes every 18084
disposition, or attempt to dispose, of a security or of an 18085
interest in a security. "Sale" also includes a contract to sell, 18086
an exchange, an attempt to sell, an option of sale, a solicitation 18087
of a sale, a solicitation of an offer to buy, a subscription, or 18088
an offer to sell, directly or indirectly, by agent, circular, 18089
pamphlet, advertisement, or otherwise. 18090

(2) "Sell" means any act by which a sale is made. 18091

(3) The use of advertisements, circulars, or pamphlets in 18092

connection with the sale of securities in this state exclusively 18093
to the purchasers specified in division (D) of section 1707.03 of 18094
the Revised Code is not a sale when the advertisements, circulars, 18095
and pamphlets describing and offering those securities bear a 18096
readily legible legend in substance as follows: "This offer is 18097
made on behalf of dealers licensed under sections 1707.01 to 18098
1707.45 of the Revised Code, and is confined in this state 18099
exclusively to institutional investors and licensed dealers." 18100

(4) The offering of securities by any person in conjunction 18101
with a licensed dealer by use of advertisement, circular, or 18102
pamphlet is not a sale if that person does not otherwise attempt 18103
to sell securities in this state. 18104

(5) Any security given with, or as a bonus on account of, any 18105
purchase of securities is conclusively presumed to constitute a 18106
part of the subject of that purchase and has been "sold." 18107

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 18108
acting in a representative capacity, includes sale on behalf of 18109
such party by an agent, including a licensed dealer or 18110
salesperson. 18111

(D) "Person," except as otherwise provided in this chapter, 18112
means a natural person, firm, partnership, limited partnership, 18113
partnership association, syndicate, joint-stock company, 18114
unincorporated association, trust or trustee except where the 18115
trust was created or the trustee designated by law or judicial 18116
authority or by a will, and a corporation or limited liability 18117
company organized under the laws of any state, any foreign 18118
government, or any political subdivision of a state or foreign 18119
government. 18120

(E)(1) "Dealer," except as otherwise provided in this 18121
chapter, means every person, other than a salesperson, who engages 18122
or professes to engage, in this state, for either all or part of 18123

the person's time, directly or indirectly, either in the business 18124
of the sale of securities for the person's own account, or in the 18125
business of the purchase or sale of securities for the account of 18126
others in the reasonable expectation of receiving a commission, 18127
fee, or other remuneration as a result of engaging in the purchase 18128
and sale of securities. "Dealer" does not mean any of the 18129
following: 18130

(a) Any issuer, including any officer, director, employee, or 18131
trustee of, or member or manager of, or partner in, or any general 18132
partner of, any issuer, that sells, offers for sale, or does any 18133
act in furtherance of the sale of a security that represents an 18134
economic interest in that issuer, provided no commission, fee, or 18135
other similar remuneration is paid to or received by the issuer 18136
for the sale; 18137

(b) Any licensed attorney, public accountant, or firm of such 18138
attorneys or accountants, whose activities are incidental to the 18139
practice of the attorney's, accountant's, or firm's profession; 18140

(c) Any person that, for the account of others, engages in 18141
the purchase or sale of securities that are issued and outstanding 18142
before such purchase and sale, if a majority or more of the equity 18143
interest of an issuer is sold in that transaction, and if, in the 18144
case of a corporation, the securities sold in that transaction 18145
represent a majority or more of the voting power of the 18146
corporation in the election of directors; 18147

(d) Any person that brings an issuer together with a 18148
potential investor and whose compensation is not directly or 18149
indirectly based on the sale of any securities by the issuer to 18150
the investor; 18151

(e) Any bank; 18152

(f) Any person that the division of securities by rule 18153
exempts from the definition of "dealer" under division (E)(1) of 18154

this section.	18155
(2) "Licensed dealer" means a dealer licensed under this chapter.	18156 18157
(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.	18158 18159 18160
(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.	18161 18162 18163 18164 18165 18166 18167 18168 18169
(3) "Licensed salesperson" means a salesperson licensed under this chapter.	18170 18171
(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.	18172 18173
(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.	18174 18175 18176 18177 18178 18179
(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.	18180 18181 18182 18183
(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent	18184

practices," or "fraudulent transactions" means anything recognized 18185
on or after July 22, 1929, as such in courts of law or equity; any 18186
device, scheme, or artifice to defraud or to obtain money or 18187
property by means of any false pretense, representation, or 18188
promise; any fictitious or pretended purchase or sale of 18189
securities; and any act, practice, transaction, or course of 18190
business relating to the purchase or sale of securities that is 18191
fraudulent or that has operated or would operate as a fraud upon 18192
the seller or purchaser. 18193

(K) Except as otherwise specifically provided, whenever any 18194
classification or computation is based upon "par value," as 18195
applied to securities without par value, the average of the 18196
aggregate consideration received or to be received by the issuer 18197
for each class of those securities shall be used as the basis for 18198
that classification or computation. 18199

(L)(1) "Intangible property" means patents, copyrights, 18200
secret processes, formulas, services, good will, promotion and 18201
organization fees and expenses, trademarks, trade brands, trade 18202
names, licenses, franchises, any other assets treated as 18203
intangible according to generally accepted accounting principles, 18204
and securities, accounts receivable, or contract rights having no 18205
readily determinable value. 18206

(2) "Tangible property" means all property other than 18207
intangible property and includes securities, accounts receivable, 18208
and contract rights, when the securities, accounts receivable, or 18209
contract rights have a readily determinable value. 18210

(M) "Public utilities" means those utilities defined in 18211
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 18212
Code; in the case of a foreign corporation, it means those 18213
utilities defined as public utilities by the laws of its domicile; 18214
and in the case of any other foreign issuer, it means those 18215
utilities defined as public utilities by the laws of the situs of 18216

its principal place of business. The term always includes 18217
railroads whether or not they are so defined as public utilities. 18218

(N) "State" means any state of the United States, any 18219
territory or possession of the United States, the District of 18220
Columbia, and any province of Canada. 18221

(O) "Bank" means any bank, trust company, savings and loan 18222
association, savings bank, or credit union that is incorporated or 18223
organized under the laws of the United States, any state of the 18224
United States, Canada, or any province of Canada and that is 18225
subject to regulation or supervision by that country, state, or 18226
province. 18227

(P) "Include," when used in a definition, does not exclude 18228
other things or persons otherwise within the meaning of the term 18229
defined. 18230

(Q)(1) "Registration by description" means that the 18231
requirements of section 1707.08 of the Revised Code have been 18232
complied with. 18233

(2) "Registration by qualification" means that the 18234
requirements of sections 1707.09 and 1707.11 of the Revised Code 18235
have been complied with. 18236

(3) "Registration by coordination" means that there has been 18237
compliance with section 1707.091 of the Revised Code. Reference in 18238
this chapter to registration by qualification also includes 18239
registration by coordination unless the context otherwise 18240
indicates. 18241

(R) "Intoxicating liquor" includes all liquids and compounds 18242
that contain more than three and two-tenths per cent of alcohol by 18243
weight and are fit for use for beverage purposes. 18244

(S) "Institutional investor" means ~~any corporation, bank,~~ 18245
~~insurance company, pension fund or pension fund trust, employees'~~ 18246

~~profit sharing fund or employees' profit sharing trust, any~~ 18247
~~association engaged, as a substantial part of its business or~~ 18248
~~operations, in purchasing or holding securities, or any trust in~~ 18249
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 18250
~~investor" does not include any business entity formed for the~~ 18251
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 18252
~~Revised Code any of the following, whether acting for itself or~~ 18253
~~for others in a fiduciary capacity:~~ 18254

(1) A bank or international banking institution; 18255

(2) An insurance company; 18256

(3) A separate account of an insurance company; 18257

(4) An investment company as defined in the "Investment 18258
Company Act of 1940," 15 U.S.C. 80a-3; 18259

(5) A broker-dealer registered under the "Securities Exchange 18260
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 18261
division of securities as a dealer; 18262

(6) An employee pension, profit-sharing, or benefit plan if 18263
the plan has total assets in excess of ten million dollars or its 18264
investment decisions are made by a named fiduciary, as defined in 18265
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 18266
1001, that is one of the following: 18267

(a) A broker-dealer registered under the "Securities Exchange 18268
Act of 1934," 15 U.S.C. 78o, as amended; 18269

(b) An investment adviser registered or exempt from 18270
registration under the "Investment Advisers Act of 1940," 15 18271
U.S.C. 80b-3; 18272

(c) An investment adviser registered under this chapter, a 18273
bank, or an insurance company. 18274

(7) A plan established and maintained by a state, a political 18275
subdivision of a state, or an agency or instrumentality of a state 18276

or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:

(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;

(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a bank, or an insurance company.

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;

(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15

<u>U.S.C. 80b-2(a)(22), with total assets in excess of ten million</u>	18308
<u>dollars;</u>	18309
<u>(12) A federal covered investment adviser acting for its own</u>	18310
<u>account;</u>	18311
<u>(13) A "qualified institutional buyer" as defined in 17</u>	18312
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	18313
<u>(14) A "major U.S. institutional investor" as defined in 17</u>	18314
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	18315
<u>(15) Any other person, other than an individual, of</u>	18316
<u>institutional character with total assets in excess of ten million</u>	18317
<u>dollars not organized for the specific purpose of evading this</u>	18318
<u>chapter;</u>	18319
<u>(16) Any other person specified by rule adopted or order</u>	18320
<u>issued under this chapter.</u>	18321
(T) A reference to a statute of the United States or to a	18322
rule, regulation, or form promulgated by the securities and	18323
exchange commission or by another federal agency means the	18324
statute, rule, regulation, or form as it exists at the time of the	18325
act, omission, event, or transaction to which it is applied under	18326
this chapter.	18327
(U) "Securities and exchange commission" means the securities	18328
and exchange commission established by the Securities Exchange Act	18329
of 1934.	18330
(V)(1) "Control bid" means the purchase of or offer to	18331
purchase any equity security of a subject company from a resident	18332
of this state if either of the following applies:	18333
(a) After the purchase of that security, the offeror would be	18334
directly or indirectly the beneficial owner of more than ten per	18335
cent of any class of the issued and outstanding equity securities	18336
of the issuer.	18337

(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.

(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:

(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;

(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended;

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter.

(W) "Offeror" means a person who makes, or in any way participates or aids in making, a control bid and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which the control bid is made and also includes any subject company making a control bid for its own securities.

(X)(1) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing,

or selling securities, or who, for compensation and as a part of 18369
regular business, issues or promulgates analyses or reports 18370
concerning securities. 18371

(2) "Investment adviser" does not mean any of the following: 18372

(a) Any attorney, accountant, engineer, or teacher, whose 18373
performance of investment advisory services described in division 18374
(X)(1) of this section is solely incidental to the practice of the 18375
attorney's, accountant's, engineer's, or teacher's profession; 18376

(b) A publisher of any bona fide newspaper, news magazine, or 18377
business or financial publication of general and regular 18378
circulation; 18379

(c) A person who acts solely as an investment adviser 18380
representative; 18381

(d) A bank holding company, as defined in the "Bank Holding 18382
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 18383
investment company; 18384

(e) A bank, or any receiver, conservator, or other 18385
liquidating agent of a bank; 18386

(f) Any licensed dealer or licensed salesperson whose 18387
performance of investment advisory services described in division 18388
(X)(1) of this section is solely incidental to the conduct of the 18389
dealer's or salesperson's business as a licensed dealer or 18390
licensed salesperson and who receives no special compensation for 18391
the services; 18392

(g) Any person, the advice, analyses, or reports of which do 18393
not relate to securities other than securities that are direct 18394
obligations of, or obligations guaranteed as to principal or 18395
interest by, the United States, or securities issued or guaranteed 18396
by corporations in which the United States has a direct or 18397
indirect interest, and that have been designated by the secretary 18398

of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 18399
18400

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940. 18401
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(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer; 18409
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(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter. 18412
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(Y)(1) "Subject company" means an issuer that satisfies both of the following: 18417
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(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars. 18419
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(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state. 18423
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(2) The division of securities may adopt rules to establish 18429

more specific application of the provisions set forth in division 18430
(Y)(1) of this section. Notwithstanding the provisions set forth 18431
in division (Y)(1) of this section and any rules adopted under 18432
this division, the division, by rule or in an adjudicatory 18433
proceeding, may make a determination that an issuer does not 18434
constitute a "subject company" under division (Y)(1) of this 18435
section if appropriate review of control bids involving the issuer 18436
is to be made by any regulatory authority of another jurisdiction. 18437

(Z) "Beneficial owner" includes any person who directly or 18438
indirectly through any contract, arrangement, understanding, or 18439
relationship has or shares, or otherwise has or shares, the power 18440
to vote or direct the voting of a security or the power to dispose 18441
of, or direct the disposition of, the security. "Beneficial 18442
ownership" includes the right, exercisable within sixty days, to 18443
acquire any security through the exercise of any option, warrant, 18444
or right, the conversion of any convertible security, or 18445
otherwise. Any security subject to any such option, warrant, 18446
right, or conversion privilege held by any person shall be deemed 18447
to be outstanding for the purpose of computing the percentage of 18448
outstanding securities of the class owned by that person, but 18449
shall not be deemed to be outstanding for the purpose of computing 18450
the percentage of the class owned by any other person. A person 18451
shall be deemed the beneficial owner of any security beneficially 18452
owned by any relative or spouse or relative of the spouse residing 18453
in the home of that person, any trust or estate in which that 18454
person owns ten per cent or more of the total beneficial interest 18455
or serves as trustee or executor, any corporation or entity in 18456
which that person owns ten per cent or more of the equity, and any 18457
affiliate or associate of that person. 18458

(AA) "Offeree" means the beneficial or record owner of any 18459
security that an offeror acquires or offers to acquire in 18460
connection with a control bid. 18461

(BB) "Equity security" means any share or similar security, 18462
or any security convertible into any such security, or carrying 18463
any warrant or right to subscribe to or purchase any such 18464
security, or any such warrant or right, or any other security 18465
that, for the protection of security holders, is treated as an 18466
equity security pursuant to rules of the division of securities. 18467

(CC)(1) "Investment adviser representative" means a 18468
supervised person of an investment adviser, provided that the 18469
supervised person has more than five clients who are natural 18470
persons other than excepted persons defined in division (EE) of 18471
this section, and that more than ten per cent of the supervised 18472
person's clients are natural persons other than excepted persons 18473
defined in division (EE) of this section. "Investment adviser 18474
representative" does not mean any of the following: 18475

(a) A supervised person that does not on a regular basis 18476
solicit, meet with, or otherwise communicate with clients of the 18477
investment adviser; 18478

(b) A supervised person that provides only investment 18479
advisory services described in division (X)(1) of this section by 18480
means of written materials or oral statements that do not purport 18481
to meet the objectives or needs of specific individuals or 18482
accounts; 18483

(c) Any other person that the division designates by rule, if 18484
the division finds that the designation is necessary or 18485
appropriate in the public interest or for the protection of 18486
investors or clients and is consistent with the provisions fairly 18487
intended by the policy and provisions of this chapter. 18488

(2) For the purpose of the calculation of clients in division 18489
(CC)(1) of this section, a natural person and the following 18490
persons are deemed a single client: Any minor child of the natural 18491
person; any relative, spouse, or relative of the spouse of the 18492

natural person who has the same principal residence as the natural 18493
person; all accounts of which the natural person or the persons 18494
referred to in division (CC)(2) of this section are the only 18495
primary beneficiaries; and all trusts of which the natural person 18496
or persons referred to in division (CC)(2) of this section are the 18497
only primary beneficiaries. Persons who are not residents of the 18498
United States need not be included in the calculation of clients 18499
under division (CC)(1) of this section. 18500

(3) If subsequent to March 18, 1999, amendments are enacted 18501
or adopted defining "investment adviser representative" for 18502
purposes of the Investment Advisers Act of 1940 or additional 18503
rules or regulations are promulgated by the securities and 18504
exchange commission regarding the definition of "investment 18505
adviser representative" for purposes of the Investment Advisers 18506
Act of 1940, the division of securities shall, by rule, adopt the 18507
substance of the amendments, rules, or regulations, unless the 18508
division finds that the amendments, rules, or regulations are not 18509
necessary for the protection of investors or in the public 18510
interest. 18511

(DD) "Supervised person" means a natural person who is any of 18512
the following: 18513

(1) A partner, officer, or director of an investment adviser, 18514
or other person occupying a similar status or performing similar 18515
functions with respect to an investment adviser; 18516

(2) An employee of an investment adviser; 18517

(3) A person who provides investment advisory services 18518
described in division (X)(1) of this section on behalf of the 18519
investment adviser and is subject to the supervision and control 18520
of the investment adviser. 18521

(EE) "Excepted person" means a natural person to whom any of 18522
the following applies: 18523

(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.

(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.

(b) The person is a qualified purchaser as defined in division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are

promulgated by the securities and exchange commission regarding 18555
the definition of "excepted person" for purposes of the Investment 18556
Advisers Act of 1940, the division of securities shall, by rule, 18557
adopt the substance of the amendments, rules, or regulations, 18558
unless the division finds that the amendments, rules, or 18559
regulations are not necessary for the protection of investors or 18560
in the public interest. 18561

(FF)(1) "Qualified purchaser" means either of the following: 18562

(a) A natural person who owns not less than five million 18563
dollars in investments as defined by rule by the division of 18564
securities; 18565

(b) A natural person, acting for the person's own account or 18566
accounts of other qualified purchasers, who in the aggregate owns 18567
and invests on a discretionary basis, not less than twenty-five 18568
million dollars in investments as defined by rule by the division 18569
of securities. 18570

(2) If subsequent to March 18, 1999, amendments are enacted 18571
or adopted defining "qualified purchaser" for purposes of the 18572
Investment Advisers Act of 1940 or additional rules or regulations 18573
are promulgated by the securities and exchange commission 18574
regarding the definition of "qualified purchaser" for purposes of 18575
the Investment Advisers Act of 1940, the division of securities 18576
shall, by rule, adopt the amendments, rules, or regulations, 18577
unless the division finds that the amendments, rules, or 18578
regulations are not necessary for the protection of investors or 18579
in the public interest. 18580

(GG)(1) "Purchase" has the full meaning of "purchase" as 18581
applied by or accepted in courts of law or equity and includes 18582
every acquisition of, or attempt to acquire, a security or an 18583
interest in a security. "Purchase" also includes a contract to 18584
purchase, an exchange, an attempt to purchase, an option to 18585

purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;

(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;

(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;

(4) Any agreement between an insurer and a reinsurer;

(5) An agreement by an individual to purchase an existing

life insurance policy or contract from the original owner of the 18616
policy or contract, if the individual does not enter into more 18617
than one life settlement contract per calendar year; 18618

(6) The initial purchase of an insurance policy or 18619
certificate of insurance from its owner by a viatical settlement 18620
provider, as defined in section 3916.01 of the Revised Code, that 18621
is licensed under Chapter 3916. of the Revised Code. 18622

(II) "State retirement system" means the public employees 18623
retirement system, Ohio police and fire pension fund, state 18624
teachers retirement system, school employees retirement system, 18625
and state highway patrol retirement system. 18626

(JJ) "State retirement system investment officer" means an 18627
individual employed by a state retirement system as a chief 18628
investment officer, assistant investment officer, or the person in 18629
charge of a class of assets or in a position that is substantially 18630
equivalent to chief investment officer, assistant investment 18631
officer, or person in charge of a class of assets. 18632

(KK) "Bureau of workers' compensation chief investment 18633
officer" means an individual employed by the administrator of 18634
workers' compensation as a chief investment officer or in a 18635
position that is substantially equivalent to a chief investment 18636
officer. 18637

Sec. 1707.14. (A)~~(1)~~ No person shall act as a dealer, unless 18638
the person is licensed as a dealer by the division of securities, 18639
except ~~in~~ when at least one of the following cases applies: 18640

~~(a)~~(1) When the person is transacting business through or 18641
with a licensed dealer; 18642

~~(b)~~(2) When the securities are the subject matter of one or 18643
more transactions enumerated in divisions (B) to (L), (O) to (R), 18644
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 18645

Revised Code, except when a commission, discount, or other remuneration is paid or given in consideration with transactions enumerated in divisions (O), (Q), (W), (X), and (Y) of section 1707.03, or in section 1707.06 of the Revised Code;

~~(e)~~(3) When the person is an issuer selling securities issued by it or by its subsidiary, if such securities are specified under division (G) or (I) of section 1707.02, or under section 1707.04 of the Revised Code;

~~(d)~~(4) When the person is participating in transactions exempt, under section 1707.34 of the Revised Code, from this chapter;

(5) When the person has no place of business in this state, is registered with the securities and exchange commission, and the only transactions effected in this state are with institutional investors.

~~(2) Notwithstanding the exceptions to licensure set forth in divisions (A)(1)(a) to (d) of this section, no person other than an issuer selling its own securities shall engage in the business of selling securities to an institutional investor unless the person is licensed as a dealer or the division, by rule, finds that such licensure is not necessary for the protection of investors or in the public interest.~~

(B) Each dealer that in any twelve-month or shorter period, alone or with any other dealer with which it is affiliated, has total revenues of one hundred fifty thousand dollars or more derived from the business of buying, selling, or otherwise dealing in securities, and that at any time during such period has one hundred or more retail securities customers, shall be registered as a broker or dealer with the securities and exchange commission under the Securities Exchange Act of 1934, except the following entities:

(1) A bank;	18677
(2) A dealer that enters into and is in compliance with an undertaking accepted by the division, in which the dealer agrees that it will not engage in any transaction involving the buying, selling, or otherwise dealing in securities with any natural person in this state, except for transactions involving either of the following:	18678 18679 18680 18681 18682 18683
(a) Securities of corporations or associations that have qualified for treatment as nonprofit organizations pursuant to section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended;	18684 18685 18686 18687
(b) Securities or transactions that are described in divisions (A)(1) (a) to (d) <u>(4)</u> of this section.	18688 18689
(C) Every dealer that must be registered as a broker or dealer with the securities and exchange commission pursuant to division (B) of this section shall become so registered no later than ninety days after the date on which the dealer meets the requirements for such registration.	18690 18691 18692 18693 18694
(D) The division by rule may exempt any dealer from complying with the licensing or registration requirements of this section, if the division finds that such licensing or registration is not necessary for the protection of investors or in the public interest.	18695 18696 18697 18698 18699
(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer:	18700 18701 18702 18703 18704 18705
(1) A husband and wife;	18706

(2) A minor child and the minor child's parent or legal guardian; 18707
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(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 18709
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Sec. 1711.15. In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect suitable buildings on the real estate and otherwise improve it. 18711
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In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs, ~~or in which~~ if the title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the county's general fund or permanent improvement fund, and may appropriate revenue from a tax levied under division (L) of section 5739.09 of the Revised Code, any amount that it considers necessary for any of those purposes, provided that an appropriation of revenue from that tax may be expended only for the purposes provided in the resolution levying that tax. 18718
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Sec. 1711.16. When the control and management of a fairground is in a county agricultural society, and the board of county 18735
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commissioners has appropriated an amount for the aid of the 18737
society as provided in section 1711.15 of the Revised Code, the 18738
society, with the consent of the board, may contract for the 18739
erection or repair of buildings or otherwise improve the 18740
fairground, to the extent that the payment for the improvement is 18741
provided by the board. 18742

When the appropriation is made by the board, the county 18743
auditor shall place the proceeds in a special fund, designated the 18744
"county agricultural society fund," indicating the purpose for 18745
which it is available, provided that an appropriation of revenue 18746
from a tax levied by the board under division (L) of section 18747
5739.09 of the Revised Code may be expended only for the purposes 18748
provided in the resolution levying that tax. On application of the 18749
treasurer of the society, the auditor shall issue an order for the 18750
amount of the appropriation to the treasurer of the society, if 18751
the society has secured the certificate required under section 18752
1711.05 of the Revised Code, on the treasurer's filing with the 18753
auditor a bond in double the amount collected, with good and 18754
sufficient sureties approved by the auditor, conditioned for the 18755
satisfactory paying over and accounting of the funds for the 18756
purposes for which they were provided. The funds shall remain in 18757
the special fund in which they are placed by the auditor until 18758
they are applied ~~or~~ for by the treasurer of the society and the 18759
bond is given, or until they are expended by the board for the 18760
purposes for which the fund was created. If the society ceases to 18761
exist or releases the fund as not required for the purposes for 18762
which the fund was created, the board may by resolution transfer 18763
the fund to the general fund of the county. 18764

Sec. 1713.02. (A) Any institution described in division (A) 18765
of section 1713.01 of the Revised Code may become incorporated 18766
under sections 1702.01 to 1702.58 of the Revised Code. 18767

(B) Except as provided in division (E) of this section, no nonprofit institution or corporation of the type described in division (A) of section 1713.01 of the Revised Code that is established after October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement, until it has received a certificate of authorization issued by the ~~Ohio board of regents~~ director of higher education, nor shall any such institution or corporation identify itself as a "college" or "university" unless it has received a certificate of authorization from the ~~board~~ director.

(C) Except as provided in division (E) of this section, no institution of the type described in division (A)(3) or (B) of section 1713.01 of the Revised Code that intends to offer or offers a course or courses within this state, but that did not offer a course or courses within this state on or before October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement or offer any course or courses within this state until it has received a certificate of authorization from the ~~Ohio board of regents~~ director, nor shall the institution identify itself as a "college" or "university" unless it has received such a certificate from the ~~board~~ director.

(D) Each certificate of authorization shall specify the diplomas or degrees authorized to be given, courses authorized to be offered, and the sites at which courses are to be conducted. A copy of such certificate shall be filed with the secretary of state if the institution is incorporated. Any institution or corporation established or that offered a course or courses of instruction in this state prior to October 13, 1967, may apply to the ~~board~~ director for a certificate of authorization, and the ~~board~~ director shall issue a certificate if it finds that such institution or corporation meets the requirements established pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06,

1713.09, and 1713.25 of the Revised Code. 18800

(E) An institution that clearly identifies itself in its name 18801
with the phrase "bible college" or "bible institute" and has not 18802
received a certificate of authorization may confer diplomas and 18803
other written evidences of proficiency or achievement other than 18804
associate, baccalaureate, master's, and doctoral degrees or any 18805
other type of degree and may identify itself as a "bible college" 18806
if such institution: 18807

(1) Prominently discloses on any transcripts, diplomas, or 18808
other written evidences of proficiency or achievement, and 18809
includes with any promotional material or other literature 18810
intended for the public, the statement: "this institution is not 18811
certified by the ~~board of regents~~ department of higher education 18812
or the state of Ohio." 18813

(2) Limits its course of instruction to religion, theology, 18814
or preparation for a religious vocation, or is operated by a 18815
church or religious organization and limits its instruction to 18816
preparation for service to churches or other religious 18817
organizations. 18818

(3) Confers only diplomas and other written evidences of 18819
proficiency or achievement that bear titles clearly signifying the 18820
religious nature of the instruction offered by the institution. 18821

(F) Except as otherwise provided in section 3333.046 of the 18822
Revised Code, no school of the type described in division (E) of 18823
section 3332.01 of the Revised Code that intends to offer or 18824
offers a degree program within this state or solicits students 18825
within this state may confer a baccalaureate, master's, or 18826
doctoral degree or solicit students for such degree programs until 18827
it has received both a certificate of authorization from the ~~board~~ 18828
~~of regents~~ director of higher education under this chapter and 18829
program authorization from the state board of career colleges and 18830

schools for such degree program under section 3332.05 of the 18831
Revised Code. 18832

Sec. 1713.03. The ~~Ohio board of regents~~ director of higher 18833
education shall establish standards for certificates of 18834
authorization to be issued to institutions as defined in section 18835
1713.01 of the Revised Code, to private institutions exempt from 18836
regulation under Chapter 3332. of the Revised Code as prescribed 18837
in section 3333.046 of the Revised Code, and to schools holding 18838
certificates of registration issued by the state board of career 18839
colleges and schools pursuant to division (C) of section 3332.05 18840
of the Revised Code. A certificate of authorization may permit an 18841
institution or school to award one or more types of degrees. 18842

The standards for a certificate of authorization may include, 18843
for various types of institutions, schools, or degrees, minimum 18844
qualifications for faculty, library, laboratories, and other 18845
facilities as adopted and published by the ~~Ohio board of regents~~ 18846
director. The standards shall be adopted by the ~~board~~ director 18847
pursuant to Chapter 119. of the Revised Code. 18848

An institution or school shall apply to the ~~board~~ director 18849
for a certificate of authorization on forms containing such 18850
information as is prescribed by the ~~board~~ director. Each 18851
institution or school with a certificate of authorization shall 18852
file an annual report with the ~~board~~ director in such form and 18853
containing such information as the ~~board~~ director prescribes. 18854

The ~~board~~ director shall adopt a rule under Chapter 119. of 18855
the Revised Code establishing fees to pay the cost of reviewing an 18856
application for a certificate of authorization, which the 18857
institution or school shall pay when it applies for a certificate 18858
of authorization, and establishing fees, which an institution or 18859
school shall pay, for any further reviews the ~~board~~ director 18860
determines necessary upon examining an institution's or school's 18861

annual report. 18862

Sec. 1713.031. The ~~Ohio board of regents~~ director of higher 18863
education shall review an application for a certificate of 18864
authorization from a school described in division (E) of section 18865
3332.01 of the Revised Code within twenty-two weeks. 18866

Sec. 1713.04. A certificate of authorization provided for in 18867
section 1713.02 of the Revised Code is subject to revocation by 18868
the ~~Ohio board of regents~~ director of higher education for cause 18869
pursuant to Chapter 119. of the Revised Code. 18870

Sec. 1713.05. (A) As used in this section: 18871

(1) "College or university" means a nonprofit educational 18872
institution qualifying under division (A)(2) of section 1713.01 18873
and holding a certificate of authorization issued under section 18874
1713.02 of the Revised Code. 18875

(2) "Controlled entity" means a wholly owned subsidiary of a 18876
college or a university or a partnership in which a college or a 18877
university, or its wholly owned subsidiary, is the sole general 18878
partner. 18879

(3) "Student" means a person attending a college or 18880
university who borrows money or obtains credit from such college 18881
or university, or from a controlled entity of such college or 18882
university, to finance the costs of attending such college or 18883
university, and includes the parents, guardians, and spouse of the 18884
student. 18885

(B) Notwithstanding section 1343.01 of the Revised Code, a 18886
college or university, or a controlled entity of such college or 18887
university, may charge interest or finance charges on loans made 18888
or credit granted to a student for the student's costs of 18889
attending such college or university at any rate or rates agreed 18890

upon or consented to by the student in any open accounts 18891
receivable, loan agreement, or promissory note, but not to exceed 18892
the maximum interest rate applicable to the federal Stafford loan 18893
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 18894
director of higher education shall adopt rules specifying a 18895
schedule for the certification of such maximum interest rate. 18896

(C) A college or university, or a controlled entity of such 18897
college or university, may charge students for the late payment of 18898
any costs of attending such college or university, including any 18899
payment under an agreement or note pursuant to division (B) of 18900
this section, at a rate not exceeding five per cent of any unpaid 18901
amount due and not paid per month for two months and not exceeding 18902
two per cent of such amount for subsequent months. A charge for a 18903
full month may be made for payments more than ten days late. 18904

Sec. 1713.06. If any institution, school, or person confers 18905
degrees, diplomas, or other written evidences of proficiency or 18906
achievement or offers or intends to offer a course or courses in 18907
this state applicable to requirements for a diploma or degree 18908
without the certificate of authorization required by section 18909
1713.02 of the Revised Code, the ~~Ohio board of regents~~ director of 18910
higher education may, through the office of the attorney general, 18911
apply to the court of common pleas in the county in which such 18912
institution, school, or person is operating to restrain such 18913
institution, school, or person from the exercise of its franchise, 18914
if the institution, school, or person is a corporation, from the 18915
awarding of the degrees or diplomas the institution, school, or 18916
person is not authorized to award, and from offering any course or 18917
courses or enrolling any student in any course or courses it is 18918
not authorized to conduct. 18919

The ~~board~~ director may, through the office of the attorney 18920
general, petition the court of common pleas in the county in which 18921

the institution, school, or person is operating for an order 18922
enjoining the awarding of diplomas or degrees, the offering of 18923
courses, and the enrolling of students. The court may grant such 18924
injunctive relief upon a showing that the institution, school, or 18925
person named in the petition is awarding degrees or diplomas, 18926
offering courses applicable to requirements for such degrees or 18927
diplomas, or enrolling students in such courses to be offered in 18928
the state without receiving the appropriate certificate of 18929
authorization issued by the ~~board of regents~~ director. 18930

Sec. 1713.09. A college, university, or other institution of 18931
learning, existing by virtue of an act of incorporation, or that 18932
becomes incorporated for any of the purposes specified in sections 18933
1713.01 to 1713.39, inclusive, of the Revised Code, if 18934
three-fourths of the trustees or directors thereof deem it proper, 18935
or if the institution is owned in shares, or by stock subscribed 18936
or taken, by a vote of the holders of three-fourths of the stock 18937
or shares, may change the location of such institution, convey its 18938
real estate, and transfer the effects thereof, and invest them at 18939
the place to which such institution is removed. Any institution 18940
which has a certificate of authorization from the ~~Ohio board of~~ 18941
~~regents~~ director of higher education shall give written notice to 18942
the ~~board~~ director before such institution changes its location. 18943
No such removal shall be ordered, and no vote taken thereon, until 18944
after publication in the manner provided by law in case of a sale 18945
and distribution of the property of such an institution. Such 18946
publication shall fully set forth the place to which it is 18947
proposed to remove the institution. In case of removal, a copy of 18948
the proceedings of such meeting shall be filed with the secretary 18949
of state. 18950

Sec. 1713.25. The board of trustees of an institution of 18951
learning incorporated under the authority of this state for the 18952

sole purpose of promoting education, religion and morality, or the fine arts, at a regular or special meeting of such board called for that purpose, after thirty days' actual notice to each trustee, may change the name and enlarge the purposes and objects of such institution of learning, by amendment to its charter, approved by a majority of the board.

No institution as defined in section 1713.01 of the Revised Code or school that holds a certificate of registration issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code, that has been issued a certificate of authorization by the ~~Ohio board of regents~~ director of higher education shall change the purposes of the institution without giving written notice to the ~~Ohio board of regents, which~~ director, who shall issue an amended certificate of authorization to the institution or school upon receipt of such notice.

Sec. 1724.04. A county ~~having a population of more than sixty thousand as of the most recent decennial census~~ that elects under section 5722.02 of the Revised Code to adopt and implement the procedures set forth in sections 5722.02 to 5722.15 of the Revised Code may organize a county land reutilization corporation under this chapter and Chapter 1702. of the Revised Code for the purpose of exercising the powers granted to a county under Chapter 5722. of the Revised Code. The county treasurer of the county for the benefit of which the corporation is being organized shall be the incorporator of the county land reutilization corporation. The form of the articles of incorporation of the corporation shall be approved by resolution of the board of county commissioners of the county.

When the articles of incorporation of any community improvement corporation, or any amendment, amended articles,

merger, or consolidation which provides for the creation of such a corporation, are deposited for filing and recording in the office of the secretary of state, the secretary of state shall submit them to the attorney general for examination. If such articles, amendment, amended articles, merger, or consolidation, are found by the attorney general to be in accordance with Chapter 1724. of the Revised Code, and not inconsistent with the constitution and laws of the United States and of this state, the attorney general shall endorse thereon the attorney general's approval and deliver them to the secretary of state, who shall file and record them pursuant to section 1702.07 of the Revised Code.

Sec. 1739.02. (A) ~~A trade association, industry association, or professional association~~ The following groups that has have been organized and maintained in good faith for a continuous period of ~~one year~~ five years or more for purposes other than obtaining insurance may establish, maintain, or operate a group self-insurance program under a multiple employer welfare arrangement that is chartered and created in this state under sections 1739.01 to 1739.22 of the Revised Code:

(1) A chamber of commerce; 19003

(2) A trade association; 19004

(3) An industry association; 19005

(4) A professional association; 19006

(5) A voluntary employee beneficiary association that is exempt from taxation by the internal revenue service under section 501(c)(9) of the Internal Revenue Code of 1986, as amended; 19007
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(6) A business league that is exempt from taxation by the internal revenue service under section 501(c)(6) of the Internal Revenue Code of 1986, as amended; 19010
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(7) Any other association that the superintendent of 19013

insurance may define by rule. 19014

(B) Except as provided in section 9.833 and sections 1739.01 19015
to 1739.22 of the Revised Code, no multiple employer welfare 19016
arrangement or other entity by which two or more employers jointly 19017
participate in a common employee welfare benefit plan shall 19018
operate a group self-insurance program in this state after four 19019
months after ~~the effective date of this section~~ April 9, 1993. 19020

(C) Sections 1739.01 to 1739.22 of the Revised Code do not 19021
apply to any entity that establishes, maintains, or operates a 19022
~~fully insured~~ fully insured program. 19023

(D) No person shall establish, operate, or maintain a 19024
multiple employer welfare arrangement providing benefits through a 19025
group self-insurance program in this state unless the multiple 19026
employer welfare arrangement has a valid certificate of authority 19027
from the superintendent of insurance. 19028

Sec. 1739.03. (A) No employer shall enter into an agreement 19029
to participate in a group self-insurance program unless the 19030
multiple employer welfare arrangement has been issued a 19031
certificate of authority by the superintendent of insurance. 19032
Employers or other organizers that propose to create an 19033
arrangement or arrangements and provide benefits through a group 19034
self-insurance program or group self-insurance programs shall 19035
apply to the superintendent for a certificate of authority. 19036

If a ~~trade association, industry association, or professional~~ 19037
~~association~~ group listed under division (A) of section 1739.02 of 19038
the Revised Code establishes, maintains, or operates more than one 19039
multiple employer welfare arrangement subject to sections 1739.01 19040
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 19041
~~association, or professional association~~ group shall apply to the 19042
superintendent for only one certificate of authority which shall 19043
cover all such arrangements. 19044

- (B) When applying for a certificate of authority, a proposed multiple employer welfare arrangement or arrangements shall file with the superintendent a nonrefundable filing fee of one thousand dollars and an application setting forth all of the following:
- (1) The name of each arrangement;
 - (2) The address of each arrangement's principal place of business;
 - (3) The name and address of a resident of this state designated and appointed as the registered agent of each proposed arrangement for service of process in this state in accordance with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The person so designated and appointed shall be an officer of the arrangement.
 - (4) The names and addresses of the officers, directors, and trustees of each proposed arrangement and a statement of whether any of such officers, directors, and trustees have been convicted of any felony or misdemeanor within ten years prior to the date of the application;
 - (5) The powers of the officers, directors, and trustees;
 - (6) The term of office of each officer, director, and trustee;
 - (7) A brief outline of the method by which the administrative obligations of each arrangement will be met;
 - (8) A business plan describing the arrangement's anticipated method of operations for two years from its commencement of activities.
 - (9) A copy of the articles and bylaws of each arrangement;
 - (10) A copy of the agreement;
 - (11) The name and address of all third-party administrators;

(12) A copy of each agreement between each arrangement and all third-party administrators;	19074 19075
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	19076 19077 19078 19079 19080
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	19081 19082 19083
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	19084 19085 19086
(16) Other information, documents, or statements as the superintendent requires.	19087 19088
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	19089 19090 19091 19092
Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:	19093 19094 19095 19096
(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.	19097 19098
(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	19099 19100
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.	19101 19102 19103

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.66, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

Sec. 1739.07. (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare

arrangement operating a group self-insurance program by giving no 19135
less than thirty days' written notice to the arrangement. Except 19136
as provided in division (A)(2) of this section, the voluntary 19137
termination shall be approved by the board of the arrangement upon 19138
a finding that the member is in good standing, that both the 19139
member and the arrangement have met all the requirements of 19140
sections 1739.01 to 1739.22 of the Revised Code and any rules 19141
adopted by the superintendent of insurance pursuant to such 19142
sections, and that the member has complied with all the 19143
requirements of the agreement as of the proposed effective date of 19144
termination. 19145

(2) If a member voluntarily terminates its participation in a 19146
multiple employer welfare arrangement at a time when the total 19147
number of covered employees employed by the member represents less 19148
than five per cent of the total number of covered employees 19149
employed by all members of the arrangement, the member's voluntary 19150
termination of its participation, unless otherwise stated in the 19151
agreement, does not require approval by the board of the 19152
arrangement. 19153

(B)(1) A multiple employer welfare arrangement operating a 19154
group self-insurance program may involuntarily terminate a member 19155
upon a finding by the board of the arrangement, after notice is 19156
given in accordance with division (B)(2) of this section, that the 19157
member has done any of the following: 19158

(a) Failed to comply with the requirements of sections 19159
1739.01 to 1739.22 of the Revised Code; 19160

(b) Failed to comply with the articles and bylaws of the 19161
arrangement or the applicable agreement; 19162

(c) Failed to pay its proportionate share of any premiums or 19163
installments thereof due the arrangement; 19164

(d) Otherwise failed to discharge its obligations to the 19165

arrangement when due. 19166

(2) A multiple employer welfare arrangement operating a group 19167
self-insurance program shall give the member written notice 19168
stating the time when the termination is effective, which time 19169
shall not be less than fifteen days from the date of the notice or 19170
any longer period as may be specified by rule of the 19171
superintendent or the agreement. Notice may be delivered in 19172
person, or sent by ~~certified mail to the last address of record of~~ 19173
~~the member~~ any manner permitted in the agreement. The notice may 19174
or may not be accompanied by a tender of the unearned premium paid 19175
by the member, calculated on a pro rata basis. If the tender is 19176
not made simultaneously with the notice, it shall be made within 19177
fifteen days after notice of termination unless an audit or rate 19178
investigation is required, in which case the tender shall be made 19179
as soon as practicable after completion of the audit or 19180
investigation. 19181

(C) Any member that terminates its membership or is 19182
involuntarily terminated from membership in a multiple employer 19183
welfare arrangement pursuant to division (A) or (B) of this 19184
section shall remain liable for all obligations of the arrangement 19185
incurred during its membership in proportion to the ratio of the 19186
total number of covered employees employed by the member at the 19187
time of termination to the total number of covered employees 19188
employed by all members of the arrangement at the time of 19189
termination. 19190

Sec. 1739.12. (A) The excess loss funding program of a 19191
multiple employer welfare arrangement operating a group 19192
self-insurance program shall be filed with the superintendent of 19193
insurance. 19194

(B) As a condition to the issuance and maintenance of a 19195
certificate of authority, a multiple employer welfare arrangement 19196

operating a group self-insurance program shall purchase individual 19197
stop-loss insurance from insurers authorized to transact business 19198
in this state with a deductible retention of no more than five per 19199
cent of the arrangement's annual aggregate premium up to one 19200
million dollars and no more than two and one-half per cent of the 19201
arrangement's annual aggregate premium above that amount. ~~If the~~ 19202
~~superintendent determines that aggregate stop-loss insurance is~~ 19203
~~available for arrangements, the~~ The arrangement also shall 19204
purchase, as a condition to the issuance and maintenance of a 19205
certificate of authority, aggregate stop-loss insurance from 19206
insurers authorized to transact business in this state with a 19207
deductible retention of no more than one hundredtwenty-five per 19208
cent of its projected claims for the succeeding fiscal year. 19209

(C) Any excess or stop-loss insurance policy purchased by a 19210
multiple employer welfare arrangement shall provide that the 19211
superintendent must be notified by the arrangement of the 19212
cancellation of the policy for any reason, including the failure 19213
of the arrangement to pay any applicable premium. 19214

(D) No excess or stop-loss insurance policy purchased by a 19215
multiple employer welfare arrangement shall do any of the 19216
following on the basis of actual or expected claims for an 19217
individual or an individual's given diagnosis: 19218

(1) Assign a different attachment point for that individual; 19219

(2) Assign a deductible to that individual that must be met 19220
before excess or stop-loss insurance applies; 19221

(3) Deny excess or stop-loss insurance coverage to that 19222
individual. 19223

Sec. 1739.13. (A) A multiple employer welfare arrangement 19224
operating a group self-insurance program shall maintain a minimum 19225
surplus of not less than ~~one~~ five hundred ~~fifty~~ thousand dollars 19226

or such higher amounts of surplus as the superintendent of 19227
insurance may establish by rule for the protection of the members 19228
and their employees. 19229

(B) Except as otherwise provided for in sections 1739.01 to 19230
1739.21 of the Revised Code, the assets of a multiple employer 19231
welfare arrangement operating a group self-insurance program shall 19232
be invested only in securities or other investments permitted by 19233
the laws of this state for the investment of assets of domestic 19234
insurance companies other than life. 19235

(C) A multiple employer welfare arrangement operating a group 19236
self-insurance program shall maintain assets in cash, receivables, 19237
or securities authorized by the laws of this state for the 19238
investment of assets of domestic insurance companies other than 19239
life in an amount that is equivalent to or higher than the 19240
unearned premiums and minimum surplus required under sections 19241
1739.01 to 1739.22 of the Revised Code, the reserves for losses 19242
outstanding and unpaid, and any other liabilities of the 19243
arrangement. 19244

Sec. 1739.141. (A) Each multiple employer welfare arrangement 19245
operating a group self-insurance program shall file annually with 19246
the superintendent of insurance an actuarial certification 19247
including a statement that the underwriting and rating methods of 19248
the carrier do all of the following: 19249

(1) Comply with accepted actuarial practices; 19250

(2) Are uniformly applied to arrangement members, employees 19251
of members, and the dependents of members or employees; 19252

(3) Comply with the provisions of section 1739.06 of the 19253
Revised Code. 19254

(B) The certification shall be filed with the superintendent 19255
not later than the thirty-first day of March. 19256

Sec. 1739.20. (A) No multiple employer welfare arrangement 19257
operating a group self-insurance program shall do any of the 19258
following: 19259

(1) Refuse, without just cause, to pay proper claims arising 19260
under coverage provided by the arrangement; 19261

(2) Compel, without just cause, employee claimants of members 19262
or other persons entitled to the proceeds of the coverage to 19263
accept less than the amount due them; 19264

(3) Compel, without just cause, employee claimants of members 19265
or other persons entitled to the proceeds of the coverage to bring 19266
an action against the arrangement to secure full payment or 19267
settlement thereof; 19268

(4) Enroll a member into the group self-insurance program 19269
until the arrangement has provided to the member written 19270
notification stating that the member may be required to make 19271
additional payments in the event the program has insufficient 19272
funds to cover its liabilities. The arrangement shall maintain a 19273
copy of the notification in its program files to evidence 19274
compliance with this requirement. 19275

(B) No officer, director, trustee, third-party administrator, 19276
member of any board or committee, or employee of a multiple 19277
employer welfare arrangement operating a group self-insurance 19278
program who is charged with the duty of investing or handling the 19279
arrangement's assets shall do any of the following: 19280

(1) Deposit or invest the assets except in the name of the 19281
arrangement; 19282

(2) Borrow the assets of the arrangement; 19283

(3) Have a pecuniary interest in any loan, pledge of deposit, 19284
security, investment, sale, purchase, exchange, reinsurance, or 19285
other similar transaction or property of the arrangement; 19286

(4) Take or receive for ~~his own~~ personal use any fee, 19287
brokerage, commission, gift, or other consideration for, or use 19288
any fee, brokerage, commission, gift, or other consideration for, 19289
or on account of any transaction made by or on behalf of the 19290
arrangement. Division (B)(4) of this section does not prevent 19291
either of the following: 19292

(a) The reimbursement of a third-party administrator for 19293
administrative services related to the adjustment and settlement 19294
of claims pursuant to a contract with an arrangement; 19295

(b) The payment of reasonable compensation to a corporation 19296
or firm, which is affiliated with ~~a trade association, industry~~ 19297
~~association, or professional association~~ any of the groups listed 19298
in division (A) of section 1739.02 of the Revised Code that 19299
establishes, maintains, or operates the arrangement, for necessary 19300
services performed or sales or purchases made to or for the 19301
arrangement in the ordinary course of the arrangement's business. 19302

(C) No multiple employer welfare arrangement operating a 19303
group self-insurance program shall guarantee any financial 19304
obligation of any of its officers, directors, trustees, board or 19305
committee members, or third-party administrators. 19306

(D) This section does not prohibit a trustee, officer, 19307
director, member of a board or committee, or employee of a 19308
multiple employer welfare arrangement operating a group 19309
self-insurance program from being covered by the arrangement as a 19310
member or an employee of a member. 19311

(E) The superintendent of insurance may allow, by rule, 19312
exceptions to division (B) of this section to allow the payment of 19313
reasonable compensation to a trustee or third-party administrator 19314
who is not an officer or employee of the multiple employer welfare 19315
arrangement operating a group self-insurance program or to a 19316
corporation or firm with which a trustee or third-party 19317

administrator is affiliated, for necessary services performed or 19318
sales or purchases made to or for the arrangement in the ordinary 19319
course of the arrangement's business and in the usual, private, 19320
professional or business capacity of the trustee, third-party 19321
administrator, corporation, or firm. 19322

Sec. 1739.21. (A) The superintendent of insurance, after 19323
notice and opportunity for hearing in accordance with Chapter 119. 19324
of the Revised Code, may impose a fine upon a multiple employer 19325
welfare arrangement operating a group self-insurance program, a 19326
third-party administrator, or other entity ~~if he finds~~ after 19327
finding either of the following: 19328

(1) The arrangement, third-party administrator, or other 19329
entity, through the acts of its officers, directors, board or 19330
committee members, employees, agents, or representatives, has 19331
engaged in an act in violation of any applicable provision of 19332
division (B) of section 1739.02, division (F) of section 1739.09, 19333
or division (A), (B), or (C) of section 1739.20 of the Revised 19334
Code or of any rule or order adopted or issued by the 19335
superintendent to enforce or carry out the purposes of such 19336
sections; 19337

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 19338
of the Revised Code, or any rule or order adopted or issued by the 19339
superintendent to enforce or carry out the purposes of such 19340
section, applies to the arrangement, third-party administrator, or 19341
other entity. 19342

(B) The fine imposed for any violation described in division 19343
(A) of this section shall not exceed one thousand dollars for each 19344
violation, except that a fine of not more than five thousand 19345
dollars may be imposed for each act of willful misconduct 19346
constituting a violation described in division (A) of this 19347
section. 19348

(C) In addition to any penalty provided under this section, the superintendent, in lieu of an order of suspension or revocation under section 1739.04 of the Revised Code, may place any multiple employer welfare arrangement on probation for a period not to exceed one year for each violation described in division (A) of this section, and may subject the arrangement to a fine of up to one thousand dollars for each such violation. If the arrangement or its third-party administrator knew or reasonably should have known that the arrangement was engaged in a violation described in division (A) of this section, the fine provided in this division may be increased to an amount up to five thousand dollars for each such violation.

(D)(1) If the superintendent places an arrangement on probation under division (C) of this section, the superintendent may appoint a supervisor to supervise the arrangement and may prohibit the arrangement from doing any of the following, during the period of probation, without the prior approval of the ~~superintendent~~ superintendent or the supervisor:

(a) Dispose of, convey, or encumber any of its assets or its business in force;

(b) Withdraw from any of its bank accounts;

(c) Lend any of its funds;

(d) Invest any of its funds;

(e) Transfer any of its property;

(f) Incur any debt, obligation, or liability;

(g) Merge or consolidate with another company;

(h) Enter into any new reinsurance contract or treaty.

(2) All expenses incurred as a result of probation shall be borne by the arrangement.

(E) All fines collected under this section shall be paid into

the state treasury to the credit of the department of insurance 19379
operating fund created under section 3901.021 of the Revised Code. 19380

Sec. 1751.18. (A)(1) No health insuring corporation shall 19381
cancel or fail to renew the coverage of a subscriber or enrollee 19382
because of any health status-related factor in relation to the 19383
subscriber or enrollee, the subscriber's or enrollee's 19384
requirements for health care services, or for any other reason 19385
designated under rules adopted by the superintendent of insurance. 19386

(2) Unless otherwise required by state or federal law, no 19387
health insuring corporation, or health care facility or provider 19388
through which the health insuring corporation has made 19389
arrangements to provide health care services, shall discriminate 19390
against any individual with regard to enrollment, disenrollment, 19391
or the quality of health care services rendered, on the basis of 19392
the individual's race, color, sex, age, religion, military status 19393
as defined in section 4112.01 of the Revised Code, or status as a 19394
recipient of medicare or medicaid, or any health status-related 19395
factor in relation to the individual. However, a health insuring 19396
corporation shall not be required to accept a recipient of 19397
medicare or medical assistance, if an agreement has not been 19398
reached on appropriate payment mechanisms between the health 19399
insuring corporation and the governmental agency administering 19400
these programs. Further, except for open enrollment coverage under 19401
sections 3923.58 and 3923.581 of the Revised Code and except as 19402
provided in section 1751.65 of the Revised Code, a health insuring 19403
corporation may reject an applicant for nongroup enrollment on the 19404
basis of any health status-related factor in relation to the 19405
applicant. 19406

(B) A health insuring corporation may cancel or decide not to 19407
renew the coverage of an enrollee if the enrollee has performed an 19408
act or practice that constitutes fraud or intentional 19409

misrepresentation of material fact under the terms of the coverage 19410
and if the cancellation or nonrenewal is not based, either 19411
directly or indirectly, on any health status-related factor in 19412
relation to the enrollee. 19413

(C) An enrollee may appeal any action or decision of a health 19414
insuring corporation taken pursuant to section 2742(b) to (e) of 19415
the "Health Insurance Portability and Accountability Act of 1996," 19416
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 19417
amended. To appeal, the enrollee may submit a written complaint to 19418
the health insuring corporation pursuant to section 1751.19 of the 19419
Revised Code. The enrollee may, within thirty days after receiving 19420
a written response from the health insuring corporation, appeal 19421
the health insuring corporation's action or decision to the 19422
superintendent. 19423

(D) As used in this section, "health status-related factor" 19424
means any of the following: 19425

(1) Health status; 19426

(2) Medical condition, including both physical and mental 19427
illnesses; 19428

(3) Claims experience; 19429

(4) Receipt of health care; 19430

(5) Medical history; 19431

(6) Genetic information; 19432

(7) Evidence of insurability, including conditions arising 19433
out of acts of domestic violence; 19434

(8) Disability. 19435

Sec. 1751.65. (A) As used in this section, "genetic screening 19436
or testing" means a laboratory test of a person's genes or 19437
chromosomes for abnormalities, defects, or deficiencies, including 19438

carrier status, that are linked to physical or mental disorders or 19439
impairments, or that indicate a susceptibility to illness, 19440
disease, or other disorders, whether physical or mental, which 19441
test is a direct test for abnormalities, defects, or deficiencies, 19442
and not an indirect manifestation of genetic disorders. 19443
19444

(B) ~~Upon the repeal of section 1751.64 of the Revised Code,~~ 19445
~~no~~ No health insuring corporation shall do either of the 19446
following: 19447

(1) Consider any information obtained from genetic screening 19448
or testing in processing an application for coverage for health 19449
care services under an individual or group policy, contract, or 19450
agreement or in determining insurability under such a policy, 19451
contract, or agreement; 19452

(2) Inquire, directly or indirectly, into the results of 19453
genetic screening or testing or use such information, in whole or 19454
in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits 19455
under, or set premiums for, an individual or group policy, 19456
contract, or agreement. 19457

(C) Any health insuring corporation that has engaged in, is 19458
engaged in, or is about to engage in a violation of division (B) 19459
of this section is subject to the jurisdiction of the 19460
superintendent of insurance under section 3901.04 of the Revised 19461
Code. 19462

Sec. 2106.19. (A) Upon the death of a married resident who 19463
owned at least one watercraft, one watercraft trailer, one 19464
outboard motor, or one of each at the time of death, the interest 19465
of the deceased spouse in one watercraft, one watercraft trailer, 19466
one outboard motor, or one of each that is not otherwise 19467
specifically disposed of by testamentary disposition and that is 19468
selected by the surviving spouse immediately shall pass to the 19469

surviving spouse upon receipt by the clerk of the court of common 19470
pleas, or in the case of an untitled but registered watercraft 19471
trailer, upon receipt by the bureau of motor vehicles, of both of 19472
the following: 19473

(1) The title executed by the surviving spouse, if titled; 19474

(2) An affidavit sworn by the surviving spouse stating the 19475
date of the decedent's death, a description of the watercraft, 19476
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 19477
approximate value, and that the watercraft, watercraft trailer, or 19478
outboard motor, ~~or both are~~ is not disposed of by testamentary 19479
disposition. 19480

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 19481
~~both~~ shall not be considered an estate asset and shall not be 19482
included and stated in the estate inventory. 19483

Transfer of a decedent's interest under this division does 19484
not affect the existence of any lien against a watercraft, 19485
watercraft trailer, or outboard motor so transferred. 19486

(B) Except for a watercraft, watercraft trailer, or outboard 19487
motor, ~~or both~~ transferred as provided in division (A) of this 19488
section, the executor or administrator may transfer title to a 19489
watercraft, watercraft trailer, or outboard motor in the manner 19490
provided for transfer of an automobile under divisions (B) and (C) 19491
of section 2106.18 of the Revised Code. 19492

(C) A watercraft trailer under this section only refers to 19493
one trailer used to transport the watercraft transferred under 19494
this section. 19495

Sec. 2113.35. (A) Executors and administrators shall be 19496
allowed fees upon the amount of all the personal property, 19497
including the income from the personal property, that is received 19498
and accounted for by them and upon the proceeds of real property 19499

that is sold, as follows: 19500

(1) For the first one hundred thousand dollars, at the rate 19501
of four per cent; 19502

(2) All above one hundred thousand dollars and not exceeding 19503
four hundred thousand dollars, at the rate of three per cent; 19504

(3) All above four hundred thousand dollars, at the rate of 19505
two per cent. 19506

(B) Executors and administrators shall be allowed a fee of 19507
one per cent on the value of real property that is not sold. 19508
Executors and administrators also shall be allowed a fee of one 19509
per cent on all property that is not subject to administration and 19510
that ~~is~~ would have been includable for purposes of computing the 19511
Ohio estate tax, except joint and survivorship property, had the 19512
decedent died on December 31, 2012. 19513

(C) The basis of valuation for the allowance of the fees on 19514
real property sold shall be the gross proceeds of sale, and for 19515
all other property the fair market value of the other property as 19516
of the date of death of the decedent. The fees allowed to 19517
executors and administrators in this section shall be received in 19518
full compensation for all their ordinary services. 19519

(D) If the probate court finds, after a hearing, that an 19520
executor or administrator, in any respect, has not faithfully 19521
discharged the duties as executor or administrator, the court may 19522
deny the executor or administrator any compensation whatsoever or 19523
may allow the executor or administrator the reduced compensation 19524
that the court thinks proper. 19525

Sec. 2151.011. (A) As used in the Revised Code: 19526

(1) "Juvenile court" means whichever of the following is 19527
applicable that has jurisdiction under this chapter and Chapter 19528
2152. of the Revised Code: 19529

(a) The division of the court of common pleas specified in 19530
section 2101.022 or 2301.03 of the Revised Code as having 19531
jurisdiction under this chapter and Chapter 2152. of the Revised 19532
Code or as being the juvenile division or the juvenile division 19533
combined with one or more other divisions; 19534

(b) The juvenile court of Cuyahoga county or Hamilton county 19535
that is separately and independently created by section 2151.08 or 19536
Chapter 2153. of the Revised Code and that has jurisdiction under 19537
this chapter and Chapter 2152. of the Revised Code; 19538

(c) If division (A)(1)(a) or (b) of this section does not 19539
apply, the probate division of the court of common pleas. 19540

(2) "Juvenile judge" means a judge of a court having 19541
jurisdiction under this chapter. 19542

(3) "Private child placing agency" means any association, as 19543
defined in section 5103.02 of the Revised Code, that is certified 19544
under section 5103.03 of the Revised Code to accept temporary, 19545
permanent, or legal custody of children and place the children for 19546
either foster care or adoption. 19547

(4) "Private noncustodial agency" means any person, 19548
organization, association, or society certified by the department 19549
of job and family services that does not accept temporary or 19550
permanent legal custody of children, that is privately operated in 19551
this state, and that does one or more of the following: 19552

(a) Receives and cares for children for two or more 19553
consecutive weeks; 19554

(b) Participates in the placement of children in certified 19555
foster homes; 19556

(c) Provides adoption services in conjunction with a public 19557
children services agency or private child placing agency. 19558

(B) As used in this chapter: 19559

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home,"

"licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

- (13) "Delinquent child" has the same meaning as in section 19622
2152.02 of the Revised Code. 19623
- (14) "Detention" means the temporary care of children pending 19624
court adjudication or disposition, or execution of a court order, 19625
in a public or private facility designed to physically restrict 19626
the movement and activities of children. 19627
- (15) "Developmental disability" has the same meaning as in 19628
section 5123.01 of the Revised Code. 19629
- (16) "Differential response approach" means an approach that 19630
a public children services agency may use to respond to accepted 19631
reports of child abuse or neglect with either an alternative 19632
response or a traditional response. 19633
- (17) "Foster caregiver" has the same meaning as in section 19634
5103.02 of the Revised Code. 19635
- (18) "Guardian" means a person, association, or corporation 19636
that is granted authority by a probate court pursuant to Chapter 19637
2111. of the Revised Code to exercise parental rights over a child 19638
to the extent provided in the court's order and subject to the 19639
residual parental rights of the child's parents. 19640
- (19) "Habitual truant" means any child of compulsory school 19641
age who is absent without legitimate excuse for absence from the 19642
public school the child is supposed to attend for five or more 19643
consecutive school days, seven or more school days in one school 19644
month, or twelve or more school days in a school year. 19645
- (20) "Juvenile traffic offender" has the same meaning as in 19646
section 2152.02 of the Revised Code. 19647
- (21) "Legal custody" means a legal status that vests in the 19648
custodian the right to have physical care and control of the child 19649
and to determine where and with whom the child shall live, and the 19650
right and duty to protect, train, and discipline the child and to 19651

provide the child with food, shelter, education, and medical care, 19652
all subject to any residual parental rights, privileges, and 19653
responsibilities. An individual granted legal custody shall 19654
exercise the rights and responsibilities personally unless 19655
otherwise authorized by any section of the Revised Code or by the 19656
court. 19657

(22) A "legitimate excuse for absence from the public school 19658
the child is supposed to attend" includes, but is not limited to, 19659
any of the following: 19660

(a) The fact that the child in question has enrolled in and 19661
is attending another public or nonpublic school in this or another 19662
state; 19663

(b) The fact that the child in question is excused from 19664
attendance at school for any of the reasons specified in section 19665
3321.04 of the Revised Code; 19666

(c) The fact that the child in question has received an age 19667
and schooling certificate in accordance with section 3331.01 of 19668
the Revised Code. 19669

(23) "Mental illness" and "mentally ill person subject to 19670
court order" have the same meanings as in section 5122.01 of the 19671
Revised Code. 19672

(24) "Mental injury" means any behavioral, cognitive, 19673
emotional, or mental disorder in a child caused by an act or 19674
omission that is described in section 2919.22 of the Revised Code 19675
and is committed by the parent or other person responsible for the 19676
child's care. 19677

(25) "Mentally retarded person" has the same meaning as in 19678
section 5123.01 of the Revised Code. 19679

(26) "Nonsecure care, supervision, or training" means care, 19680
supervision, or training of a child in a facility that does not 19681

confine or prevent movement of the child within the facility or 19682
from the facility. 19683

(27) "Of compulsory school age" has the same meaning as in 19684
section 3321.01 of the Revised Code. 19685

(28) "Organization" means any institution, public, 19686
semipublic, or private, and any private association, society, or 19687
agency located or operating in the state, incorporated or 19688
unincorporated, having among its functions the furnishing of 19689
protective services or care for children, or the placement of 19690
children in certified foster homes or elsewhere. 19691

(29) "Out-of-home care" means detention facilities, shelter 19692
facilities, certified children's crisis care facilities, certified 19693
foster homes, placement in a prospective adoptive home prior to 19694
the issuance of a final decree of adoption, organizations, 19695
certified organizations, child day-care centers, type A family 19696
day-care homes, type B family day-care homes, child care provided 19697
by in-home aides, group home providers, group homes, institutions, 19698
state institutions, residential facilities, residential care 19699
facilities, residential camps, day camps, private, nonprofit 19700
therapeutic wilderness camps, public schools, chartered nonpublic 19701
schools, educational service centers, hospitals, and medical 19702
clinics that are responsible for the care, physical custody, or 19703
control of children. 19704

(30) "Out-of-home care child abuse" means any of the 19705
following when committed by a person responsible for the care of a 19706
child in out-of-home care: 19707

(a) Engaging in sexual activity with a child in the person's 19708
care; 19709

(b) Denial to a child, as a means of punishment, of proper or 19710
necessary subsistence, education, medical care, or other care 19711
necessary for a child's health; 19712

(c) Use of restraint procedures on a child that cause injury or pain;	19713 19714
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	19715 19716 19717
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	19718 19719 19720 19721 19722
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	19723 19724 19725
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	19726 19727 19728
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	19729 19730 19731 19732
(c) Failure to develop a process for all of the following:	19733
(i) Administration of prescription drugs or psychotropic drugs for the child;	19734 19735
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	19736 19737
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	19738 19739 19740
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary	19741 19742

for the health or well-being of the child;	19743
(e) Confinement of the child to a locked room without monitoring by staff;	19744 19745
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	19746 19747
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	19748 19749 19750
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	19751 19752 19753 19754 19755 19756
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	19757 19758 19759 19760 19761
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	19762 19763 19764
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	19765 19766
(a) Any foster caregiver, in-home aide, or provider;	19767
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home;	19768 19769 19770 19771 19772

institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without

the termination of parental rights. 19803

(b) The order permits the agency to make an appropriate 19804
placement of the child and to enter into a written agreement with 19805
a foster care provider or with another person or agency with whom 19806
the child is placed. 19807

(40) "Practice of social work" and "practice of professional 19808
counseling" have the same meanings as in section 4757.01 of the 19809
Revised Code. 19810

(41) "Private, nonprofit therapeutic wilderness camp" has the 19811
same meaning as in section 5103.02 of the Revised Code. 19812

(42) "Sanction, service, or condition" means a sanction, 19813
service, or condition created by court order following an 19814
adjudication that a child is an unruly child that is described in 19815
division (A)(4) of section 2152.19 of the Revised Code. 19816

~~(42)~~(43) "Protective supervision" means an order of 19817
disposition pursuant to which the court permits an abused, 19818
neglected, dependent, or unruly child to remain in the custody of 19819
the child's parents, guardian, or custodian and stay in the 19820
child's home, subject to any conditions and limitations upon the 19821
child, the child's parents, guardian, or custodian, or any other 19822
person that the court prescribes, including supervision as 19823
directed by the court for the protection of the child. 19824

~~(43)~~(44) "Psychiatrist" has the same meaning as in section 19825
5122.01 of the Revised Code. 19826

~~(44)~~(45) "Psychologist" has the same meaning as in section 19827
4732.01 of the Revised Code. 19828

~~(45)~~(46) "Residential camp" means a program in which the 19829
care, physical custody, or control of children is accepted 19830
overnight for recreational or recreational and educational 19831
purposes. 19832

~~(46)~~(47) "Residential care facility" means an institution, 19833
residence, or facility that is licensed by the department of 19834
mental health and addiction services under section 5119.34 of the 19835
Revised Code and that provides care for a child. 19836

~~(47)~~(48) "Residential facility" means a home or facility that 19837
is licensed by the department of developmental disabilities under 19838
section 5123.19 of the Revised Code and in which a child with a 19839
developmental disability resides. 19840

~~(48)~~(49) "Residual parental rights, privileges, and 19841
responsibilities" means those rights, privileges, and 19842
responsibilities remaining with the natural parent after the 19843
transfer of legal custody of the child, including, but not 19844
necessarily limited to, the privilege of reasonable visitation, 19845
consent to adoption, the privilege to determine the child's 19846
religious affiliation, and the responsibility for support. 19847

~~(49)~~(50) "School day" means the school day established by the 19848
board of education of the applicable school district pursuant to 19849
section 3313.481 of the Revised Code. 19850

~~(50)~~(51) "School year" has the same meaning as in section 19851
3313.62 of the Revised Code. 19852

~~(51)~~(52) "Secure correctional facility" means a facility 19853
under the direction of the department of youth services that is 19854
designed to physically restrict the movement and activities of 19855
children and used for the placement of children after adjudication 19856
and disposition. 19857

~~(52)~~(53) "Sexual activity" has the same meaning as in section 19858
2907.01 of the Revised Code. 19859

~~(53)~~(54) "Shelter" means the temporary care of children in 19860
physically unrestricted facilities pending court adjudication or 19861
disposition. 19862

~~(54)~~(55) "Shelter for victims of domestic violence" has the 19863
same meaning as in section 3113.33 of the Revised Code. 19864

~~(55)~~(56) "Temporary custody" means legal custody of a child 19865
who is removed from the child's home, which custody may be 19866
terminated at any time at the discretion of the court or, if the 19867
legal custody is granted in an agreement for temporary custody, by 19868
the person who executed the agreement. 19869

~~(56)~~(57) "Traditional response" means a public children 19870
services agency's response to a report of child abuse or neglect 19871
that encourages engagement of the family in a comprehensive 19872
evaluation of the child's current and future safety needs and a 19873
fact-finding process to determine whether child abuse or neglect 19874
occurred and the circumstances surrounding the alleged harm or 19875
risk of harm. 19876

(C) For the purposes of this chapter, a child shall be 19877
presumed abandoned when the parents of the child have failed to 19878
visit or maintain contact with the child for more than ninety 19879
days, regardless of whether the parents resume contact with the 19880
child after that period of ninety days. 19881

Sec. 2151.3514. (A) As used in this section: 19882

(1) "Community addiction services provider" has the same 19883
meaning as in section 5119.01 of the Revised Code; 19884

(2) "Chemical dependency" means either of the following: 19885

(a) The chronic and habitual use of alcoholic beverages to 19886
the extent that the user no longer can control the use of alcohol 19887
or endangers the user's health, safety, or welfare or that of 19888
others; 19889

(b) The use of a drug of abuse to the extent that the user 19890
becomes physically or psychologically dependent on the drug or 19891
endangers the user's health, safety, or welfare or that of others. 19892

(3) "Drug of abuse" has the same meaning as in section 19893
3719.011 of the Revised Code. 19894

(B) If the juvenile court issues an order of temporary 19895
custody or protective supervision under division (A) of section 19896
2151.353 of the Revised Code with respect to a child adjudicated 19897
to be an abused, neglected, or dependent child and the alcohol or 19898
other drug addiction of a parent or other caregiver of the child 19899
was the basis for the adjudication of abuse, neglect, or 19900
dependency, the court shall issue an order requiring the parent or 19901
other caregiver to submit to an assessment and, if needed, 19902
treatment from a community addiction services provider ~~certified~~ 19903
~~by the department of mental health and addiction services.~~ The 19904
court may order the parent or other caregiver to submit to alcohol 19905
or other drug testing during, after, or both during and after, the 19906
treatment. The court shall send any order issued pursuant to this 19907
division to the public children services agency that serves the 19908
county in which the court is located for use as described in 19909
section 340.15 of the Revised Code. 19910

(C) Any order requiring alcohol or other drug testing that is 19911
issued pursuant to division (B) of this section shall require one 19912
alcohol or other drug test to be conducted each month during a 19913
period of twelve consecutive months beginning the month 19914
immediately following the month in which the order for alcohol or 19915
other drug testing is issued. Arrangements for administering the 19916
alcohol or other drug tests, as well as funding the costs of the 19917
tests, shall be locally determined in accordance with sections 19918
340.03 and 340.15 of the Revised Code. If a parent or other 19919
caregiver required to submit to alcohol or other drug tests under 19920
this section is not a recipient of medicaid, the agency that 19921
refers the parent or caregiver for the tests may require the 19922
parent or caregiver to reimburse the agency for the cost of 19923
conducting the tests. 19924

(D) The ~~certified~~ community addiction services provider that 19925
conducts any alcohol or other drug tests ordered in accordance 19926
with divisions (B) and (C) of this section shall send the results 19927
of the tests, along with the provider's recommendations as to the 19928
benefits of continued treatment, to the court and to the public 19929
children services agency providing services to the involved 19930
family, according to federal regulations set forth in 42 C.F.R. 19931
Part 2, and division (B) of section 340.15 of the Revised Code. 19932
The court shall consider the results and the recommendations sent 19933
to it under this division in any adjudication or review by the 19934
court, according to section 2151.353, 2151.414, or 2151.419 of the 19935
Revised Code. 19936

Sec. 2151.421. (A)(1)(a) No person described in division 19937
(A)(1)(b) of this section who is acting in an official or 19938
professional capacity and knows, or has reasonable cause to 19939
suspect based on facts that would cause a reasonable person in a 19940
similar position to suspect, that a child under eighteen years of 19941
age or a mentally retarded, developmentally disabled, or 19942
physically impaired child under twenty-one years of age has 19943
suffered or faces a threat of suffering any physical or mental 19944
wound, injury, disability, or condition of a nature that 19945
reasonably indicates abuse or neglect of the child shall fail to 19946
immediately report that knowledge or reasonable cause to suspect 19947
to the entity or persons specified in this division. Except as 19948
provided in section 5120.173 of the Revised Code, the person 19949
making the report shall make it to the public children services 19950
agency or a municipal or county peace officer in the county in 19951
which the child resides or in which the abuse or neglect is 19952
occurring or has occurred. In the circumstances described in 19953
section 5120.173 of the Revised Code, the person making the report 19954
shall make it to the entity specified in that section. 19955

(b) Division (A)(1)(a) of this section applies to any person 19956

who is an attorney; physician, including a hospital intern or 19957
resident; dentist; podiatrist; practitioner of a limited branch of 19958
medicine as specified in section 4731.15 of the Revised Code; 19959
registered nurse; licensed practical nurse; visiting nurse; other 19960
health care professional; licensed psychologist; licensed school 19961
psychologist; independent marriage and family therapist or 19962
marriage and family therapist; speech pathologist or audiologist; 19963
coroner; administrator or employee of a child day-care center; 19964
administrator or employee of a residential camp ~~or~~ child day 19965
camp, or private, nonprofit therapeutic wilderness camp; 19966
administrator or employee of a certified child care agency or 19967
other public or private children services agency; school teacher; 19968
school employee; school authority; person engaged in social work 19969
or the practice of professional counseling; agent of a county 19970
humane society; person, other than a cleric, rendering spiritual 19971
treatment through prayer in accordance with the tenets of a 19972
well-recognized religion; employee of a county department of job 19973
and family services who is a professional and who works with 19974
children and families; superintendent or regional administrator 19975
employed by the department of youth services; superintendent, 19976
board member, or employee of a county board of developmental 19977
disabilities; investigative agent contracted with by a county 19978
board of developmental disabilities; employee of the department of 19979
developmental disabilities; employee of a facility or home that 19980
provides respite care in accordance with section 5123.171 of the 19981
Revised Code; employee of a home health agency; employee of an 19982
entity that provides homemaker services; a person performing the 19983
duties of an assessor pursuant to Chapter 3107. or 5103. of the 19984
Revised Code; third party employed by a public children services 19985
agency to assist in providing child or family related services; 19986
court appointed special advocate; or guardian ad litem. 19987

(2) Except as provided in division (A)(3) of this section, an 19988
attorney or a physician is not required to make a report pursuant 19989

to division (A)(1) of this section concerning any communication 19990
the attorney or physician receives from a client or patient in an 19991
attorney-client or physician-patient relationship, if, in 19992
accordance with division (A) or (B) of section 2317.02 of the 19993
Revised Code, the attorney or physician could not testify with 19994
respect to that communication in a civil or criminal proceeding. 19995

(3) The client or patient in an attorney-client or 19996
physician-patient relationship described in division (A)(2) of 19997
this section is deemed to have waived any testimonial privilege 19998
under division (A) or (B) of section 2317.02 of the Revised Code 19999
with respect to any communication the attorney or physician 20000
receives from the client or patient in that attorney-client or 20001
physician-patient relationship, and the attorney or physician 20002
shall make a report pursuant to division (A)(1) of this section 20003
with respect to that communication, if all of the following apply: 20004

(a) The client or patient, at the time of the communication, 20005
is either a child under eighteen years of age or a mentally 20006
retarded, developmentally disabled, or physically impaired person 20007
under twenty-one years of age. 20008

(b) The attorney or physician knows, or has reasonable cause 20009
to suspect based on facts that would cause a reasonable person in 20010
similar position to suspect, as a result of the communication or 20011
any observations made during that communication, that the client 20012
or patient has suffered or faces a threat of suffering any 20013
physical or mental wound, injury, disability, or condition of a 20014
nature that reasonably indicates abuse or neglect of the client or 20015
patient. 20016

(c) The abuse or neglect does not arise out of the client's 20017
or patient's attempt to have an abortion without the notification 20018
of her parents, guardian, or custodian in accordance with section 20019
2151.85 of the Revised Code. 20020

(4)(a) No cleric and no person, other than a volunteer, 20021
designated by any church, religious society, or faith acting as a 20022
leader, official, or delegate on behalf of the church, religious 20023
society, or faith who is acting in an official or professional 20024
capacity, who knows, or has reasonable cause to believe based on 20025
facts that would cause a reasonable person in a similar position 20026
to believe, that a child under eighteen years of age or a mentally 20027
retarded, developmentally disabled, or physically impaired child 20028
under twenty-one years of age has suffered or faces a threat of 20029
suffering any physical or mental wound, injury, disability, or 20030
condition of a nature that reasonably indicates abuse or neglect 20031
of the child, and who knows, or has reasonable cause to believe 20032
based on facts that would cause a reasonable person in a similar 20033
position to believe, that another cleric or another person, other 20034
than a volunteer, designated by a church, religious society, or 20035
faith acting as a leader, official, or delegate on behalf of the 20036
church, religious society, or faith caused, or poses the threat of 20037
causing, the wound, injury, disability, or condition that 20038
reasonably indicates abuse or neglect shall fail to immediately 20039
report that knowledge or reasonable cause to believe to the entity 20040
or persons specified in this division. Except as provided in 20041
section 5120.173 of the Revised Code, the person making the report 20042
shall make it to the public children services agency or a 20043
municipal or county peace officer in the county in which the child 20044
resides or in which the abuse or neglect is occurring or has 20045
occurred. In the circumstances described in section 5120.173 of 20046
the Revised Code, the person making the report shall make it to 20047
the entity specified in that section. 20048

(b) Except as provided in division (A)(4)(c) of this section, 20049
a cleric is not required to make a report pursuant to division 20050
(A)(4)(a) of this section concerning any communication the cleric 20051
receives from a penitent in a cleric-penitent relationship, if, in 20052
accordance with division (C) of section 2317.02 of the Revised 20053

Code, the cleric could not testify with respect to that 20054
communication in a civil or criminal proceeding. 20055

(c) The penitent in a cleric-penitent relationship described 20056
in division (A)(4)(b) of this section is deemed to have waived any 20057
testimonial privilege under division (C) of section 2317.02 of the 20058
Revised Code with respect to any communication the cleric receives 20059
from the penitent in that cleric-penitent relationship, and the 20060
cleric shall make a report pursuant to division (A)(4)(a) of this 20061
section with respect to that communication, if all of the 20062
following apply: 20063

(i) The penitent, at the time of the communication, is either 20064
a child under eighteen years of age or a mentally retarded, 20065
developmentally disabled, or physically impaired person under 20066
twenty-one years of age. 20067

(ii) The cleric knows, or has reasonable cause to believe 20068
based on facts that would cause a reasonable person in a similar 20069
position to believe, as a result of the communication or any 20070
observations made during that communication, the penitent has 20071
suffered or faces a threat of suffering any physical or mental 20072
wound, injury, disability, or condition of a nature that 20073
reasonably indicates abuse or neglect of the penitent. 20074

(iii) The abuse or neglect does not arise out of the 20075
penitent's attempt to have an abortion performed upon a child 20076
under eighteen years of age or upon a mentally retarded, 20077
developmentally disabled, or physically impaired person under 20078
twenty-one years of age without the notification of her parents, 20079
guardian, or custodian in accordance with section 2151.85 of the 20080
Revised Code. 20081

(d) Divisions (A)(4)(a) and (c) of this section do not apply 20082
in a cleric-penitent relationship when the disclosure of any 20083
communication the cleric receives from the penitent is in 20084

violation of the sacred trust. 20085

(e) As used in divisions (A)(1) and (4) of this section, 20086
"cleric" and "sacred trust" have the same meanings as in section 20087
2317.02 of the Revised Code. 20088

(B) Anyone who knows, or has reasonable cause to suspect 20089
based on facts that would cause a reasonable person in similar 20090
circumstances to suspect, that a child under eighteen years of age 20091
or a mentally retarded, developmentally disabled, or physically 20092
impaired person under twenty-one years of age has suffered or 20093
faces a threat of suffering any physical or mental wound, injury, 20094
disability, or other condition of a nature that reasonably 20095
indicates abuse or neglect of the child may report or cause 20096
reports to be made of that knowledge or reasonable cause to 20097
suspect to the entity or persons specified in this division. 20098
Except as provided in section 5120.173 of the Revised Code, a 20099
person making a report or causing a report to be made under this 20100
division shall make it or cause it to be made to the public 20101
children services agency or to a municipal or county peace 20102
officer. In the circumstances described in section 5120.173 of the 20103
Revised Code, a person making a report or causing a report to be 20104
made under this division shall make it or cause it to be made to 20105
the entity specified in that section. 20106

(C) Any report made pursuant to division (A) or (B) of this 20107
section shall be made forthwith either by telephone or in person 20108
and shall be followed by a written report, if requested by the 20109
receiving agency or officer. The written report shall contain: 20110

(1) The names and addresses of the child and the child's 20111
parents or the person or persons having custody of the child, if 20112
known; 20113

(2) The child's age and the nature and extent of the child's 20114
injuries, abuse, or neglect that is known or reasonably suspected 20115

or believed, as applicable, to have occurred or of the threat of 20116
injury, abuse, or neglect that is known or reasonably suspected or 20117
believed, as applicable, to exist, including any evidence of 20118
previous injuries, abuse, or neglect; 20119

(3) Any other information that might be helpful in 20120
establishing the cause of the injury, abuse, or neglect that is 20121
known or reasonably suspected or believed, as applicable, to have 20122
occurred or of the threat of injury, abuse, or neglect that is 20123
known or reasonably suspected or believed, as applicable, to 20124
exist. 20125

Any person, who is required by division (A) of this section 20126
to report child abuse or child neglect that is known or reasonably 20127
suspected or believed to have occurred, may take or cause to be 20128
taken color photographs of areas of trauma visible on a child and, 20129
if medically indicated, cause to be performed radiological 20130
examinations of the child. 20131

(D) As used in this division, "children's advocacy center" 20132
and "sexual abuse of a child" have the same meanings as in section 20133
2151.425 of the Revised Code. 20134

(1) When a municipal or county peace officer receives a 20135
report concerning the possible abuse or neglect of a child or the 20136
possible threat of abuse or neglect of a child, upon receipt of 20137
the report, the municipal or county peace officer who receives the 20138
report shall refer the report to the appropriate public children 20139
services agency. 20140

(2) When a public children services agency receives a report 20141
pursuant to this division or division (A) or (B) of this section, 20142
upon receipt of the report, the public children services agency 20143
shall do both of the following: 20144

(a) Comply with section 2151.422 of the Revised Code; 20145

(b) If the county served by the agency is also served by a 20146

children's advocacy center and the report alleges sexual abuse of 20147
a child or another type of abuse of a child that is specified in 20148
the memorandum of understanding that creates the center as being 20149
within the center's jurisdiction, comply regarding the report with 20150
the protocol and procedures for referrals and investigations, with 20151
the coordinating activities, and with the authority or 20152
responsibility for performing or providing functions, activities, 20153
and services stipulated in the interagency agreement entered into 20154
under section 2151.428 of the Revised Code relative to that 20155
center. 20156

(E) No township, municipal, or county peace officer shall 20157
remove a child about whom a report is made pursuant to this 20158
section from the child's parents, stepparents, or guardian or any 20159
other persons having custody of the child without consultation 20160
with the public children services agency, unless, in the judgment 20161
of the officer, and, if the report was made by physician, the 20162
physician, immediate removal is considered essential to protect 20163
the child from further abuse or neglect. The agency that must be 20164
consulted shall be the agency conducting the investigation of the 20165
report as determined pursuant to section 2151.422 of the Revised 20166
Code. 20167

(F)(1) Except as provided in section 2151.422 of the Revised 20168
Code or in an interagency agreement entered into under section 20169
2151.428 of the Revised Code that applies to the particular 20170
report, the public children services agency shall investigate, 20171
within twenty-four hours, each report of child abuse or child 20172
neglect that is known or reasonably suspected or believed to have 20173
occurred and of a threat of child abuse or child neglect that is 20174
known or reasonably suspected or believed to exist that is 20175
referred to it under this section to determine the circumstances 20176
surrounding the injuries, abuse, or neglect or the threat of 20177
injury, abuse, or neglect, the cause of the injuries, abuse, 20178

neglect, or threat, and the person or persons responsible. The 20179
investigation shall be made in cooperation with the law 20180
enforcement agency and in accordance with the memorandum of 20181
understanding prepared under division (J) of this section. A 20182
representative of the public children services agency shall, at 20183
the time of initial contact with the person subject to the 20184
investigation, inform the person of the specific complaints or 20185
allegations made against the person. The information shall be 20186
given in a manner that is consistent with division (H)(1) of this 20187
section and protects the rights of the person making the report 20188
under this section. 20189

A failure to make the investigation in accordance with the 20190
memorandum is not grounds for, and shall not result in, the 20191
dismissal of any charges or complaint arising from the report or 20192
the suppression of any evidence obtained as a result of the report 20193
and does not give, and shall not be construed as giving, any 20194
rights or any grounds for appeal or post-conviction relief to any 20195
person. The public children services agency shall report each case 20196
to the uniform statewide automated child welfare information 20197
system that the department of job and family services shall 20198
maintain in accordance with section 5101.13 of the Revised Code. 20199
The public children services agency shall submit a report of its 20200
investigation, in writing, to the law enforcement agency. 20201

(2) The public children services agency shall make any 20202
recommendations to the county prosecuting attorney or city 20203
director of law that it considers necessary to protect any 20204
children that are brought to its attention. 20205

(G)(1)(a) Except as provided in division (H)(3) of this 20206
section, anyone or any hospital, institution, school, health 20207
department, or agency participating in the making of reports under 20208
division (A) of this section, anyone or any hospital, institution, 20209
school, health department, or agency participating in good faith 20210

in the making of reports under division (B) of this section, and 20211
anyone participating in good faith in a judicial proceeding 20212
resulting from the reports, shall be immune from any civil or 20213
criminal liability for injury, death, or loss to person or 20214
property that otherwise might be incurred or imposed as a result 20215
of the making of the reports or the participation in the judicial 20216
proceeding. 20217

(b) Notwithstanding section 4731.22 of the Revised Code, the 20218
physician-patient privilege shall not be a ground for excluding 20219
evidence regarding a child's injuries, abuse, or neglect, or the 20220
cause of the injuries, abuse, or neglect in any judicial 20221
proceeding resulting from a report submitted pursuant to this 20222
section. 20223

(2) In any civil or criminal action or proceeding in which it 20224
is alleged and proved that participation in the making of a report 20225
under this section was not in good faith or participation in a 20226
judicial proceeding resulting from a report made under this 20227
section was not in good faith, the court shall award the 20228
prevailing party reasonable attorney's fees and costs and, if a 20229
civil action or proceeding is voluntarily dismissed, may award 20230
reasonable attorney's fees and costs to the party against whom the 20231
civil action or proceeding is brought. 20232

(H)(1) Except as provided in divisions (H)(4) and (N) of this 20233
section, a report made under this section is confidential. The 20234
information provided in a report made pursuant to this section and 20235
the name of the person who made the report shall not be released 20236
for use, and shall not be used, as evidence in any civil action or 20237
proceeding brought against the person who made the report. Nothing 20238
in this division shall preclude the use of reports of other 20239
incidents of known or suspected abuse or neglect in a civil action 20240
or proceeding brought pursuant to division (M) of this section 20241
against a person who is alleged to have violated division (A)(1) 20242

of this section, provided that any information in a report that 20243
would identify the child who is the subject of the report or the 20244
maker of the report, if the maker of the report is not the 20245
defendant or an agent or employee of the defendant, has been 20246
redacted. In a criminal proceeding, the report is admissible in 20247
evidence in accordance with the Rules of Evidence and is subject 20248
to discovery in accordance with the Rules of Criminal Procedure. 20249

(2) No person shall permit or encourage the unauthorized 20250
dissemination of the contents of any report made under this 20251
section. 20252

(3) A person who knowingly makes or causes another person to 20253
make a false report under division (B) of this section that 20254
alleges that any person has committed an act or omission that 20255
resulted in a child being an abused child or a neglected child is 20256
guilty of a violation of section 2921.14 of the Revised Code. 20257

(4) If a report is made pursuant to division (A) or (B) of 20258
this section and the child who is the subject of the report dies 20259
for any reason at any time after the report is made, but before 20260
the child attains eighteen years of age, the public children 20261
services agency or municipal or county peace officer to which the 20262
report was made or referred, on the request of the child fatality 20263
review board or the director of health pursuant to guidelines 20264
established under section 3701.70 of the Revised Code, shall 20265
submit a summary sheet of information providing a summary of the 20266
report to the review board of the county in which the deceased 20267
child resided at the time of death or to the director. On the 20268
request of the review board or director, the agency or peace 20269
officer may, at its discretion, make the report available to the 20270
review board or director. If the county served by the public 20271
children services agency is also served by a children's advocacy 20272
center and the report of alleged sexual abuse of a child or 20273
another type of abuse of a child is specified in the memorandum of 20274

understanding that creates the center as being within the center's 20275
jurisdiction, the agency or center shall perform the duties and 20276
functions specified in this division in accordance with the 20277
interagency agreement entered into under section 2151.428 of the 20278
Revised Code relative to that advocacy center. 20279

(5) A public children services agency shall advise a person 20280
alleged to have inflicted abuse or neglect on a child who is the 20281
subject of a report made pursuant to this section, including a 20282
report alleging sexual abuse of a child or another type of abuse 20283
of a child referred to a children's advocacy center pursuant to an 20284
interagency agreement entered into under section 2151.428 of the 20285
Revised Code, in writing of the disposition of the investigation. 20286
The agency shall not provide to the person any information that 20287
identifies the person who made the report, statements of 20288
witnesses, or police or other investigative reports. 20289

(I) Any report that is required by this section, other than a 20290
report that is made to the state highway patrol as described in 20291
section 5120.173 of the Revised Code, shall result in protective 20292
services and emergency supportive services being made available by 20293
the public children services agency on behalf of the children 20294
about whom the report is made, in an effort to prevent further 20295
neglect or abuse, to enhance their welfare, and, whenever 20296
possible, to preserve the family unit intact. The agency required 20297
to provide the services shall be the agency conducting the 20298
investigation of the report pursuant to section 2151.422 of the 20299
Revised Code. 20300

(J)(1) Each public children services agency shall prepare a 20301
memorandum of understanding that is signed by all of the 20302
following: 20303

(a) If there is only one juvenile judge in the county, the 20304
juvenile judge of the county or the juvenile judge's 20305
representative; 20306

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 20337
officials is not grounds for, and shall not result in, the 20338
dismissal of any charges or complaint arising from any reported 20339
case of abuse or neglect or the suppression of any evidence 20340
obtained as a result of any reported child abuse or child neglect 20341
and does not give, and shall not be construed as giving, any 20342
rights or any grounds for appeal or post-conviction relief to any 20343
person. 20344

(3) A memorandum of understanding shall include all of the 20345
following: 20346

(a) The roles and responsibilities for handling emergency and 20347
nonemergency cases of abuse and neglect; 20348

(b) Standards and procedures to be used in handling and 20349
coordinating investigations of reported cases of child abuse and 20350
reported cases of child neglect, methods to be used in 20351
interviewing the child who is the subject of the report and who 20352
allegedly was abused or neglected, and standards and procedures 20353
addressing the categories of persons who may interview the child 20354
who is the subject of the report and who allegedly was abused or 20355
neglected. 20356

(4) If a public children services agency participated in the 20357
execution of a memorandum of understanding under section 2151.426 20358
of the Revised Code establishing a children's advocacy center, the 20359
agency shall incorporate the contents of that memorandum in the 20360
memorandum prepared pursuant to this section. 20361

(5) The clerk of the court of common pleas in the county may 20362
sign the memorandum of understanding prepared under division 20363
(J)(1) of this section. If the clerk signs the memorandum of 20364
understanding, the clerk shall execute all relevant 20365
responsibilities as required of officials specified in the 20366
memorandum. 20367

(K)(1) Except as provided in division (K)(4) of this section, 20368
a person who is required to make a report pursuant to division (A) 20369
of this section may make a reasonable number of requests of the 20370
public children services agency that receives or is referred the 20371
report, or of the children's advocacy center that is referred the 20372
report if the report is referred to a children's advocacy center 20373
pursuant to an interagency agreement entered into under section 20374
2151.428 of the Revised Code, to be provided with the following 20375
information: 20376

(a) Whether the agency or center has initiated an 20377
investigation of the report; 20378

(b) Whether the agency or center is continuing to investigate 20379
the report; 20380

(c) Whether the agency or center is otherwise involved with 20381
the child who is the subject of the report; 20382

(d) The general status of the health and safety of the child 20383
who is the subject of the report; 20384

(e) Whether the report has resulted in the filing of a 20385
complaint in juvenile court or of criminal charges in another 20386
court. 20387

(2) A person may request the information specified in 20388
division (K)(1) of this section only if, at the time the report is 20389
made, the person's name, address, and telephone number are 20390
provided to the person who receives the report. 20391

When a municipal or county peace officer or employee of a 20392
public children services agency receives a report pursuant to 20393
division (A) or (B) of this section the recipient of the report 20394
shall inform the person of the right to request the information 20395
described in division (K)(1) of this section. The recipient of the 20396
report shall include in the initial child abuse or child neglect 20397
report that the person making the report was so informed and, if 20398

provided at the time of the making of the report, shall include 20399
the person's name, address, and telephone number in the report. 20400

Each request is subject to verification of the identity of 20401
the person making the report. If that person's identity is 20402
verified, the agency shall provide the person with the information 20403
described in division (K)(1) of this section a reasonable number 20404
of times, except that the agency shall not disclose any 20405
confidential information regarding the child who is the subject of 20406
the report other than the information described in those 20407
divisions. 20408

(3) A request made pursuant to division (K)(1) of this 20409
section is not a substitute for any report required to be made 20410
pursuant to division (A) of this section. 20411

(4) If an agency other than the agency that received or was 20412
referred the report is conducting the investigation of the report 20413
pursuant to section 2151.422 of the Revised Code, the agency 20414
conducting the investigation shall comply with the requirements of 20415
division (K) of this section. 20416

(L) The director of job and family services shall adopt rules 20417
in accordance with Chapter 119. of the Revised Code to implement 20418
this section. The department of job and family services may enter 20419
into a plan of cooperation with any other governmental entity to 20420
aid in ensuring that children are protected from abuse and 20421
neglect. The department shall make recommendations to the attorney 20422
general that the department determines are necessary to protect 20423
children from child abuse and child neglect. 20424

(M) Whoever violates division (A) of this section is liable 20425
for compensatory and exemplary damages to the child who would have 20426
been the subject of the report that was not made. A person who 20427
brings a civil action or proceeding pursuant to this division 20428
against a person who is alleged to have violated division (A)(1) 20429

of this section may use in the action or proceeding reports of 20430
other incidents of known or suspected abuse or neglect, provided 20431
that any information in a report that would identify the child who 20432
is the subject of the report or the maker of the report, if the 20433
maker is not the defendant or an agent or employee of the 20434
defendant, has been redacted. 20435

(N)(1) As used in this division: 20436

(a) "Out-of-home care" includes a nonchartered nonpublic 20437
school if the alleged child abuse or child neglect, or alleged 20438
threat of child abuse or child neglect, described in a report 20439
received by a public children services agency allegedly occurred 20440
in or involved the nonchartered nonpublic school and the alleged 20441
perpetrator named in the report holds a certificate, permit, or 20442
license issued by the state board of education under section 20443
3301.071 or Chapter 3319. of the Revised Code. 20444

(b) "Administrator, director, or other chief administrative 20445
officer" means the superintendent of the school district if the 20446
out-of-home care entity subject to a report made pursuant to this 20447
section is a school operated by the district. 20448

(2) No later than the end of the day following the day on 20449
which a public children services agency receives a report of 20450
alleged child abuse or child neglect, or a report of an alleged 20451
threat of child abuse or child neglect, that allegedly occurred in 20452
or involved an out-of-home care entity, the agency shall provide 20453
written notice of the allegations contained in and the person 20454
named as the alleged perpetrator in the report to the 20455
administrator, director, or other chief administrative officer of 20456
the out-of-home care entity that is the subject of the report 20457
unless the administrator, director, or other chief administrative 20458
officer is named as an alleged perpetrator in the report. If the 20459
administrator, director, or other chief administrative officer of 20460
an out-of-home care entity is named as an alleged perpetrator in a 20461

report of alleged child abuse or child neglect, or a report of an 20462
alleged threat of child abuse or child neglect, that allegedly 20463
occurred in or involved the out-of-home care entity, the agency 20464
shall provide the written notice to the owner or governing board 20465
of the out-of-home care entity that is the subject of the report. 20466
The agency shall not provide witness statements or police or other 20467
investigative reports. 20468

(3) No later than three days after the day on which a public 20469
children services agency that conducted the investigation as 20470
determined pursuant to section 2151.422 of the Revised Code makes 20471
a disposition of an investigation involving a report of alleged 20472
child abuse or child neglect, or a report of an alleged threat of 20473
child abuse or child neglect, that allegedly occurred in or 20474
involved an out-of-home care entity, the agency shall send written 20475
notice of the disposition of the investigation to the 20476
administrator, director, or other chief administrative officer and 20477
the owner or governing board of the out-of-home care entity. The 20478
agency shall not provide witness statements or police or other 20479
investigative reports. 20480

(O) As used in this section, "investigation" means the public 20481
children services agency's response to an accepted report of child 20482
abuse or neglect through either an alternative response or a 20483
traditional response. 20484

Sec. 2301.03. (A) In Franklin county, the judges of the court 20485
of common pleas whose terms begin on January 1, 1953, January 2, 20486
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 20487
successors, shall have the same qualifications, exercise the same 20488
powers and jurisdiction, and receive the same compensation as 20489
other judges of the court of common pleas of Franklin county and 20490
shall be elected and designated as judges of the court of common 20491
pleas, division of domestic relations. They shall have all the 20492

powers relating to juvenile courts, and all cases under Chapters 20493
2151. and 2152. of the Revised Code, all parentage proceedings 20494
under Chapter 3111. of the Revised Code over which the juvenile 20495
court has jurisdiction, and all divorce, dissolution of marriage, 20496
legal separation, and annulment cases shall be assigned to them. 20497
In addition to the judge's regular duties, the judge who is senior 20498
in point of service shall serve on the children services board and 20499
the county advisory board and shall be the administrator of the 20500
domestic relations division and its subdivisions and departments. 20501
20502

(B) In Hamilton county: 20503

(1) The judge of the court of common pleas, whose term begins 20504
on January 1, 1957, and successors, and the judge of the court of 20505
common pleas, whose term begins on February 14, 1967, and 20506
successors, shall be the juvenile judges as provided in Chapters 20507
2151. and 2152. of the Revised Code, with the powers and 20508
jurisdiction conferred by those chapters. 20509

(2) The judges of the court of common pleas whose terms begin 20510
on January 5, 1957, January 16, 1981, and July 1, 1991, and 20511
successors, shall be elected and designated as judges of the court 20512
of common pleas, division of domestic relations, and shall have 20513
assigned to them all divorce, dissolution of marriage, legal 20514
separation, and annulment cases coming before the court. On or 20515
after the first day of July and before the first day of August of 20516
1991 and each year thereafter, a majority of the judges of the 20517
division of domestic relations shall elect one of the judges of 20518
the division as administrative judge of that division. If a 20519
majority of the judges of the division of domestic relations are 20520
unable for any reason to elect an administrative judge for the 20521
division before the first day of August, a majority of the judges 20522
of the Hamilton county court of common pleas, as soon as possible 20523
after that date, shall elect one of the judges of the division of 20524

domestic relations as administrative judge of that division. The 20525
term of the administrative judge shall begin on the earlier of the 20526
first day of August of the year in which the administrative judge 20527
is elected or the date on which the administrative judge is 20528
elected by a majority of the judges of the Hamilton county court 20529
of common pleas and shall terminate on the date on which the 20530
administrative judge's successor is elected in the following year. 20531

In addition to the judge's regular duties, the administrative 20532
judge of the division of domestic relations shall be the 20533
administrator of the domestic relations division and its 20534
subdivisions and departments and shall have charge of the 20535
employment, assignment, and supervision of the personnel of the 20536
division engaged in handling, servicing, or investigating divorce, 20537
dissolution of marriage, legal separation, and annulment cases, 20538
including any referees considered necessary by the judges in the 20539
discharge of their various duties. 20540

The administrative judge of the division of domestic 20541
relations also shall designate the title, compensation, expense 20542
allowances, hours, leaves of absence, and vacations of the 20543
personnel of the division, and shall fix the duties of its 20544
personnel. The duties of the personnel, in addition to those 20545
provided for in other sections of the Revised Code, shall include 20546
the handling, servicing, and investigation of divorce, dissolution 20547
of marriage, legal separation, and annulment cases and counseling 20548
and conciliation services that may be made available to persons 20549
requesting them, whether or not the persons are parties to an 20550
action pending in the division. 20551

The board of county commissioners shall appropriate the sum 20552
of money each year as will meet all the administrative expenses of 20553
the division of domestic relations, including reasonable expenses 20554
of the domestic relations judges and the division counselors and 20555
other employees designated to conduct the handling, servicing, and 20556

investigation of divorce, dissolution of marriage, legal 20557
separation, and annulment cases, conciliation and counseling, and 20558
all matters relating to those cases and counseling, and the 20559
expenses involved in the attendance of division personnel at 20560
domestic relations and welfare conferences designated by the 20561
division, and the further sum each year as will provide for the 20562
adequate operation of the division of domestic relations. 20563

The compensation and expenses of all employees and the salary 20564
and expenses of the judges shall be paid by the county treasurer 20565
from the money appropriated for the operation of the division, 20566
upon the warrant of the county auditor, certified to by the 20567
administrative judge of the division of domestic relations. 20568

The summonses, warrants, citations, subpoenas, and other 20569
writs of the division may issue to a bailiff, constable, or staff 20570
investigator of the division or to the sheriff of any county or 20571
any marshal, constable, or police officer, and the provisions of 20572
law relating to the subpoenaing of witnesses in other cases shall 20573
apply insofar as they are applicable. When a summons, warrant, 20574
citation, subpoena, or other writ is issued to an officer, other 20575
than a bailiff, constable, or staff investigator of the division, 20576
the expense of serving it shall be assessed as a part of the costs 20577
in the case involved. 20578

(3) The judge of the court of common pleas of Hamilton county 20579
whose term begins on January 3, 1997, and the successors to that 20580
judge shall each be elected and designated as the drug court judge 20581
of the court of common pleas of Hamilton county. The drug court 20582
judge may accept or reject any case referred to the drug court 20583
judge under division (B)(3) of this section. After the drug court 20584
judge accepts a referred case, the drug court judge has full 20585
authority over the case, including the authority to conduct 20586
arraignment, accept pleas, enter findings and dispositions, 20587
conduct trials, order treatment, and if treatment is not 20588

successfully completed pronounce and enter sentence. 20589

A judge of the general division of the court of common pleas 20590
of Hamilton county and a judge of the Hamilton county municipal 20591
court may refer to the drug court judge any case, and any 20592
companion cases, the judge determines meet the criteria described 20593
under divisions (B)(3)(a) and (b) of this section. If the drug 20594
court judge accepts referral of a referred case, the case, and any 20595
companion cases, shall be transferred to the drug court judge. A 20596
judge may refer a case meeting the criteria described in divisions 20597
(B)(3)(a) and (b) of this section that involves a violation of a 20598
condition of a community control sanction to the drug court judge, 20599
and, if the drug court judge accepts the referral, the referring 20600
judge and the drug court judge have concurrent jurisdiction over 20601
the case. 20602

A judge of the general division of the court of common pleas 20603
of Hamilton county and a judge of the Hamilton county municipal 20604
court may refer a case to the drug court judge under division 20605
(B)(3) of this section if the judge determines that both of the 20606
following apply: 20607

(a) One of the following applies: 20608

(i) The case involves a drug abuse offense, as defined in 20609
section 2925.01 of the Revised Code, that is a felony of the third 20610
or fourth degree if the offense is committed prior to July 1, 20611
1996, a felony of the third, fourth, or fifth degree if the 20612
offense is committed on or after July 1, 1996, or a misdemeanor. 20613

(ii) The case involves a theft offense, as defined in section 20614
2913.01 of the Revised Code, that is a felony of the third or 20615
fourth degree if the offense is committed prior to July 1, 1996, a 20616
felony of the third, fourth, or fifth degree if the offense is 20617
committed on or after July 1, 1996, or a misdemeanor, and the 20618
defendant is drug or alcohol dependent or in danger of becoming 20619

drug or alcohol dependent and would benefit from treatment.	20620
(b) All of the following apply:	20621
(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.	20622 20623 20624 20625
(ii) The defendant has no history of violent behavior.	20626
(iii) The defendant has no history of mental illness.	20627
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	20628 20629
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	20630 20631
(vi) The defendant has no acute health condition.	20632
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	20633 20634
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	20635 20636 20637 20638 20639 20640 20641 20642 20643 20644 20645
(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	20646 20647 20648 20649

(C)(1) In Lorain county: 20650

(a) The judges of the court of common pleas whose terms begin 20651
on January 3, 1959, January 4, 1989, and January 2, 1999, and 20652
successors, and the judge of the court of common pleas whose term 20653
begins on February 9, 2009, shall have the same qualifications, 20654
exercise the same powers and jurisdiction, and receive the same 20655
compensation as the other judges of the court of common pleas of 20656
Lorain county and shall be elected and designated as the judges of 20657
the court of common pleas, division of domestic relations. The 20658
judges of the court of common pleas whose terms begin on January 20659
3, 1959, January 4, 1989, and January 2, 1999, and successors, 20660
shall have all of the powers relating to juvenile courts, and all 20661
cases under Chapters 2151. and 2152. of the Revised Code, all 20662
parentage proceedings over which the juvenile court has 20663
jurisdiction, and all divorce, dissolution of marriage, legal 20664
separation, and annulment cases shall be assigned to them, except 20665
cases that for some special reason are assigned to some other 20666
judge of the court of common pleas. From February 9, 2009, through 20667
September 28, 2009, the judge of the court of common pleas whose 20668
term begins on February 9, 2009, shall have all the powers 20669
relating to juvenile courts, and cases under Chapters 2151. and 20670
2152. of the Revised Code, parentage proceedings over which the 20671
juvenile court has jurisdiction, and divorce, dissolution of 20672
marriage, legal separation, and annulment cases shall be assigned 20673
to that judge, except cases that for some special reason are 20674
assigned to some other judge of the court of common pleas. 20675

(b) From January 1, 2006, through September 28, 2009, the 20676
judges of the court of common pleas, division of domestic 20677
relations, in addition to the powers and jurisdiction set forth in 20678
division (C)(1)(a) of this section, shall have jurisdiction over 20679
matters that are within the jurisdiction of the probate court 20680
under Chapter 2101. and other provisions of the Revised Code. 20681

(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003. After September 28, 2009, the judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge.

(2)(a) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

(b) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of

the court of common pleas, division of domestic relations, and 20713
shall be charged exclusively with the assignment and division of 20714
the work of the division and the employment and supervision of all 20715
other personnel of the domestic relations division. 20716

(2) The judges of the court of common pleas whose terms begin 20717
on January 5, 1977, and January 2, 1991, and successors shall have 20718
the same qualifications, exercise the same powers and 20719
jurisdiction, and receive the same compensation as other judges of 20720
the court of common pleas of Lucas county, shall be elected and 20721
designated as judges of the court of common pleas, juvenile 20722
division, and shall be the juvenile judges as provided in Chapters 20723
2151. and 2152. of the Revised Code with the powers and 20724
jurisdictions conferred by those chapters. In addition to the 20725
judge's regular duties, the judge of the court of common pleas, 20726
juvenile division, senior in point of service, shall be the 20727
administrator of the juvenile division and its subdivisions and 20728
departments and shall have charge of the employment, assignment, 20729
and supervision of the personnel of the division engaged in 20730
handling, servicing, or investigating juvenile cases, including 20731
any referees considered necessary by the judges of the division in 20732
the discharge of their various duties. 20733

The judge of the court of common pleas, juvenile division, 20734
senior in point of service, also shall designate the title, 20735
compensation, expense allowance, hours, leaves of absence, and 20736
vacation of the personnel of the division and shall fix the duties 20737
of the personnel of the division. The duties of the personnel, in 20738
addition to other statutory duties include the handling, 20739
servicing, and investigation of juvenile cases and counseling and 20740
conciliation services that may be made available to persons 20741
requesting them, whether or not the persons are parties to an 20742
action pending in the division. 20743

(3) If one of the judges of the court of common pleas, 20744

division of domestic relations, or one of the judges of the 20745
juvenile division is sick, absent, or unable to perform that 20746
judge's judicial duties or the volume of cases pending in that 20747
judge's division necessitates it, the duties shall be performed by 20748
the judges of the other of those divisions. 20749

(E) In Mahoning county: 20750

(1) The judge of the court of common pleas whose term began 20751
on January 1, 1955, and successors, shall have the same 20752
qualifications, exercise the same powers and jurisdiction, and 20753
receive the same compensation as other judges of the court of 20754
common pleas of Mahoning county, shall be elected and designated 20755
as judge of the court of common pleas, division of domestic 20756
relations, and shall be assigned all the divorce, dissolution of 20757
marriage, legal separation, and annulment cases coming before the 20758
court. In addition to the judge's regular duties, the judge of the 20759
court of common pleas, division of domestic relations, shall be 20760
the administrator of the domestic relations division and its 20761
subdivisions and departments and shall have charge of the 20762
employment, assignment, and supervision of the personnel of the 20763
division engaged in handling, servicing, or investigating divorce, 20764
dissolution of marriage, legal separation, and annulment cases, 20765
including any referees considered necessary in the discharge of 20766
the various duties of the judge's office. 20767

The judge also shall designate the title, compensation, 20768
expense allowances, hours, leaves of absence, and vacations of the 20769
personnel of the division and shall fix the duties of the 20770
personnel of the division. The duties of the personnel, in 20771
addition to other statutory duties, include the handling, 20772
servicing, and investigation of divorce, dissolution of marriage, 20773
legal separation, and annulment cases and counseling and 20774
conciliation services that may be made available to persons 20775
requesting them, whether or not the persons are parties to an 20776

action pending in the division. 20777

(2) The judge of the court of common pleas whose term began 20778
on January 2, 1969, and successors, shall have the same 20779
qualifications, exercise the same powers and jurisdiction, and 20780
receive the same compensation as other judges of the court of 20781
common pleas of Mahoning county, shall be elected and designated 20782
as judge of the court of common pleas, juvenile division, and 20783
shall be the juvenile judge as provided in Chapters 2151. and 20784
2152. of the Revised Code, with the powers and jurisdictions 20785
conferred by those chapters. In addition to the judge's regular 20786
duties, the judge of the court of common pleas, juvenile division, 20787
shall be the administrator of the juvenile division and its 20788
subdivisions and departments and shall have charge of the 20789
employment, assignment, and supervision of the personnel of the 20790
division engaged in handling, servicing, or investigating juvenile 20791
cases, including any referees considered necessary by the judge in 20792
the discharge of the judge's various duties. 20793

The judge also shall designate the title, compensation, 20794
expense allowances, hours, leaves of absence, and vacation of the 20795
personnel of the division and shall fix the duties of the 20796
personnel of the division. The duties of the personnel, in 20797
addition to other statutory duties, include the handling, 20798
servicing, and investigation of juvenile cases and counseling and 20799
conciliation services that may be made available to persons 20800
requesting them, whether or not the persons are parties to an 20801
action pending in the division. 20802

(3) If a judge of the court of common pleas, division of 20803
domestic relations or juvenile division, is sick, absent, or 20804
unable to perform that judge's judicial duties, or the volume of 20805
cases pending in that judge's division necessitates it, that 20806
judge's duties shall be performed by another judge of the court of 20807
common pleas. 20808

(F) In Montgomery county: 20809

(1) The judges of the court of common pleas whose terms begin 20810
on January 2, 1953, and January 4, 1977, and successors, shall 20811
have the same qualifications, exercise the same powers and 20812
jurisdiction, and receive the same compensation as other judges of 20813
the court of common pleas of Montgomery county and shall be 20814
elected and designated as judges of the court of common pleas, 20815
division of domestic relations. These judges shall have assigned 20816
to them all divorce, dissolution of marriage, legal separation, 20817
and annulment cases. 20818

The judge of the division of domestic relations, senior in 20819
point of service, shall be charged exclusively with the assignment 20820
and division of the work of the division and shall have charge of 20821
the employment and supervision of the personnel of the division 20822
engaged in handling, servicing, or investigating divorce, 20823
dissolution of marriage, legal separation, and annulment cases, 20824
including any necessary referees, except those employees who may 20825
be appointed by the judge, junior in point of service, under this 20826
section and sections 2301.12 and 2301.18 of the Revised Code. The 20827
judge of the division of domestic relations, senior in point of 20828
service, also shall designate the title, compensation, expense 20829
allowances, hours, leaves of absence, and vacation of the 20830
personnel of the division and shall fix their duties. 20831

(2) The judges of the court of common pleas whose terms begin 20832
on January 1, 1953, and January 1, 1993, and successors, shall 20833
have the same qualifications, exercise the same powers and 20834
jurisdiction, and receive the same compensation as other judges of 20835
the court of common pleas of Montgomery county, shall be elected 20836
and designated as judges of the court of common pleas, juvenile 20837
division, and shall be, and have the powers and jurisdiction of, 20838
the juvenile judge as provided in Chapters 2151. and 2152. of the 20839
Revised Code. 20840

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31

of the Revised Code, and all post-decree proceedings arising from 20873
any case pertaining to any of those matters. The division of 20874
domestic relations has concurrent jurisdiction with the juvenile 20875
division of the court of common pleas of Richland county to 20876
determine the care, custody, or control of any child not a ward of 20877
another court of this state, and to hear and determine a request 20878
for an order for the support of any child if the request is not 20879
ancillary to an action for divorce, dissolution of marriage, 20880
annulment, or legal separation, a criminal or civil action 20881
involving an allegation of domestic violence, or an action for 20882
support brought under Chapter 3115. of the Revised Code. Except in 20883
cases that are subject to the exclusive original jurisdiction of 20884
the juvenile court, the judge of the division of domestic 20885
relations shall be assigned and hear all cases pertaining to 20886
paternity or parentage, the care, custody, or control of children, 20887
parenting time or visitation, child support, or the allocation of 20888
parental rights and responsibilities for the care of children, all 20889
proceedings arising under Chapter 3111. of the Revised Code, all 20890
proceedings arising under the uniform interstate family support 20891
act contained in Chapter 3115. of the Revised Code, and all 20892
post-decree proceedings arising from any case pertaining to any of 20893
those matters. 20894

In addition to the judge's regular duties, the judge of the 20895
court of common pleas, division of domestic relations, shall be 20896
the administrator of the domestic relations division and its 20897
subdivisions and departments. The judge shall have charge of the 20898
employment, assignment, and supervision of the personnel of the 20899
domestic relations division, including any magistrates the judge 20900
considers necessary for the discharge of the judge's duties. The 20901
judge shall also designate the title, compensation, expense 20902
allowances, hours, leaves of absence, vacation, and other 20903
employment-related matters of the personnel of the division and 20904
shall fix their duties. 20905

(2) The judge of the court of common pleas whose term begins 20906
on January 3, 2005, and successors, shall have the same 20907
qualifications, exercise the same powers and jurisdiction, and 20908
receive the same compensation as other judges of the court of 20909
common pleas of Richland county, shall be elected and designated 20910
as judge of the court of common pleas, juvenile division, and 20911
shall be, and have the powers and jurisdiction of, the juvenile 20912
judge as provided in Chapters 2151. and 2152. of the Revised Code. 20913
Except in cases that are subject to the exclusive original 20914
jurisdiction of the juvenile court, the judge of the juvenile 20915
division shall not have jurisdiction or the power to hear, and 20916
shall not be assigned, any case pertaining to paternity or 20917
parentage, the care, custody, or control of children, parenting 20918
time or visitation, child support, or the allocation of parental 20919
rights and responsibilities for the care of children or any 20920
post-decree proceeding arising from any case pertaining to any of 20921
those matters. The judge of the juvenile division shall not have 20922
jurisdiction or the power to hear, and shall not be assigned, any 20923
proceeding under the uniform interstate family support act 20924
contained in Chapter 3115. of the Revised Code. 20925

In addition to the judge's regular duties, the judge of the 20926
juvenile division shall be the administrator of the juvenile 20927
division and its subdivisions and departments. The judge shall 20928
have charge of the employment, assignment, and supervision of the 20929
personnel of the juvenile division who are engaged in handling, 20930
servicing, or investigating juvenile cases, including any 20931
magistrates whom the judge considers necessary for the discharge 20932
of the judge's various duties. 20933

The judge of the juvenile division also shall designate the 20934
title, compensation, expense allowances, hours, leaves of absence, 20935
and vacation of the personnel of the division and shall fix their 20936
duties. The duties of the personnel, in addition to other 20937

statutory duties, include the handling, servicing, and 20938
investigation of juvenile cases and providing any counseling, 20939
conciliation, and mediation services that the court makes 20940
available to persons, whether or not the persons are parties to an 20941
action pending in the court, who request the services. 20942

(H)(1) In Stark county, the judges of the court of common 20943
pleas whose terms begin on January 1, 1953, January 2, 1959, and 20944
January 1, 1993, and successors, shall have the same 20945
qualifications, exercise the same powers and jurisdiction, and 20946
receive the same compensation as other judges of the court of 20947
common pleas of Stark county and shall be elected and designated 20948
as judges of the court of common pleas, family court division ~~of~~ 20949
~~domestic relations~~. They shall have all the powers relating to 20950
juvenile courts, and all cases under Chapters 2151. and 2152. of 20951
the Revised Code, all parentage proceedings over which the 20952
juvenile court has jurisdiction, and all divorce, dissolution of 20953
marriage, legal separation, and annulment cases, except cases that 20954
are assigned to some other judge of the court of common pleas for 20955
some special reason, shall be assigned to the judges. 20956

(2) The judge of the family court division ~~of domestic~~ 20957
~~relations~~, second most senior in point of service, shall have 20958
charge of the employment and supervision of the personnel of the 20959
division engaged in handling, servicing, or investigating divorce, 20960
dissolution of marriage, legal separation, and annulment cases, 20961
and necessary referees required for the judge's respective court. 20962

(3) The judge of the family court division ~~of domestic~~ 20963
~~relations~~, senior in point of service, shall be charged 20964
exclusively with the administration of sections 2151.13, 2151.16, 20965
2151.17, and 2152.71 of the Revised Code and with the assignment 20966
and division of the work of the division and the employment and 20967
supervision of all other personnel of the division, including, but 20968
not limited to, that judge's necessary referees, but excepting 20969

those employees who may be appointed by the judge second most 20970
senior in point of service. The senior judge further shall serve 20971
in every other position in which the statutes permit or require a 20972
juvenile judge to serve. 20973

(4) On and after the effective date of this amendment, all 20974
references in law to "the division of domestic relations," "the 20975
domestic relations division," "the domestic relations court," "the 20976
judge of the division of domestic relations," or "the judge of the 20977
domestic relations division" shall be construed, with respect to 20978
Stark county, as being references to "the family court division" 20979
or "the judge of the family court division." 20980

(I) In Summit county: 20981

(1) The judges of the court of common pleas whose terms begin 20982
on January 4, 1967, and January 6, 1993, and successors, shall 20983
have the same qualifications, exercise the same powers and 20984
jurisdiction, and receive the same compensation as other judges of 20985
the court of common pleas of Summit county and shall be elected 20986
and designated as judges of the court of common pleas, division of 20987
domestic relations. The judges of the division of domestic 20988
relations shall have assigned to them and hear all divorce, 20989
dissolution of marriage, legal separation, and annulment cases 20990
that come before the court. Except in cases that are subject to 20991
the exclusive original jurisdiction of the juvenile court, the 20992
judges of the division of domestic relations shall have assigned 20993
to them and hear all cases pertaining to paternity, custody, 20994
visitation, child support, or the allocation of parental rights 20995
and responsibilities for the care of children and all post-decree 20996
proceedings arising from any case pertaining to any of those 20997
matters. The judges of the division of domestic relations shall 20998
have assigned to them and hear all proceedings under the uniform 20999
interstate family support act contained in Chapter 3115. of the 21000
Revised Code. 21001

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any

proceeding under the uniform interstate family support act 21035
contained in Chapter 3115. of the Revised Code. 21036

The juvenile judge shall be the administrator of the juvenile 21037
division and its subdivisions and departments and shall have 21038
charge of the employment, assignment, and supervision of the 21039
personnel of the juvenile division, including any necessary 21040
referees, who are engaged in handling, servicing, or investigating 21041
juvenile cases. The judge also shall designate the title, 21042
compensation, expense allowances, hours, leaves of absence, and 21043
vacation of the personnel of the division and shall fix their 21044
duties. The duties of the personnel, in addition to other 21045
statutory duties, shall include the handling, servicing, and 21046
investigation of juvenile cases and of any counseling and 21047
conciliation services that are available upon request to persons, 21048
whether or not they are parties to an action pending in the 21049
division. 21050

(J) In Trumbull county, the judges of the court of common 21051
pleas whose terms begin on January 1, 1953, and January 2, 1977, 21052
and successors, shall have the same qualifications, exercise the 21053
same powers and jurisdiction, and receive the same compensation as 21054
other judges of the court of common pleas of Trumbull county and 21055
shall be elected and designated as judges of the court of common 21056
pleas, division of domestic relations. They shall have all the 21057
powers relating to juvenile courts, and all cases under Chapters 21058
2151. and 2152. of the Revised Code, all parentage proceedings 21059
over which the juvenile court has jurisdiction, and all divorce, 21060
dissolution of marriage, legal separation, and annulment cases 21061
shall be assigned to them, except cases that for some special 21062
reason are assigned to some other judge of the court of common 21063
pleas. 21064

(K) In Butler county: 21065

(1) The judges of the court of common pleas whose terms begin 21066

on January 1, 1957, and January 4, 1993, and successors, shall 21067
have the same qualifications, exercise the same powers and 21068
jurisdiction, and receive the same compensation as other judges of 21069
the court of common pleas of Butler county and shall be elected 21070
and designated as judges of the court of common pleas, division of 21071
domestic relations. The judges of the division of domestic 21072
relations shall have assigned to them all divorce, dissolution of 21073
marriage, legal separation, and annulment cases coming before the 21074
court, except in cases that for some special reason are assigned 21075
to some other judge of the court of common pleas. The judges of 21076
the division of domestic relations also have concurrent 21077
jurisdiction with judges of the juvenile division of the court of 21078
common pleas of Butler county with respect to and may hear cases 21079
to determine the custody, support, or custody and support of a 21080
child who is born of issue of a marriage and who is not the ward 21081
of another court of this state, cases commenced by a party of the 21082
marriage to obtain an order requiring support of any child when 21083
the request for that order is not ancillary to an action for 21084
divorce, dissolution of marriage, annulment, or legal separation, 21085
a criminal or civil action involving an allegation of domestic 21086
violence, an action for support under Chapter 3115. of the Revised 21087
Code, or an action that is within the exclusive original 21088
jurisdiction of the juvenile division of the court of common pleas 21089
of Butler county and that involves an allegation that the child is 21090
an abused, neglected, or dependent child, and post-decree 21091
proceedings and matters arising from those types of cases. The 21092
judge senior in point of service shall be charged with the 21093
assignment and division of the work of the division and with the 21094
employment and supervision of all other personnel of the domestic 21095
relations division. 21096

The judge senior in point of service also shall designate the 21097
title, compensation, expense allowances, hours, leaves of absence, 21098
and vacations of the personnel of the division and shall fix their 21099

duties. The duties of the personnel, in addition to other 21100
statutory duties, shall include the handling, servicing, and 21101
investigation of divorce, dissolution of marriage, legal 21102
separation, and annulment cases and providing any counseling and 21103
conciliation services that the division makes available to 21104
persons, whether or not the persons are parties to an action 21105
pending in the division, who request the services. 21106

(2) The judges of the court of common pleas whose terms begin 21107
on January 3, 1987, and January 2, 2003, and successors, shall 21108
have the same qualifications, exercise the same powers and 21109
jurisdiction, and receive the same compensation as other judges of 21110
the court of common pleas of Butler county, shall be elected and 21111
designated as judges of the court of common pleas, juvenile 21112
division, and shall be the juvenile judges as provided in Chapters 21113
2151. and 2152. of the Revised Code, with the powers and 21114
jurisdictions conferred by those chapters. Except in cases that 21115
are subject to the exclusive original jurisdiction of the juvenile 21116
court, the judges of the juvenile division shall not have 21117
jurisdiction or the power to hear and shall not be assigned, but 21118
shall have the limited ability and authority to certify, any case 21119
commenced by a party of a marriage to determine the custody, 21120
support, or custody and support of a child who is born of issue of 21121
the marriage and who is not the ward of another court of this 21122
state when the request for the order in the case is not ancillary 21123
to an action for divorce, dissolution of marriage, annulment, or 21124
legal separation. The judge of the court of common pleas, juvenile 21125
division, who is senior in point of service, shall be the 21126
administrator of the juvenile division and its subdivisions and 21127
departments. The judge, senior in point of service, shall have 21128
charge of the employment, assignment, and supervision of the 21129
personnel of the juvenile division who are engaged in handling, 21130
servicing, or investigating juvenile cases, including any referees 21131
whom the judge considers necessary for the discharge of the 21132

judge's various duties. 21133

The judge, senior in point of service, also shall designate 21134
the title, compensation, expense allowances, hours, leaves of 21135
absence, and vacation of the personnel of the division and shall 21136
fix their duties. The duties of the personnel, in addition to 21137
other statutory duties, include the handling, servicing, and 21138
investigation of juvenile cases and providing any counseling and 21139
conciliation services that the division makes available to 21140
persons, whether or not the persons are parties to an action 21141
pending in the division, who request the services. 21142

(3) If a judge of the court of common pleas, division of 21143
domestic relations or juvenile division, is sick, absent, or 21144
unable to perform that judge's judicial duties or the volume of 21145
cases pending in the judge's division necessitates it, the duties 21146
of that judge shall be performed by the other judges of the 21147
domestic relations and juvenile divisions. 21148

(L)(1) In Cuyahoga county, the judges of the court of common 21149
pleas whose terms begin on January 8, 1961, January 9, 1961, 21150
January 18, 1975, January 19, 1975, and January 13, 1987, and 21151
successors, shall have the same qualifications, exercise the same 21152
powers and jurisdiction, and receive the same compensation as 21153
other judges of the court of common pleas of Cuyahoga county and 21154
shall be elected and designated as judges of the court of common 21155
pleas, division of domestic relations. They shall have all the 21156
powers relating to all divorce, dissolution of marriage, legal 21157
separation, and annulment cases, except in cases that are assigned 21158
to some other judge of the court of common pleas for some special 21159
reason. 21160

(2) The administrative judge is administrator of the domestic 21161
relations division and its subdivisions and departments and has 21162
the following powers concerning division personnel: 21163

(a) Full charge of the employment, assignment, and supervision;	21164 21165
(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.	21166 21167
(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.	21168 21169 21170 21171
(M) In Lake county:	21172
(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.	21173 21174 21175 21176 21177 21178 21179 21180 21181 21182 21183 21184 21185 21186
The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons	21187 21188 21189 21190 21191 21192 21193 21194

are parties to an action pending in the division, who request the 21195
services. 21196

(2) The judge of the court of common pleas whose term begins 21197
on January 4, 1979, and successors, shall have the same 21198
qualifications, exercise the same powers and jurisdiction, and 21199
receive the same compensation as other judges of the court of 21200
common pleas of Lake county, shall be elected and designated as 21201
judge of the court of common pleas, juvenile division, and shall 21202
be the juvenile judge as provided in Chapters 2151. and 2152. of 21203
the Revised Code, with the powers and jurisdictions conferred by 21204
those chapters. The judge of the court of common pleas, juvenile 21205
division, shall be the administrator of the juvenile division and 21206
its subdivisions and departments. The judge shall have charge of 21207
the employment, assignment, and supervision of the personnel of 21208
the juvenile division who are engaged in handling, servicing, or 21209
investigating juvenile cases, including any referees whom the 21210
judge considers necessary for the discharge of the judge's various 21211
duties. 21212

The judge also shall designate the title, compensation, 21213
expense allowances, hours, leaves of absence, and vacation of the 21214
personnel of the division and shall fix their duties. The duties 21215
of the personnel, in addition to other statutory duties, include 21216
the handling, servicing, and investigation of juvenile cases and 21217
providing any counseling and conciliation services that the 21218
division makes available to persons, whether or not the persons 21219
are parties to an action pending in the division, who request the 21220
services. 21221

(3) If a judge of the court of common pleas, division of 21222
domestic relations or juvenile division, is sick, absent, or 21223
unable to perform that judge's judicial duties or the volume of 21224
cases pending in the judge's division necessitates it, the duties 21225
of that judge shall be performed by the other judges of the 21226

domestic relations and juvenile divisions. 21227

(N) In Erie county: 21228

(1) The judge of the court of common pleas whose term begins 21229
on January 2, 1971, and the successors to that judge whose terms 21230
begin before January 2, 2007, shall have the same qualifications, 21231
exercise the same powers and jurisdiction, and receive the same 21232
compensation as the other judge of the court of common pleas of 21233
Erie county and shall be elected and designated as judge of the 21234
court of common pleas, division of domestic relations. The judge 21235
shall have all the powers relating to juvenile courts, and shall 21236
be assigned all cases under Chapters 2151. and 2152. of the 21237
Revised Code, parentage proceedings over which the juvenile court 21238
has jurisdiction, and divorce, dissolution of marriage, legal 21239
separation, and annulment cases, except cases that for some 21240
special reason are assigned to some other judge. 21241

On or after January 2, 2007, the judge of the court of common 21242
pleas who is elected in 2006 shall be the successor to the judge 21243
of the domestic relations division whose term expires on January 21244
1, 2007, shall be designated as judge of the court of common 21245
pleas, juvenile division, and shall be the juvenile judge as 21246
provided in Chapters 2151. and 2152. of the Revised Code with the 21247
powers and jurisdictions conferred by those chapters. 21248

(2) The judge of the court of common pleas, general division, 21249
whose term begins on January 1, 2005, and successors, the judge of 21250
the court of common pleas, general division whose term begins on 21251
January 2, 2005, and successors, and the judge of the court of 21252
common pleas, general division, whose term begins February 9, 21253
2009, and successors, shall have assigned to them, in addition to 21254
all matters that are within the jurisdiction of the general 21255
division of the court of common pleas, all divorce, dissolution of 21256
marriage, legal separation, and annulment cases coming before the 21257
court, and all matters that are within the jurisdiction of the 21258

probate court under Chapter 2101., and other provisions, of the Revised Code.

(0) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins

on January 1, 1995, and successors, shall have the same 21291
qualifications, exercise the same powers and jurisdiction, and 21292
receive the same compensation as the other judges of the court of 21293
common pleas of Greene county, shall be elected and designated as 21294
judge of the court of common pleas, juvenile division, and, on or 21295
after January 1, 1995, shall be the juvenile judge as provided in 21296
Chapters 2151. and 2152. of the Revised Code with the powers and 21297
jurisdiction conferred by those chapters. The judge of the court 21298
of common pleas, juvenile division, shall be the administrator of 21299
the juvenile division and its subdivisions and departments. The 21300
judge shall have charge of the employment, assignment, and 21301
supervision of the personnel of the juvenile division who are 21302
engaged in handling, servicing, or investigating juvenile cases, 21303
including any referees whom the judge considers necessary for the 21304
discharge of the judge's various duties. 21305

The judge also shall designate the title, compensation, 21306
expense allowances, hours, leaves of absence, and vacation of the 21307
personnel of the division and shall fix their duties. The duties 21308
of the personnel, in addition to other statutory duties, include 21309
the handling, servicing, and investigation of juvenile cases and 21310
providing any counseling and conciliation services that the court 21311
makes available to persons, whether or not the persons are parties 21312
to an action pending in the court, who request the services. 21313

(3) If one of the judges of the court of common pleas, 21314
general division, is sick, absent, or unable to perform that 21315
judge's judicial duties or the volume of cases pending in the 21316
general division necessitates it, the duties of that judge of the 21317
general division shall be performed by the judge of the division 21318
of domestic relations and the judge of the juvenile division. 21319

(P) In Portage county, the judge of the court of common 21320
pleas, whose term begins January 2, 1987, and successors, shall 21321
have the same qualifications, exercise the same powers and 21322

jurisdiction, and receive the same compensation as the other 21323
judges of the court of common pleas of Portage county and shall be 21324
elected and designated as judge of the court of common pleas, 21325
division of domestic relations. The judge shall be assigned all 21326
divorce, dissolution of marriage, legal separation, and annulment 21327
cases coming before the court, except in cases that for some 21328
special reason are assigned to some other judge of the court of 21329
common pleas. The judge shall be charged with the assignment and 21330
division of the work of the division and with the employment and 21331
supervision of all other personnel of the domestic relations 21332
division. 21333

The judge also shall designate the title, compensation, 21334
expense allowances, hours, leaves of absence, and vacations of the 21335
personnel of the division and shall fix their duties. The duties 21336
of the personnel, in addition to other statutory duties, shall 21337
include the handling, servicing, and investigation of divorce, 21338
dissolution of marriage, legal separation, and annulment cases and 21339
providing any counseling and conciliation services that the 21340
division makes available to persons, whether or not the persons 21341
are parties to an action pending in the division, who request the 21342
services. 21343

(Q) In Clermont county, the judge of the court of common 21344
pleas, whose term begins January 2, 1987, and successors, shall 21345
have the same qualifications, exercise the same powers and 21346
jurisdiction, and receive the same compensation as the other 21347
judges of the court of common pleas of Clermont county and shall 21348
be elected and designated as judge of the court of common pleas, 21349
division of domestic relations. The judge shall be assigned all 21350
divorce, dissolution of marriage, legal separation, and annulment 21351
cases coming before the court, except in cases that for some 21352
special reason are assigned to some other judge of the court of 21353
common pleas. The judge shall be charged with the assignment and 21354

division of the work of the division and with the employment and 21355
supervision of all other personnel of the domestic relations 21356
division. 21357

The judge also shall designate the title, compensation, 21358
expense allowances, hours, leaves of absence, and vacations of the 21359
personnel of the division and shall fix their duties. The duties 21360
of the personnel, in addition to other statutory duties, shall 21361
include the handling, servicing, and investigation of divorce, 21362
dissolution of marriage, legal separation, and annulment cases and 21363
providing any counseling and conciliation services that the 21364
division makes available to persons, whether or not the persons 21365
are parties to an action pending in the division, who request the 21366
services. 21367

(R) In Warren county, the judge of the court of common pleas, 21368
whose term begins January 1, 1987, and successors, shall have the 21369
same qualifications, exercise the same powers and jurisdiction, 21370
and receive the same compensation as the other judges of the court 21371
of common pleas of Warren county and shall be elected and 21372
designated as judge of the court of common pleas, division of 21373
domestic relations. The judge shall be assigned all divorce, 21374
dissolution of marriage, legal separation, and annulment cases 21375
coming before the court, except in cases that for some special 21376
reason are assigned to some other judge of the court of common 21377
pleas. The judge shall be charged with the assignment and division 21378
of the work of the division and with the employment and 21379
supervision of all other personnel of the domestic relations 21380
division. 21381

The judge also shall designate the title, compensation, 21382
expense allowances, hours, leaves of absence, and vacations of the 21383
personnel of the division and shall fix their duties. The duties 21384
of the personnel, in addition to other statutory duties, shall 21385
include the handling, servicing, and investigation of divorce, 21386

dissolution of marriage, legal separation, and annulment cases and 21387
providing any counseling and conciliation services that the 21388
division makes available to persons, whether or not the persons 21389
are parties to an action pending in the division, who request the 21390
services. 21391

(S) In Licking county, the judges of the court of common 21392
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 21393
and successors, shall have the same qualifications, exercise the 21394
same powers and jurisdiction, and receive the same compensation as 21395
the other judges of the court of common pleas of Licking county 21396
and shall be elected and designated as judges of the court of 21397
common pleas, division of domestic relations. The judges shall be 21398
assigned all divorce, dissolution of marriage, legal separation, 21399
and annulment cases, all cases arising under Chapter 3111. of the 21400
Revised Code, all proceedings involving child support, the 21401
allocation of parental rights and responsibilities for the care of 21402
children and the designation for the children of a place of 21403
residence and legal custodian, parenting time, and visitation, and 21404
all post-decree proceedings and matters arising from those cases 21405
and proceedings, except in cases that for some special reason are 21406
assigned to another judge of the court of common pleas. The 21407
administrative judge of the division of domestic relations shall 21408
be charged with the assignment and division of the work of the 21409
division and with the employment and supervision of the personnel 21410
of the division. 21411

The administrative judge of the division of domestic 21412
relations shall designate the title, compensation, expense 21413
allowances, hours, leaves of absence, and vacations of the 21414
personnel of the division and shall fix the duties of the 21415
personnel of the division. The duties of the personnel of the 21416
division, in addition to other statutory duties, shall include the 21417
handling, servicing, and investigation of divorce, dissolution of 21418

marriage, legal separation, and annulment cases, cases arising 21419
under Chapter 3111. of the Revised Code, and proceedings involving 21420
child support, the allocation of parental rights and 21421
responsibilities for the care of children and the designation for 21422
the children of a place of residence and legal custodian, 21423
parenting time, and visitation and providing any counseling and 21424
conciliation services that the division makes available to 21425
persons, whether or not the persons are parties to an action 21426
pending in the division, who request the services. 21427

(T) In Allen county, the judge of the court of common pleas, 21428
whose term begins January 1, 1993, and successors, shall have the 21429
same qualifications, exercise the same powers and jurisdiction, 21430
and receive the same compensation as the other judges of the court 21431
of common pleas of Allen county and shall be elected and 21432
designated as judge of the court of common pleas, division of 21433
domestic relations. The judge shall be assigned all divorce, 21434
dissolution of marriage, legal separation, and annulment cases, 21435
all cases arising under Chapter 3111. of the Revised Code, all 21436
proceedings involving child support, the allocation of parental 21437
rights and responsibilities for the care of children and the 21438
designation for the children of a place of residence and legal 21439
custodian, parenting time, and visitation, and all post-decree 21440
proceedings and matters arising from those cases and proceedings, 21441
except in cases that for some special reason are assigned to 21442
another judge of the court of common pleas. The judge shall be 21443
charged with the assignment and division of the work of the 21444
division and with the employment and supervision of the personnel 21445
of the division. 21446

The judge shall designate the title, compensation, expense 21447
allowances, hours, leaves of absence, and vacations of the 21448
personnel of the division and shall fix the duties of the 21449
personnel of the division. The duties of the personnel of the 21450

division, in addition to other statutory duties, shall include the 21451
handling, servicing, and investigation of divorce, dissolution of 21452
marriage, legal separation, and annulment cases, cases arising 21453
under Chapter 3111. of the Revised Code, and proceedings involving 21454
child support, the allocation of parental rights and 21455
responsibilities for the care of children and the designation for 21456
the children of a place of residence and legal custodian, 21457
parenting time, and visitation, and providing any counseling and 21458
conciliation services that the division makes available to 21459
persons, whether or not the persons are parties to an action 21460
pending in the division, who request the services. 21461

(U) In Medina county, the judge of the court of common pleas 21462
whose term begins January 1, 1995, and successors, shall have the 21463
same qualifications, exercise the same powers and jurisdiction, 21464
and receive the same compensation as other judges of the court of 21465
common pleas of Medina county and shall be elected and designated 21466
as judge of the court of common pleas, division of domestic 21467
relations. The judge shall be assigned all divorce, dissolution of 21468
marriage, legal separation, and annulment cases, all cases arising 21469
under Chapter 3111. of the Revised Code, all proceedings involving 21470
child support, the allocation of parental rights and 21471
responsibilities for the care of children and the designation for 21472
the children of a place of residence and legal custodian, 21473
parenting time, and visitation, and all post-decree proceedings 21474
and matters arising from those cases and proceedings, except in 21475
cases that for some special reason are assigned to another judge 21476
of the court of common pleas. The judge shall be charged with the 21477
assignment and division of the work of the division and with the 21478
employment and supervision of the personnel of the division. 21479

The judge shall designate the title, compensation, expense 21480
allowances, hours, leaves of absence, and vacations of the 21481
personnel of the division and shall fix the duties of the 21482

personnel of the division. The duties of the personnel, in 21483
addition to other statutory duties, include the handling, 21484
servicing, and investigation of divorce, dissolution of marriage, 21485
legal separation, and annulment cases, cases arising under Chapter 21486
3111. of the Revised Code, and proceedings involving child 21487
support, the allocation of parental rights and responsibilities 21488
for the care of children and the designation for the children of a 21489
place of residence and legal custodian, parenting time, and 21490
visitation, and providing counseling and conciliation services 21491
that the division makes available to persons, whether or not the 21492
persons are parties to an action pending in the division, who 21493
request the services. 21494

(V) In Fairfield county, the judge of the court of common 21495
pleas whose term begins January 2, 1995, and successors, shall 21496
have the same qualifications, exercise the same powers and 21497
jurisdiction, and receive the same compensation as the other 21498
judges of the court of common pleas of Fairfield county and shall 21499
be elected and designated as judge of the court of common pleas, 21500
division of domestic relations. The judge shall be assigned all 21501
divorce, dissolution of marriage, legal separation, and annulment 21502
cases, all cases arising under Chapter 3111. of the Revised Code, 21503
all proceedings involving child support, the allocation of 21504
parental rights and responsibilities for the care of children and 21505
the designation for the children of a place of residence and legal 21506
custodian, parenting time, and visitation, and all post-decree 21507
proceedings and matters arising from those cases and proceedings, 21508
except in cases that for some special reason are assigned to 21509
another judge of the court of common pleas. The judge also has 21510
concurrent jurisdiction with the probate-juvenile division of the 21511
court of common pleas of Fairfield county with respect to and may 21512
hear cases to determine the custody of a child, as defined in 21513
section 2151.011 of the Revised Code, who is not the ward of 21514
another court of this state, cases that are commenced by a parent, 21515

guardian, or custodian of a child, as defined in section 2151.011 21516
of the Revised Code, to obtain an order requiring a parent of the 21517
child to pay child support for that child when the request for 21518
that order is not ancillary to an action for divorce, dissolution 21519
of marriage, annulment, or legal separation, a criminal or civil 21520
action involving an allegation of domestic violence, an action for 21521
support under Chapter 3115. of the Revised Code, or an action that 21522
is within the exclusive original jurisdiction of the 21523
probate-juvenile division of the court of common pleas of 21524
Fairfield county and that involves an allegation that the child is 21525
an abused, neglected, or dependent child, and post-decree 21526
proceedings and matters arising from those types of cases. 21527

The judge of the domestic relations division shall be charged 21528
with the assignment and division of the work of the division and 21529
with the employment and supervision of the personnel of the 21530
division. 21531

The judge shall designate the title, compensation, expense 21532
allowances, hours, leaves of absence, and vacations of the 21533
personnel of the division and shall fix the duties of the 21534
personnel of the division. The duties of the personnel of the 21535
division, in addition to other statutory duties, shall include the 21536
handling, servicing, and investigation of divorce, dissolution of 21537
marriage, legal separation, and annulment cases, cases arising 21538
under Chapter 3111. of the Revised Code, and proceedings involving 21539
child support, the allocation of parental rights and 21540
responsibilities for the care of children and the designation for 21541
the children of a place of residence and legal custodian, 21542
parenting time, and visitation, and providing any counseling and 21543
conciliation services that the division makes available to 21544
persons, regardless of whether the persons are parties to an 21545
action pending in the division, who request the services. When the 21546
judge hears a case to determine the custody of a child, as defined 21547

in section 2151.011 of the Revised Code, who is not the ward of 21548
another court of this state or a case that is commenced by a 21549
parent, guardian, or custodian of a child, as defined in section 21550
2151.011 of the Revised Code, to obtain an order requiring a 21551
parent of the child to pay child support for that child when the 21552
request for that order is not ancillary to an action for divorce, 21553
dissolution of marriage, annulment, or legal separation, a 21554
criminal or civil action involving an allegation of domestic 21555
violence, an action for support under Chapter 3115. of the Revised 21556
Code, or an action that is within the exclusive original 21557
jurisdiction of the probate-juvenile division of the court of 21558
common pleas of Fairfield county and that involves an allegation 21559
that the child is an abused, neglected, or dependent child, the 21560
duties of the personnel of the domestic relations division also 21561
include the handling, servicing, and investigation of those types 21562
of cases. 21563

(W)(1) In Clark county, the judge of the court of common 21564
pleas whose term begins on January 2, 1995, and successors, shall 21565
have the same qualifications, exercise the same powers and 21566
jurisdiction, and receive the same compensation as other judges of 21567
the court of common pleas of Clark county and shall be elected and 21568
designated as judge of the court of common pleas, domestic 21569
relations division. The judge shall have all the powers relating 21570
to juvenile courts, and all cases under Chapters 2151. and 2152. 21571
of the Revised Code and all parentage proceedings under Chapter 21572
3111. of the Revised Code over which the juvenile court has 21573
jurisdiction shall be assigned to the judge of the division of 21574
domestic relations. All divorce, dissolution of marriage, legal 21575
separation, annulment, uniform reciprocal support enforcement, and 21576
other cases related to domestic relations shall be assigned to the 21577
domestic relations division, and the presiding judge of the court 21578
of common pleas shall assign the cases to the judge of the 21579
domestic relations division and the judges of the general 21580

division. 21581

(2) In addition to the judge's regular duties, the judge of 21582
the division of domestic relations shall serve on the children 21583
services board and the county advisory board. 21584

(3) If the judge of the court of common pleas of Clark 21585
county, division of domestic relations, is sick, absent, or unable 21586
to perform that judge's judicial duties or if the presiding judge 21587
of the court of common pleas of Clark county determines that the 21588
volume of cases pending in the division of domestic relations 21589
necessitates it, the duties of the judge of the division of 21590
domestic relations shall be performed by the judges of the general 21591
division or probate division of the court of common pleas of Clark 21592
county, as assigned for that purpose by the presiding judge of 21593
that court, and the judges so assigned shall act in conjunction 21594
with the judge of the division of domestic relations of that 21595
court. 21596

(X) In Scioto county, the judge of the court of common pleas 21597
whose term begins January 2, 1995, and successors, shall have the 21598
same qualifications, exercise the same powers and jurisdiction, 21599
and receive the same compensation as other judges of the court of 21600
common pleas of Scioto county and shall be elected and designated 21601
as judge of the court of common pleas, division of domestic 21602
relations. The judge shall be assigned all divorce, dissolution of 21603
marriage, legal separation, and annulment cases, all cases arising 21604
under Chapter 3111. of the Revised Code, all proceedings involving 21605
child support, the allocation of parental rights and 21606
responsibilities for the care of children and the designation for 21607
the children of a place of residence and legal custodian, 21608
parenting time, visitation, and all post-decree proceedings and 21609
matters arising from those cases and proceedings, except in cases 21610
that for some special reason are assigned to another judge of the 21611
court of common pleas. The judge shall be charged with the 21612

assignment and division of the work of the division and with the 21613
employment and supervision of the personnel of the division. 21614

The judge shall designate the title, compensation, expense 21615
allowances, hours, leaves of absence, and vacations of the 21616
personnel of the division and shall fix the duties of the 21617
personnel of the division. The duties of the personnel, in 21618
addition to other statutory duties, include the handling, 21619
servicing, and investigation of divorce, dissolution of marriage, 21620
legal separation, and annulment cases, cases arising under Chapter 21621
3111. of the Revised Code, and proceedings involving child 21622
support, the allocation of parental rights and responsibilities 21623
for the care of children and the designation for the children of a 21624
place of residence and legal custodian, parenting time, and 21625
visitation, and providing counseling and conciliation services 21626
that the division makes available to persons, whether or not the 21627
persons are parties to an action pending in the division, who 21628
request the services. 21629

(Y) In Auglaize county, the judge of the probate and juvenile 21630
divisions of the Auglaize county court of common pleas also shall 21631
be the administrative judge of the domestic relations division of 21632
the court and shall be assigned all divorce, dissolution of 21633
marriage, legal separation, and annulment cases coming before the 21634
court. The judge shall have all powers as administrator of the 21635
domestic relations division and shall have charge of the personnel 21636
engaged in handling, servicing, or investigating divorce, 21637
dissolution of marriage, legal separation, and annulment cases, 21638
including any referees considered necessary for the discharge of 21639
the judge's various duties. 21640

(Z)(1) In Marion county, the judge of the court of common 21641
pleas whose term begins on February 9, 1999, and the successors to 21642
that judge, shall have the same qualifications, exercise the same 21643
powers and jurisdiction, and receive the same compensation as the 21644

other judges of the court of common pleas of Marion county and 21645
shall be elected and designated as judge of the court of common 21646
pleas, domestic relations-juvenile-probate division. Except as 21647
otherwise specified in this division, that judge, and the 21648
successors to that judge, shall have all the powers relating to 21649
juvenile courts, and all cases under Chapters 2151. and 2152. of 21650
the Revised Code, all cases arising under Chapter 3111. of the 21651
Revised Code, all divorce, dissolution of marriage, legal 21652
separation, and annulment cases, all proceedings involving child 21653
support, the allocation of parental rights and responsibilities 21654
for the care of children and the designation for the children of a 21655
place of residence and legal custodian, parenting time, and 21656
visitation, and all post-decree proceedings and matters arising 21657
from those cases and proceedings shall be assigned to that judge 21658
and the successors to that judge. Except as provided in division 21659
(Z)(2) of this section and notwithstanding any other provision of 21660
any section of the Revised Code, on and after February 9, 2003, 21661
the judge of the court of common pleas of Marion county whose term 21662
begins on February 9, 1999, and the successors to that judge, 21663
shall have all the powers relating to the probate division of the 21664
court of common pleas of Marion county in addition to the powers 21665
previously specified in this division, and shall exercise 21666
concurrent jurisdiction with the judge of the probate division of 21667
that court over all matters that are within the jurisdiction of 21668
the probate division of that court under Chapter 2101., and other 21669
provisions, of the Revised Code in addition to the jurisdiction of 21670
the domestic relations-juvenile-probate division of that court 21671
otherwise specified in division (Z)(1) of this section. 21672

(2) The judge of the domestic relations-juvenile-probate 21673
division of the court of common pleas of Marion county or the 21674
judge of the probate division of the court of common pleas of 21675
Marion county, whichever of those judges is senior in total length 21676
of service on the court of common pleas of Marion county, 21677

regardless of the division or divisions of service, shall serve as 21678
the clerk of the probate division of the court of common pleas of 21679
Marion county. 21680

(3) On and after February 9, 2003, all references in law to 21681
"the probate court," "the probate judge," "the juvenile court," or 21682
"the judge of the juvenile court" shall be construed, with respect 21683
to Marion county, as being references to both "the probate 21684
division" and "the domestic relations-juvenile-probate division" 21685
and as being references to both "the judge of the probate 21686
division" and "the judge of the domestic relations- 21687
juvenile-probate division." On and after February 9, 2003, all 21688
references in law to "the clerk of the probate court" shall be 21689
construed, with respect to Marion county, as being references to 21690
the judge who is serving pursuant to division (Z)(2) of this 21691
section as the clerk of the probate division of the court of 21692
common pleas of Marion county. 21693

(AA) In Muskingum county, the judge of the court of common 21694
pleas whose term begins on January 2, 2003, and successors, shall 21695
have the same qualifications, exercise the same powers and 21696
jurisdiction, and receive the same compensation as the other 21697
judges of the court of common pleas of Muskingum county and shall 21698
be elected and designated as the judge of the court of common 21699
pleas, division of domestic relations. The judge shall be assigned 21700
all divorce, dissolution of marriage, legal separation, and 21701
annulment cases, all cases arising under Chapter 3111. of the 21702
Revised Code, all proceedings involving child support, the 21703
allocation of parental rights and responsibilities for the care of 21704
children and the designation for the children of a place of 21705
residence and legal custodian, parenting time, and visitation, and 21706
all post-decree proceedings and matters arising from those cases 21707
and proceedings, except in cases that for some special reason are 21708
assigned to another judge of the court of common pleas. The judge 21709

shall be charged with the assignment and division of the work of 21710
the division and with the employment and supervision of the 21711
personnel of the division. 21712

The judge shall designate the title, compensation, expense 21713
allowances, hours, leaves of absence, and vacations of the 21714
personnel of the division and shall fix the duties of the 21715
personnel of the division. The duties of the personnel of the 21716
division, in addition to other statutory duties, shall include the 21717
handling, servicing, and investigation of divorce, dissolution of 21718
marriage, legal separation, and annulment cases, cases arising 21719
under Chapter 3111. of the Revised Code, and proceedings involving 21720
child support, the allocation of parental rights and 21721
responsibilities for the care of children and the designation for 21722
the children of a place of residence and legal custodian, 21723
parenting time, and visitation and providing any counseling and 21724
conciliation services that the division makes available to 21725
persons, whether or not the persons are parties to an action 21726
pending in the division, who request the services. 21727

(BB) In Henry county, the judge of the court of common pleas 21728
whose term begins on January 1, 2005, and successors, shall have 21729
the same qualifications, exercise the same powers and 21730
jurisdiction, and receive the same compensation as the other judge 21731
of the court of common pleas of Henry county and shall be elected 21732
and designated as the judge of the court of common pleas, division 21733
of domestic relations. The judge shall have all of the powers 21734
relating to juvenile courts, and all cases under Chapter 2151. or 21735
2152. of the Revised Code, all parentage proceedings arising under 21736
Chapter 3111. of the Revised Code over which the juvenile court 21737
has jurisdiction, all divorce, dissolution of marriage, legal 21738
separation, and annulment cases, all proceedings involving child 21739
support, the allocation of parental rights and responsibilities 21740
for the care of children and the designation for the children of a 21741

place of residence and legal custodian, parenting time, and 21742
visitation, and all post-decree proceedings and matters arising 21743
from those cases and proceedings shall be assigned to that judge, 21744
except in cases that for some special reason are assigned to the 21745
other judge of the court of common pleas. 21746

(CC)(1) In Logan county, the judge of the court of common 21747
pleas whose term begins January 2, 2005, and the successors to 21748
that judge, shall have the same qualifications, exercise the same 21749
powers and jurisdiction, and receive the same compensation as the 21750
other judges of the court of common pleas of Logan county and 21751
shall be elected and designated as judge of the court of common 21752
pleas, domestic relations-juvenile-probate division. Except as 21753
otherwise specified in this division, that judge, and the 21754
successors to that judge, shall have all the powers relating to 21755
juvenile courts, and all cases under Chapters 2151. and 2152. of 21756
the Revised Code, all cases arising under Chapter 3111. of the 21757
Revised Code, all divorce, dissolution of marriage, legal 21758
separation, and annulment cases, all proceedings involving child 21759
support, the allocation of parental rights and responsibilities 21760
for the care of children and designation for the children of a 21761
place of residence and legal custodian, parenting time, and 21762
visitation, and all post-decree proceedings and matters arising 21763
from those cases and proceedings shall be assigned to that judge 21764
and the successors to that judge. Notwithstanding any other 21765
provision of any section of the Revised Code, on and after January 21766
2, 2005, the judge of the court of common pleas of Logan county 21767
whose term begins on January 2, 2005, and the successors to that 21768
judge, shall have all the powers relating to the probate division 21769
of the court of common pleas of Logan county in addition to the 21770
powers previously specified in this division and shall exercise 21771
concurrent jurisdiction with the judge of the probate division of 21772
that court over all matters that are within the jurisdiction of 21773
the probate division of that court under Chapter 2101., and other 21774

provisions, of the Revised Code in addition to the jurisdiction of 21775
the domestic relations-juvenile-probate division of that court 21776
otherwise specified in division (CC)(1) of this section. 21777

(2) The judge of the domestic relations-juvenile-probate 21778
division of the court of common pleas of Logan county or the 21779
probate judge of the court of common pleas of Logan county who is 21780
elected as the administrative judge of the probate division of the 21781
court of common pleas of Logan county pursuant to Rule 4 of the 21782
Rules of Superintendence shall be the clerk of the probate 21783
division and juvenile division of the court of common pleas of 21784
Logan county. The clerk of the court of common pleas who is 21785
elected pursuant to section 2303.01 of the Revised Code shall keep 21786
all of the journals, records, books, papers, and files pertaining 21787
to the domestic relations cases. 21788

(3) On and after January 2, 2005, all references in law to 21789
"the probate court," "the probate judge," "the juvenile court," or 21790
"the judge of the juvenile court" shall be construed, with respect 21791
to Logan county, as being references to both "the probate 21792
division" and the "domestic relations-juvenile-probate division" 21793
and as being references to both "the judge of the probate 21794
division" and the "judge of the domestic 21795
relations-juvenile-probate division." On and after January 2, 21796
2005, all references in law to "the clerk of the probate court" 21797
shall be construed, with respect to Logan county, as being 21798
references to the judge who is serving pursuant to division 21799
(CC)(2) of this section as the clerk of the probate division of 21800
the court of common pleas of Logan county. 21801

(DD)(1) In Champaign county, the judge of the court of common 21802
pleas whose term begins February 9, 2003, and the judge of the 21803
court of common pleas whose term begins February 10, 2009, and the 21804
successors to those judges, shall have the same qualifications, 21805
exercise the same powers and jurisdiction, and receive the same 21806

compensation as the other judges of the court of common pleas of 21807
Champaign county and shall be elected and designated as judges of 21808
the court of common pleas, domestic relations-juvenile-probate 21809
division. Except as otherwise specified in this division, those 21810
judges, and the successors to those judges, shall have all the 21811
powers relating to juvenile courts, and all cases under Chapters 21812
2151. and 2152. of the Revised Code, all cases arising under 21813
Chapter 3111. of the Revised Code, all divorce, dissolution of 21814
marriage, legal separation, and annulment cases, all proceedings 21815
involving child support, the allocation of parental rights and 21816
responsibilities for the care of children and the designation for 21817
the children of a place of residence and legal custodian, 21818
parenting time, and visitation, and all post-decree proceedings 21819
and matters arising from those cases and proceedings shall be 21820
assigned to those judges and the successors to those judges. 21821
Notwithstanding any other provision of any section of the Revised 21822
Code, on and after February 9, 2009, the judges designated by this 21823
division as judges of the court of common pleas of Champaign 21824
county, domestic relations-juvenile-probate division, and the 21825
successors to those judges, shall have all the powers relating to 21826
probate courts in addition to the powers previously specified in 21827
this division and shall exercise jurisdiction over all matters 21828
that are within the jurisdiction of probate courts under Chapter 21829
2101., and other provisions, of the Revised Code in addition to 21830
the jurisdiction of the domestic relations-juvenile-probate 21831
division otherwise specified in division (DD)(1) of this section. 21832

(2) On and after February 9, 2009, all references in law to 21833
"the probate court," "the probate judge," "the juvenile court," or 21834
"the judge of the juvenile court" shall be construed with respect 21835
to Champaign county as being references to the "domestic 21836
relations-juvenile-probate division" and as being references to 21837
the "judge of the domestic relations-juvenile-probate division." 21838
On and after February 9, 2009, all references in law to "the clerk 21839

of the probate court" shall be construed with respect to Champaign 21840
county as being references to the judge who is serving pursuant to 21841
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 21842
the administrative judge of the court of common pleas, domestic 21843
relations-juvenile-probate division. 21844

(EE) If a judge of the court of common pleas, division of 21845
domestic relations, or juvenile judge, of any of the counties 21846
mentioned in this section is sick, absent, or unable to perform 21847
that judge's judicial duties or the volume of cases pending in the 21848
judge's division necessitates it, the duties of that judge shall 21849
be performed by another judge of the court of common pleas of that 21850
county, assigned for that purpose by the presiding judge of the 21851
court of common pleas of that county to act in place of or in 21852
conjunction with that judge, as the case may require. 21853

Sec. 2305.231. (A) As used in this section: 21854

(1) "Dentist" means a person who is licensed under Chapter 21855
4715. of the Revised Code to practice dentistry. 21856

(2) "Physician" means a person who holds a certificate issued 21857
by the state medical board to practice medicine and surgery, 21858
osteopathic medicine and surgery, or podiatric medicine and 21859
surgery. 21860

(3) "Registered nurse" means a nurse who is licensed as a 21861
registered nurse under Chapter 4723. of the Revised Code. 21862

(4) "Therapeutic recreation" means adoptive recreation 21863
services to persons with illnesses or disabling conditions in 21864
order to do any of the following: 21865

(a) Restore, remediate, or rehabilitate; 21866

(b) Improve functioning and independence; 21867

(c) Reduce or eliminate the effects of illness or disability. 21868

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.

(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following:

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility;

(b) Acts performed in administering that care or treatment.

(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct.

(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the

recipient of the care or treatment or from someone on the 21900
recipient's behalf. 21901

Sec. 2925.03. (A) No person shall knowingly do any of the 21902
following: 21903

(1) Sell or offer to sell a controlled substance or a 21904
controlled substance analog; 21905

(2) Prepare for shipment, ship, transport, deliver, prepare 21906
for distribution, or distribute a controlled substance or a 21907
controlled substance analog, when the offender knows or has 21908
reasonable cause to believe that the controlled substance or a 21909
controlled substance analog is intended for sale or resale by the 21910
offender or another person. 21911

(B) This section does not apply to any of the following: 21912

(1) Manufacturers, licensed health professionals authorized 21913
to prescribe drugs, pharmacists, owners of pharmacies, and other 21914
persons whose conduct is in accordance with Chapters 3719., 4715., 21915
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 21916

(2) If the offense involves an anabolic steroid, any person 21917
who is conducting or participating in a research project involving 21918
the use of an anabolic steroid if the project has been approved by 21919
the United States food and drug administration; 21920

(3) Any person who sells, offers for sale, prescribes, 21921
dispenses, or administers for livestock or other nonhuman species 21922
an anabolic steroid that is expressly intended for administration 21923
through implants to livestock or other nonhuman species and 21924
approved for that purpose under the "Federal Food, Drug, and 21925
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 21926
and is sold, offered for sale, prescribed, dispensed, or 21927
administered for that purpose in accordance with that act. 21928

(C) Whoever violates division (A) of this section is guilty 21929

of one of the following: 21930

(1) If the drug involved in the violation is any compound, 21931
mixture, preparation, or substance included in schedule I or 21932
schedule II, with the exception of marihuana, cocaine, L.S.D., 21933
heroin, hashish, and controlled substance analogs, whoever 21934
violates division (A) of this section is guilty of aggravated 21935
trafficking in drugs. The penalty for the offense shall be 21936
determined as follows: 21937

(a) Except as otherwise provided in division (C)(1)(b), (c), 21938
(d), (e), or (f) of this section, aggravated trafficking in drugs 21939
is a felony of the fourth degree, and division (C) of section 21940
2929.13 of the Revised Code applies in determining whether to 21941
impose a prison term on the offender. 21942

(b) Except as otherwise provided in division (C)(1)(c), (d), 21943
(e), or (f) of this section, if the offense was committed in the 21944
vicinity of a school or in the vicinity of a juvenile, aggravated 21945
trafficking in drugs is a felony of the third degree, and division 21946
(C) of section 2929.13 of the Revised Code applies in determining 21947
whether to impose a prison term on the offender. 21948

(c) Except as otherwise provided in this division, if the 21949
amount of the drug involved equals or exceeds the bulk amount but 21950
is less than five times the bulk amount, aggravated trafficking in 21951
drugs is a felony of the third degree, and, except as otherwise 21952
provided in this division, there is a presumption for a prison 21953
term for the offense. If aggravated trafficking in drugs is a 21954
felony of the third degree under this division and if the offender 21955
two or more times previously has been convicted of or pleaded 21956
guilty to a felony drug abuse offense, the court shall impose as a 21957
mandatory prison term one of the prison terms prescribed for a 21958
felony of the third degree. If the amount of the drug involved is 21959
within that range and if the offense was committed in the vicinity 21960
of a school or in the vicinity of a juvenile, aggravated 21961

trafficking in drugs is a felony of the second degree, and the 21962
court shall impose as a mandatory prison term one of the prison 21963
terms prescribed for a felony of the second degree. 21964

(d) Except as otherwise provided in this division, if the 21965
amount of the drug involved equals or exceeds five times the bulk 21966
amount but is less than fifty times the bulk amount, aggravated 21967
trafficking in drugs is a felony of the second degree, and the 21968
court shall impose as a mandatory prison term one of the prison 21969
terms prescribed for a felony of the second degree. If the amount 21970
of the drug involved is within that range and if the offense was 21971
committed in the vicinity of a school or in the vicinity of a 21972
juvenile, aggravated trafficking in drugs is a felony of the first 21973
degree, and the court shall impose as a mandatory prison term one 21974
of the prison terms prescribed for a felony of the first degree. 21975

(e) If the amount of the drug involved equals or exceeds 21976
fifty times the bulk amount but is less than one hundred times the 21977
bulk amount and regardless of whether the offense was committed in 21978
the vicinity of a school or in the vicinity of a juvenile, 21979
aggravated trafficking in drugs is a felony of the first degree, 21980
and the court shall impose as a mandatory prison term one of the 21981
prison terms prescribed for a felony of the first degree. 21982

(f) If the amount of the drug involved equals or exceeds one 21983
hundred times the bulk amount and regardless of whether the 21984
offense was committed in the vicinity of a school or in the 21985
vicinity of a juvenile, aggravated trafficking in drugs is a 21986
felony of the first degree, the offender is a major drug offender, 21987
and the court shall impose as a mandatory prison term the maximum 21988
prison term prescribed for a felony of the first degree. 21989

(2) If the drug involved in the violation is any compound, 21990
mixture, preparation, or substance included in schedule III, IV, 21991
or V, whoever violates division (A) of this section is guilty of 21992
trafficking in drugs. The penalty for the offense shall be 21993

determined as follows: 21994

(a) Except as otherwise provided in division (C)(2)(b), (c), 21995
(d), or (e) of this section, trafficking in drugs is a felony of 21996
the fifth degree, and division (B) of section 2929.13 of the 21997
Revised Code applies in determining whether to impose a prison 21998
term on the offender. 21999

(b) Except as otherwise provided in division (C)(2)(c), (d), 22000
or (e) of this section, if the offense was committed in the 22001
vicinity of a school or in the vicinity of a juvenile, trafficking 22002
in drugs is a felony of the fourth degree, and division (C) of 22003
section 2929.13 of the Revised Code applies in determining whether 22004
to impose a prison term on the offender. 22005

(c) Except as otherwise provided in this division, if the 22006
amount of the drug involved equals or exceeds the bulk amount but 22007
is less than five times the bulk amount, trafficking in drugs is a 22008
felony of the fourth degree, and division (B) of section 2929.13 22009
of the Revised Code applies in determining whether to impose a 22010
prison term for the offense. If the amount of the drug involved is 22011
within that range and if the offense was committed in the vicinity 22012
of a school or in the vicinity of a juvenile, trafficking in drugs 22013
is a felony of the third degree, and there is a presumption for a 22014
prison term for the offense. 22015

(d) Except as otherwise provided in this division, if the 22016
amount of the drug involved equals or exceeds five times the bulk 22017
amount but is less than fifty times the bulk amount, trafficking 22018
in drugs is a felony of the third degree, and there is a 22019
presumption for a prison term for the offense. If the amount of 22020
the drug involved is within that range and if the offense was 22021
committed in the vicinity of a school or in the vicinity of a 22022
juvenile, trafficking in drugs is a felony of the second degree, 22023
and there is a presumption for a prison term for the offense. 22024

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13

of the Revised Code applies in determining whether to impose a 22057
prison term on the offender. If the amount of the drug involved is 22058
within that range and if the offense was committed in the vicinity 22059
of a school or in the vicinity of a juvenile, trafficking in 22060
marihuana is a felony of the third degree, and division (C) of 22061
section 2929.13 of the Revised Code applies in determining whether 22062
to impose a prison term on the offender. 22063

(d) Except as otherwise provided in this division, if the 22064
amount of the drug involved equals or exceeds one thousand grams 22065
but is less than five thousand grams, trafficking in marihuana is 22066
a felony of the third degree, and division (C) of section 2929.13 22067
of the Revised Code applies in determining whether to impose a 22068
prison term on the offender. If the amount of the drug involved is 22069
within that range and if the offense was committed in the vicinity 22070
of a school or in the vicinity of a juvenile, trafficking in 22071
marihuana is a felony of the second degree, and there is a 22072
presumption that a prison term shall be imposed for the offense. 22073

(e) Except as otherwise provided in this division, if the 22074
amount of the drug involved equals or exceeds five thousand grams 22075
but is less than twenty thousand grams, trafficking in marihuana 22076
is a felony of the third degree, and there is a presumption that a 22077
prison term shall be imposed for the offense. If the amount of the 22078
drug involved is within that range and if the offense was 22079
committed in the vicinity of a school or in the vicinity of a 22080
juvenile, trafficking in marihuana is a felony of the second 22081
degree, and there is a presumption that a prison term shall be 22082
imposed for the offense. 22083

(f) Except as otherwise provided in this division, if the 22084
amount of the drug involved equals or exceeds twenty thousand 22085
grams but is less than forty thousand grams, trafficking in 22086
marihuana is a felony of the second degree, and the court shall 22087
impose a mandatory prison term of five, six, seven, or eight 22088

years. If the amount of the drug involved is within that range and 22089
if the offense was committed in the vicinity of a school or in the 22090
vicinity of a juvenile, trafficking in marihuana is a felony of 22091
the first degree, and the court shall impose as a mandatory prison 22092
term the maximum prison term prescribed for a felony of the first 22093
degree. 22094

(g) Except as otherwise provided in this division, if the 22095
amount of the drug involved equals or exceeds forty thousand 22096
grams, trafficking in marihuana is a felony of the second degree, 22097
and the court shall impose as a mandatory prison term the maximum 22098
prison term prescribed for a felony of the second degree. If the 22099
amount of the drug involved equals or exceeds forty thousand grams 22100
and if the offense was committed in the vicinity of a school or in 22101
the vicinity of a juvenile, trafficking in marihuana is a felony 22102
of the first degree, and the court shall impose as a mandatory 22103
prison term the maximum prison term prescribed for a felony of the 22104
first degree. 22105

(h) Except as otherwise provided in this division, if the 22106
offense involves a gift of twenty grams or less of marihuana, 22107
trafficking in marihuana is a minor misdemeanor upon a first 22108
offense and a misdemeanor of the third degree upon a subsequent 22109
offense. If the offense involves a gift of twenty grams or less of 22110
marihuana and if the offense was committed in the vicinity of a 22111
school or in the vicinity of a juvenile, trafficking in marihuana 22112
is a misdemeanor of the third degree. 22113

(4) If the drug involved in the violation is cocaine or a 22114
compound, mixture, preparation, or substance containing cocaine, 22115
whoever violates division (A) of this section is guilty of 22116
trafficking in cocaine. The penalty for the offense shall be 22117
determined as follows: 22118

(a) Except as otherwise provided in division (C)(4)(b), (c), 22119
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 22120

felony of the fifth degree, and division (B) of section 2929.13 of 22121
the Revised Code applies in determining whether to impose a prison 22122
term on the offender. 22123

(b) Except as otherwise provided in division (C)(4)(c), (d), 22124
(e), (f), or (g) of this section, if the offense was committed in 22125
the vicinity of a school or in the vicinity of a juvenile, 22126
trafficking in cocaine is a felony of the fourth degree, and 22127
division (C) of section 2929.13 of the Revised Code applies in 22128
determining whether to impose a prison term on the offender. 22129

(c) Except as otherwise provided in this division, if the 22130
amount of the drug involved equals or exceeds five grams but is 22131
less than ten grams of cocaine, trafficking in cocaine is a felony 22132
of the fourth degree, and division (B) of section 2929.13 of the 22133
Revised Code applies in determining whether to impose a prison 22134
term for the offense. If the amount of the drug involved is within 22135
that range and if the offense was committed in the vicinity of a 22136
school or in the vicinity of a juvenile, trafficking in cocaine is 22137
a felony of the third degree, and there is a presumption for a 22138
prison term for the offense. 22139

(d) Except as otherwise provided in this division, if the 22140
amount of the drug involved equals or exceeds ten grams but is 22141
less than twenty grams of cocaine, trafficking in cocaine is a 22142
felony of the third degree, and, except as otherwise provided in 22143
this division, there is a presumption for a prison term for the 22144
offense. If trafficking in cocaine is a felony of the third degree 22145
under this division and if the offender two or more times 22146
previously has been convicted of or pleaded guilty to a felony 22147
drug abuse offense, the court shall impose as a mandatory prison 22148
term one of the prison terms prescribed for a felony of the third 22149
degree. If the amount of the drug involved is within that range 22150
and if the offense was committed in the vicinity of a school or in 22151
the vicinity of a juvenile, trafficking in cocaine is a felony of 22152

the second degree, and the court shall impose as a mandatory 22153
prison term one of the prison terms prescribed for a felony of the 22154
second degree. 22155

(e) Except as otherwise provided in this division, if the 22156
amount of the drug involved equals or exceeds twenty grams but is 22157
less than twenty-seven grams of cocaine, trafficking in cocaine is 22158
a felony of the second degree, and the court shall impose as a 22159
mandatory prison term one of the prison terms prescribed for a 22160
felony of the second degree. If the amount of the drug involved is 22161
within that range and if the offense was committed in the vicinity 22162
of a school or in the vicinity of a juvenile, trafficking in 22163
cocaine is a felony of the first degree, and the court shall 22164
impose as a mandatory prison term one of the prison terms 22165
prescribed for a felony of the first degree. 22166

(f) If the amount of the drug involved equals or exceeds 22167
twenty-seven grams but is less than one hundred grams of cocaine 22168
and regardless of whether the offense was committed in the 22169
vicinity of a school or in the vicinity of a juvenile, trafficking 22170
in cocaine is a felony of the first degree, and the court shall 22171
impose as a mandatory prison term one of the prison terms 22172
prescribed for a felony of the first degree. 22173

(g) If the amount of the drug involved equals or exceeds one 22174
hundred grams of cocaine and regardless of whether the offense was 22175
committed in the vicinity of a school or in the vicinity of a 22176
juvenile, trafficking in cocaine is a felony of the first degree, 22177
the offender is a major drug offender, and the court shall impose 22178
as a mandatory prison term the maximum prison term prescribed for 22179
a felony of the first degree. 22180

(5) If the drug involved in the violation is L.S.D. or a 22181
compound, mixture, preparation, or substance containing L.S.D., 22182
whoever violates division (A) of this section is guilty of 22183
trafficking in L.S.D. The penalty for the offense shall be 22184

determined as follows: 22185

(a) Except as otherwise provided in division (C)(5)(b), (c), 22186
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 22187
felony of the fifth degree, and division (B) of section 2929.13 of 22188
the Revised Code applies in determining whether to impose a prison 22189
term on the offender. 22190

(b) Except as otherwise provided in division (C)(5)(c), (d), 22191
(e), (f), or (g) of this section, if the offense was committed in 22192
the vicinity of a school or in the vicinity of a juvenile, 22193
trafficking in L.S.D. is a felony of the fourth degree, and 22194
division (C) of section 2929.13 of the Revised Code applies in 22195
determining whether to impose a prison term on the offender. 22196

(c) Except as otherwise provided in this division, if the 22197
amount of the drug involved equals or exceeds ten unit doses but 22198
is less than fifty unit doses of L.S.D. in a solid form or equals 22199
or exceeds one gram but is less than five grams of L.S.D. in a 22200
liquid concentrate, liquid extract, or liquid distillate form, 22201
trafficking in L.S.D. is a felony of the fourth degree, and 22202
division (B) of section 2929.13 of the Revised Code applies in 22203
determining whether to impose a prison term for the offense. If 22204
the amount of the drug involved is within that range and if the 22205
offense was committed in the vicinity of a school or in the 22206
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22207
third degree, and there is a presumption for a prison term for the 22208
offense. 22209

(d) Except as otherwise provided in this division, if the 22210
amount of the drug involved equals or exceeds fifty unit doses but 22211
is less than two hundred fifty unit doses of L.S.D. in a solid 22212
form or equals or exceeds five grams but is less than twenty-five 22213
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 22214
distillate form, trafficking in L.S.D. is a felony of the third 22215
degree, and, except as otherwise provided in this division, there 22216

is a presumption for a prison term for the offense. If trafficking 22217
in L.S.D. is a felony of the third degree under this division and 22218
if the offender two or more times previously has been convicted of 22219
or pleaded guilty to a felony drug abuse offense, the court shall 22220
impose as a mandatory prison term one of the prison terms 22221
prescribed for a felony of the third degree. If the amount of the 22222
drug involved is within that range and if the offense was 22223
committed in the vicinity of a school or in the vicinity of a 22224
juvenile, trafficking in L.S.D. is a felony of the second degree, 22225
and the court shall impose as a mandatory prison term one of the 22226
prison terms prescribed for a felony of the second degree. 22227

(e) Except as otherwise provided in this division, if the 22228
amount of the drug involved equals or exceeds two hundred fifty 22229
unit doses but is less than one thousand unit doses of L.S.D. in a 22230
solid form or equals or exceeds twenty-five grams but is less than 22231
one hundred grams of L.S.D. in a liquid concentrate, liquid 22232
extract, or liquid distillate form, trafficking in L.S.D. is a 22233
felony of the second degree, and the court shall impose as a 22234
mandatory prison term one of the prison terms prescribed for a 22235
felony of the second degree. If the amount of the drug involved is 22236
within that range and if the offense was committed in the vicinity 22237
of a school or in the vicinity of a juvenile, trafficking in 22238
L.S.D. is a felony of the first degree, and the court shall impose 22239
as a mandatory prison term one of the prison terms prescribed for 22240
a felony of the first degree. 22241

(f) If the amount of the drug involved equals or exceeds one 22242
thousand unit doses but is less than five thousand unit doses of 22243
L.S.D. in a solid form or equals or exceeds one hundred grams but 22244
is less than five hundred grams of L.S.D. in a liquid concentrate, 22245
liquid extract, or liquid distillate form and regardless of 22246
whether the offense was committed in the vicinity of a school or 22247
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 22248

of the first degree, and the court shall impose as a mandatory 22249
prison term one of the prison terms prescribed for a felony of the 22250
first degree. 22251

(g) If the amount of the drug involved equals or exceeds five 22252
thousand unit doses of L.S.D. in a solid form or equals or exceeds 22253
five hundred grams of L.S.D. in a liquid concentrate, liquid 22254
extract, or liquid distillate form and regardless of whether the 22255
offense was committed in the vicinity of a school or in the 22256
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22257
first degree, the offender is a major drug offender, and the court 22258
shall impose as a mandatory prison term the maximum prison term 22259
prescribed for a felony of the first degree. 22260

(6) If the drug involved in the violation is heroin or a 22261
compound, mixture, preparation, or substance containing heroin, 22262
whoever violates division (A) of this section is guilty of 22263
trafficking in heroin. The penalty for the offense shall be 22264
determined as follows: 22265

(a) Except as otherwise provided in division (C)(6)(b), (c), 22266
(d), (e), (f), or (g) of this section, trafficking in heroin is a 22267
felony of the fifth degree, and division (B) of section 2929.13 of 22268
the Revised Code applies in determining whether to impose a prison 22269
term on the offender. 22270

(b) Except as otherwise provided in division (C)(6)(c), (d), 22271
(e), (f), or (g) of this section, if the offense was committed in 22272
the vicinity of a school or in the vicinity of a juvenile, 22273
trafficking in heroin is a felony of the fourth degree, and 22274
division (C) of section 2929.13 of the Revised Code applies in 22275
determining whether to impose a prison term on the offender. 22276

(c) Except as otherwise provided in this division, if the 22277
amount of the drug involved equals or exceeds ten unit doses but 22278
is less than fifty unit doses or equals or exceeds one gram but is 22279

less than five grams, trafficking in heroin is a felony of the 22280
fourth degree, and division (B) of section 2929.13 of the Revised 22281
Code applies in determining whether to impose a prison term for 22282
the offense. If the amount of the drug involved is within that 22283
range and if the offense was committed in the vicinity of a school 22284
or in the vicinity of a juvenile, trafficking in heroin is a 22285
felony of the third degree, and there is a presumption for a 22286
prison term for the offense. 22287

(d) Except as otherwise provided in this division, if the 22288
amount of the drug involved equals or exceeds fifty unit doses but 22289
is less than one hundred unit doses or equals or exceeds five 22290
grams but is less than ten grams, trafficking in heroin is a 22291
felony of the third degree, and there is a presumption for a 22292
prison term for the offense. If the amount of the drug involved is 22293
within that range and if the offense was committed in the vicinity 22294
of a school or in the vicinity of a juvenile, trafficking in 22295
heroin is a felony of the second degree, and there is a 22296
presumption for a prison term for the offense. 22297

(e) Except as otherwise provided in this division, if the 22298
amount of the drug involved equals or exceeds one hundred unit 22299
doses but is less than five hundred unit doses or equals or 22300
exceeds ten grams but is less than fifty grams, trafficking in 22301
heroin is a felony of the second degree, and the court shall 22302
impose as a mandatory prison term one of the prison terms 22303
prescribed for a felony of the second degree. If the amount of the 22304
drug involved is within that range and if the offense was 22305
committed in the vicinity of a school or in the vicinity of a 22306
juvenile, trafficking in heroin is a felony of the first degree, 22307
and the court shall impose as a mandatory prison term one of the 22308
prison terms prescribed for a felony of the first degree. 22309

(f) If the amount of the drug involved equals or exceeds five 22310
hundred unit doses but is less than two thousand five hundred unit 22311

doses or equals or exceeds fifty grams but is less than two 22312
hundred fifty grams and regardless of whether the offense was 22313
committed in the vicinity of a school or in the vicinity of a 22314
juvenile, trafficking in heroin is a felony of the first degree, 22315
and the court shall impose as a mandatory prison term one of the 22316
prison terms prescribed for a felony of the first degree. 22317

(g) If the amount of the drug involved equals or exceeds two 22318
thousand five hundred unit doses or equals or exceeds two hundred 22319
fifty grams and regardless of whether the offense was committed in 22320
the vicinity of a school or in the vicinity of a juvenile, 22321
trafficking in heroin is a felony of the first degree, the 22322
offender is a major drug offender, and the court shall impose as a 22323
mandatory prison term the maximum prison term prescribed for a 22324
felony of the first degree. 22325

(7) If the drug involved in the violation is hashish or a 22326
compound, mixture, preparation, or substance containing hashish, 22327
whoever violates division (A) of this section is guilty of 22328
trafficking in hashish. The penalty for the offense shall be 22329
determined as follows: 22330

(a) Except as otherwise provided in division (C)(7)(b), (c), 22331
(d), (e), (f), or (g) of this section, trafficking in hashish is a 22332
felony of the fifth degree, and division (B) of section 2929.13 of 22333
the Revised Code applies in determining whether to impose a prison 22334
term on the offender. 22335

(b) Except as otherwise provided in division (C)(7)(c), (d), 22336
(e), (f), or (g) of this section, if the offense was committed in 22337
the vicinity of a school or in the vicinity of a juvenile, 22338
trafficking in hashish is a felony of the fourth degree, and 22339
division (B) of section 2929.13 of the Revised Code applies in 22340
determining whether to impose a prison term on the offender. 22341

(c) Except as otherwise provided in this division, if the 22342

amount of the drug involved equals or exceeds ten grams but is 22343
less than fifty grams of hashish in a solid form or equals or 22344
exceeds two grams but is less than ten grams of hashish in a 22345
liquid concentrate, liquid extract, or liquid distillate form, 22346
trafficking in hashish is a felony of the fourth degree, and 22347
division (B) of section 2929.13 of the Revised Code applies in 22348
determining whether to impose a prison term on the offender. If 22349
the amount of the drug involved is within that range and if the 22350
offense was committed in the vicinity of a school or in the 22351
vicinity of a juvenile, trafficking in hashish is a felony of the 22352
third degree, and division (C) of section 2929.13 of the Revised 22353
Code applies in determining whether to impose a prison term on the 22354
offender. 22355

(d) Except as otherwise provided in this division, if the 22356
amount of the drug involved equals or exceeds fifty grams but is 22357
less than two hundred fifty grams of hashish in a solid form or 22358
equals or exceeds ten grams but is less than fifty grams of 22359
hashish in a liquid concentrate, liquid extract, or liquid 22360
distillate form, trafficking in hashish is a felony of the third 22361
degree, and division (C) of section 2929.13 of the Revised Code 22362
applies in determining whether to impose a prison term on the 22363
offender. If the amount of the drug involved is within that range 22364
and if the offense was committed in the vicinity of a school or in 22365
the vicinity of a juvenile, trafficking in hashish is a felony of 22366
the second degree, and there is a presumption that a prison term 22367
shall be imposed for the offense. 22368

(e) Except as otherwise provided in this division, if the 22369
amount of the drug involved equals or exceeds two hundred fifty 22370
grams but is less than one thousand grams of hashish in a solid 22371
form or equals or exceeds fifty grams but is less than two hundred 22372
grams of hashish in a liquid concentrate, liquid extract, or 22373
liquid distillate form, trafficking in hashish is a felony of the 22374

third degree, and there is a presumption that a prison term shall 22375
be imposed for the offense. If the amount of the drug involved is 22376
within that range and if the offense was committed in the vicinity 22377
of a school or in the vicinity of a juvenile, trafficking in 22378
hashish is a felony of the second degree, and there is a 22379
presumption that a prison term shall be imposed for the offense. 22380

(f) Except as otherwise provided in this division, if the 22381
amount of the drug involved equals or exceeds one thousand grams 22382
but is less than two thousand grams of hashish in a solid form or 22383
equals or exceeds two hundred grams but is less than four hundred 22384
grams of hashish in a liquid concentrate, liquid extract, or 22385
liquid distillate form, trafficking in hashish is a felony of the 22386
second degree, and the court shall impose a mandatory prison term 22387
of five, six, seven, or eight years. If the amount of the drug 22388
involved is within that range and if the offense was committed in 22389
the vicinity of a school or in the vicinity of a juvenile, 22390
trafficking in hashish is a felony of the first degree, and the 22391
court shall impose as a mandatory prison term the maximum prison 22392
term prescribed for a felony of the first degree. 22393

(g) Except as otherwise provided in this division, if the 22394
amount of the drug involved equals or exceeds two thousand grams 22395
of hashish in a solid form or equals or exceeds four hundred grams 22396
of hashish in a liquid concentrate, liquid extract, or liquid 22397
distillate form, trafficking in hashish is a felony of the second 22398
degree, and the court shall impose as a mandatory prison term the 22399
maximum prison term prescribed for a felony of the second degree. 22400
If the amount of the drug involved equals or exceeds two thousand 22401
grams of hashish in a solid form or equals or exceeds four hundred 22402
grams of hashish in a liquid concentrate, liquid extract, or 22403
liquid distillate form and if the offense was committed in the 22404
vicinity of a school or in the vicinity of a juvenile, trafficking 22405
in hashish is a felony of the first degree, and the court shall 22406

impose as a mandatory prison term the maximum prison term 22407
prescribed for a felony of the first degree. 22408

(8) If the drug involved in the violation is a controlled 22409
substance analog or compound, mixture, preparation, or substance 22410
that contains a controlled substance analog, whoever violates 22411
division (A) of this section is guilty of trafficking in a 22412
controlled substance analog. The penalty for the offense shall be 22413
determined as follows: 22414

(a) Except as otherwise provided in division (C)(8)(b), (c), 22415
(d), (e), (f), or (g) of this section, trafficking in a controlled 22416
substance analog is a felony of the fifth degree, and division (C) 22417
of section 2929.13 of the Revised Code applies in determining 22418
whether to impose a prison term on the offender. 22419

(b) Except as otherwise provided in division (C)(8)(c), (d), 22420
(e), (f), or (g) of this section, if the offense was committed in 22421
the vicinity of a school or in the vicinity of a juvenile, 22422
trafficking in a controlled substance analog is a felony of the 22423
fourth degree, and division (C) of section 2929.13 of the Revised 22424
Code applies in determining whether to impose a prison term on the 22425
offender. 22426

(c) Except as otherwise provided in this division, if the 22427
amount of the drug involved equals or exceeds ten grams but is 22428
less than twenty grams, trafficking in a controlled substance 22429
analog is a felony of the fourth degree, and division (B) of 22430
section 2929.13 of the Revised Code applies in determining whether 22431
to impose a prison term for the offense. If the amount of the drug 22432
involved is within that range and if the offense was committed in 22433
the vicinity of a school or in the vicinity of a juvenile, 22434
trafficking in a controlled substance analog is a felony of the 22435
third degree, and there is a presumption for a prison term for the 22436
offense. 22437

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile,

trafficking in a controlled substance analog is a felony of the 22470
first degree, the offender is a major drug offender, and the court 22471
shall impose as a mandatory prison term the maximum prison term 22472
prescribed for a felony of the first degree. 22473

(D) In addition to any prison term authorized or required by 22474
division (C) of this section and sections 2929.13 and 2929.14 of 22475
the Revised Code, and in addition to any other sanction imposed 22476
for the offense under this section or sections 2929.11 to 2929.18 22477
of the Revised Code, the court that sentences an offender who is 22478
convicted of or pleads guilty to a violation of division (A) of 22479
this section shall do all of the following that are applicable 22480
regarding the offender: 22481

(1) If the violation of division (A) of this section is a 22482
felony of the first, second, or third degree, the court shall 22483
impose upon the offender the mandatory fine specified for the 22484
offense under division (B)(1) of section 2929.18 of the Revised 22485
Code unless, as specified in that division, the court determines 22486
that the offender is indigent. Except as otherwise provided in 22487
division (H)(1) of this section, a mandatory fine or any other 22488
fine imposed for a violation of this section is subject to 22489
division (F) of this section. If a person is charged with a 22490
violation of this section that is a felony of the first, second, 22491
or third degree, posts bail, and forfeits the bail, the clerk of 22492
the court shall pay the forfeited bail pursuant to divisions 22493
(D)(1) and (F) of this section, as if the forfeited bail was a 22494
fine imposed for a violation of this section. If any amount of the 22495
forfeited bail remains after that payment and if a fine is imposed 22496
under division (H)(1) of this section, the clerk of the court 22497
shall pay the remaining amount of the forfeited bail pursuant to 22498
divisions (H)(2) and (3) of this section, as if that remaining 22499
amount was a fine imposed under division (H)(1) of this section. 22500

(2) The court shall suspend the driver's or commercial 22501

driver's license or permit of the offender in accordance with 22502
division (G) of this section. 22503

(3) If the offender is a professionally licensed person, the 22504
court immediately shall comply with section 2925.38 of the Revised 22505
Code. 22506

(E) When a person is charged with the sale of or offer to 22507
sell a bulk amount or a multiple of a bulk amount of a controlled 22508
substance, the jury, or the court trying the accused, shall 22509
determine the amount of the controlled substance involved at the 22510
time of the offense and, if a guilty verdict is returned, shall 22511
return the findings as part of the verdict. In any such case, it 22512
is unnecessary to find and return the exact amount of the 22513
controlled substance involved, and it is sufficient if the finding 22514
and return is to the effect that the amount of the controlled 22515
substance involved is the requisite amount, or that the amount of 22516
the controlled substance involved is less than the requisite 22517
amount. 22518

(F)(1) Notwithstanding any contrary provision of section 22519
3719.21 of the Revised Code and except as provided in division (H) 22520
of this section, the clerk of the court shall pay any mandatory 22521
fine imposed pursuant to division (D)(1) of this section and any 22522
fine other than a mandatory fine that is imposed for a violation 22523
of this section pursuant to division (A) or (B)(5) of section 22524
2929.18 of the Revised Code to the county, township, municipal 22525
corporation, park district, as created pursuant to section 511.18 22526
or 1545.04 of the Revised Code, or state law enforcement agencies 22527
in this state that primarily were responsible for or involved in 22528
making the arrest of, and in prosecuting, the offender. However, 22529
the clerk shall not pay a mandatory fine so imposed to a law 22530
enforcement agency unless the agency has adopted a written 22531
internal control policy under division (F)(2) of this section that 22532
addresses the use of the fine moneys that it receives. Each agency 22533

shall use the mandatory fines so paid to subsidize the agency's 22534
law enforcement efforts that pertain to drug offenses, in 22535
accordance with the written internal control policy adopted by the 22536
recipient agency under division (F)(2) of this section. 22537

(2) Prior to receiving any fine moneys under division (F)(1) 22538
of this section or division (B) of section 2925.42 of the Revised 22539
Code, a law enforcement agency shall adopt a written internal 22540
control policy that addresses the agency's use and disposition of 22541
all fine moneys so received and that provides for the keeping of 22542
detailed financial records of the receipts of those fine moneys, 22543
the general types of expenditures made out of those fine moneys, 22544
and the specific amount of each general type of expenditure. The 22545
policy shall not provide for or permit the identification of any 22546
specific expenditure that is made in an ongoing investigation. All 22547
financial records of the receipts of those fine moneys, the 22548
general types of expenditures made out of those fine moneys, and 22549
the specific amount of each general type of expenditure by an 22550
agency are public records open for inspection under section 149.43 22551
of the Revised Code. Additionally, a written internal control 22552
policy adopted under this division is such a public record, and 22553
the agency that adopted it shall comply with it. 22554

(3) As used in division (F) of this section: 22555

(a) "Law enforcement agencies" includes, but is not limited 22556
to, the state board of pharmacy and the office of a prosecutor. 22557

(b) "Prosecutor" has the same meaning as in section 2935.01 22558
of the Revised Code. 22559

(G) When required under division (D)(2) of this section or 22560
any other provision of this chapter, the court shall suspend for 22561
not less than six months or more than five years the driver's or 22562
commercial driver's license or permit of any person who is 22563
convicted of or pleads guilty to any violation of this section or 22564

any other specified provision of this chapter. If an offender's 22565
driver's or commercial driver's license or permit is suspended 22566
pursuant to this division, the offender, at any time after the 22567
expiration of two years from the day on which the offender's 22568
sentence was imposed or from the day on which the offender finally 22569
was released from a prison term under the sentence, whichever is 22570
later, may file a motion with the sentencing court requesting 22571
termination of the suspension; upon the filing of such a motion 22572
and the court's finding of good cause for the termination, the 22573
court may terminate the suspension. 22574

(H)(1) In addition to any prison term authorized or required 22575
by division (C) of this section and sections 2929.13 and 2929.14 22576
of the Revised Code, in addition to any other penalty or sanction 22577
imposed for the offense under this section or sections 2929.11 to 22578
2929.18 of the Revised Code, and in addition to the forfeiture of 22579
property in connection with the offense as prescribed in Chapter 22580
2981. of the Revised Code, the court that sentences an offender 22581
who is convicted of or pleads guilty to a violation of division 22582
(A) of this section may impose upon the offender an additional 22583
fine specified for the offense in division (B)(4) of section 22584
2929.18 of the Revised Code. A fine imposed under division (H)(1) 22585
of this section is not subject to division (F) of this section and 22586
shall be used solely for the support of one or more eligible 22587
community addiction services ~~provider~~ providers in accordance with 22588
divisions (H)(2) and (3) of this section. 22589

(2) The court that imposes a fine under division (H)(1) of 22590
this section shall specify in the judgment that imposes the fine 22591
one or more eligible community addiction services ~~provider~~ 22592
providers for the support of which the fine money is to be used. 22593
No community addiction services provider shall receive or use 22594
money paid or collected in satisfaction of a fine imposed under 22595
division (H)(1) of this section unless the services provider is 22596

specified in the judgment that imposes the fine. No community 22597
addiction services provider shall be specified in the judgment 22598
unless the services provider is an eligible community addiction 22599
services provider and, except as otherwise provided in division 22600
(H)(2) of this section, unless the services provider is located in 22601
the county in which the court that imposes the fine is located or 22602
in a county that is immediately contiguous to the county in which 22603
that court is located. If no eligible community addiction services 22604
provider is located in any of those counties, the judgment may 22605
specify an eligible community addiction services provider that is 22606
located anywhere within this state. 22607

(3) Notwithstanding any contrary provision of section 3719.21 22608
of the Revised Code, the clerk of the court shall pay any fine 22609
imposed under division (H)(1) of this section to the eligible 22610
community addiction services provider specified pursuant to 22611
division (H)(2) of this section in the judgment. The eligible 22612
community addiction services provider that receives the fine 22613
moneys shall use the moneys only for the alcohol and drug 22614
addiction services identified in the application for certification 22615
of services under section 5119.36 of the Revised Code or in the 22616
application for a license under section 5119.391 of the Revised 22617
Code filed with the department of mental health and addiction 22618
services by the community addiction services provider specified in 22619
the judgment. 22620

(4) Each community addiction services provider that receives 22621
in a calendar year any fine moneys under division (H)(3) of this 22622
section shall file an annual report covering that calendar year 22623
with the court of common pleas and the board of county 22624
commissioners of the county in which the services provider is 22625
located, with the court of common pleas and the board of county 22626
commissioners of each county from which the services provider 22627
received the moneys if that county is different from the county in 22628

which the services provider is located, and with the attorney 22629
general. The community addiction services provider shall file the 22630
report no later than the first day of March in the calendar year 22631
following the calendar year in which the services provider 22632
received the fine moneys. The report shall include statistics on 22633
the number of persons served by the community addiction services 22634
provider, identify the types of alcohol and drug addiction 22635
services provided to those persons, and include a specific 22636
accounting of the purposes for which the fine moneys received were 22637
used. No information contained in the report shall identify, or 22638
enable a person to determine the identity of, any person served by 22639
the community addiction services provider. Each report received by 22640
a court of common pleas, a board of county commissioners, or the 22641
attorney general is a public record open for inspection under 22642
section 149.43 of the Revised Code. 22643

(5) As used in divisions (H)(1) to (5) of this section: 22644

(a) "Community addiction services provider" and "alcohol and 22645
drug addiction services" have the same meanings as in section 22646
5119.01 of the Revised Code. 22647

(b) "Eligible community addiction services provider" means a 22648
community addiction services provider ~~that is certified under~~ 22649
~~section 5119.36, as defined in section 5119.01~~ of the Revised 22650
Code, or a community addiction services provider that maintains a 22651
methadone treatment program licensed under section 5119.391 of the 22652
Revised Code ~~by the department of mental health and addiction~~ 22653
~~services.~~ 22654

(I) As used in this section, "drug" includes any substance 22655
that is represented to be a drug. 22656

(J) It is an affirmative defense to a charge of trafficking 22657
in a controlled substance analog under division (C)(8) of this 22658
section that the person charged with violating that offense sold 22659

or offered to sell, or prepared for shipment, shipped, 22660
transported, delivered, prepared for distribution, or distributed 22661
an item described in division (HH)(2)(a), (b), or (c) of section 22662
3719.01 of the Revised Code. 22663

Sec. 2929.13. (A) Except as provided in division (E), (F), or 22664
(G) of this section and unless a specific sanction is required to 22665
be imposed or is precluded from being imposed pursuant to law, a 22666
court that imposes a sentence upon an offender for a felony may 22667
impose any sanction or combination of sanctions on the offender 22668
that are provided in sections 2929.14 to 2929.18 of the Revised 22669
Code. 22670

If the offender is eligible to be sentenced to community 22671
control sanctions, the court shall consider the appropriateness of 22672
imposing a financial sanction pursuant to section 2929.18 of the 22673
Revised Code or a sanction of community service pursuant to 22674
section 2929.17 of the Revised Code as the sole sanction for the 22675
offense. Except as otherwise provided in this division, if the 22676
court is required to impose a mandatory prison term for the 22677
offense for which sentence is being imposed, the court also shall 22678
impose any financial sanction pursuant to section 2929.18 of the 22679
Revised Code that is required for the offense and may impose any 22680
other financial sanction pursuant to that section but may not 22681
impose any additional sanction or combination of sanctions under 22682
section 2929.16 or 2929.17 of the Revised Code. 22683

If the offender is being sentenced for a fourth degree felony 22684
OVI offense or for a third degree felony OVI offense, in addition 22685
to the mandatory term of local incarceration or the mandatory 22686
prison term required for the offense by division (G)(1) or (2) of 22687
this section, the court shall impose upon the offender a mandatory 22688
fine in accordance with division (B)(3) of section 2929.18 of the 22689
Revised Code and may impose whichever of the following is 22690

applicable: 22691

(1) For a fourth degree felony OVI offense for which sentence 22692
is imposed under division (G)(1) of this section, an additional 22693
community control sanction or combination of community control 22694
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 22695
the court imposes upon the offender a community control sanction 22696
and the offender violates any condition of the community control 22697
sanction, the court may take any action prescribed in division (B) 22698
of section 2929.15 of the Revised Code relative to the offender, 22699
including imposing a prison term on the offender pursuant to that 22700
division. 22701

(2) For a third or fourth degree felony OVI offense for which 22702
sentence is imposed under division (G)(2) of this section, an 22703
additional prison term as described in division (B)(4) of section 22704
2929.14 of the Revised Code or a community control sanction as 22705
described in division (G)(2) of this section. 22706

(B)(1)(a) Except as provided in division (B)(1)(b) of this 22707
section, if an offender is convicted of or pleads guilty to a 22708
felony of the fourth or fifth degree that is not an offense of 22709
violence or that is a qualifying assault offense, the court shall 22710
sentence the offender to a community control sanction of at least 22711
one year's duration if all of the following apply: 22712

(i) The offender previously has not been convicted of or 22713
pleaded guilty to a felony offense. 22714

(ii) The most serious charge against the offender at the time 22715
of sentencing is a felony of the fourth or fifth degree. 22716

(iii) If the court made a request of the department of 22717
rehabilitation and correction pursuant to division (B)(1)(c) of 22718
this section, the department, within the forty-five-day period 22719
specified in that division, provided the court with the names of, 22720
contact information for, and program details of one or more 22721

community control sanctions of at least one year's duration that 22722
are available for persons sentenced by the court. 22723

(iv) The offender previously has not been convicted of or 22724
pleaded guilty to a misdemeanor offense of violence that the 22725
offender committed within two years prior to the offense for which 22726
sentence is being imposed. 22727

(b) The court has discretion to impose a prison term upon an 22728
offender who is convicted of or pleads guilty to a felony of the 22729
fourth or fifth degree that is not an offense of violence or that 22730
is a qualifying assault offense if any of the following apply: 22731

(i) The offender committed the offense while having a firearm 22732
on or about the offender's person or under the offender's control. 22733

(ii) If the offense is a qualifying assault offense, the 22734
offender caused serious physical harm to another person while 22735
committing the offense, and, if the offense is not a qualifying 22736
assault offense, the offender caused physical harm to another 22737
person while committing the offense. 22738

(iii) The offender violated a term of the conditions of bond 22739
as set by the court. 22740

(iv) The court made a request of the department of 22741
rehabilitation and correction pursuant to division (B)(1)(c) of 22742
this section, and the department, within the forty-five-day period 22743
specified in that division, did not provide the court with the 22744
name of, contact information for, and program details of any 22745
community control sanction of at least one year's duration that is 22746
available for persons sentenced by the court. 22747

(v) The offense is a sex offense that is a fourth or fifth 22748
degree felony violation of any provision of Chapter 2907. of the 22749
Revised Code. 22750

(vi) In committing the offense, the offender attempted to 22751

cause or made an actual threat of physical harm to a person with a 22752
deadly weapon. 22753

(vii) In committing the offense, the offender attempted to 22754
cause or made an actual threat of physical harm to a person, and 22755
the offender previously was convicted of an offense that caused 22756
physical harm to a person. 22757

(viii) The offender held a public office or position of 22758
trust, and the offense related to that office or position; the 22759
offender's position obliged the offender to prevent the offense or 22760
to bring those committing it to justice; or the offender's 22761
professional reputation or position facilitated the offense or was 22762
likely to influence the future conduct of others. 22763

(ix) The offender committed the offense for hire or as part 22764
of an organized criminal activity. 22765

(x) The offender at the time of the offense was serving, or 22766
the offender previously had served, a prison term. 22767

(xi) The offender committed the offense while under a 22768
community control sanction, while on probation, or while released 22769
from custody on a bond or personal recognizance. 22770

(c) If a court that is sentencing an offender who is 22771
convicted of or pleads guilty to a felony of the fourth or fifth 22772
degree that is not an offense of violence or that is a qualifying 22773
assault offense believes that no community control sanctions are 22774
available for its use that, if imposed on the offender, will 22775
adequately fulfill the overriding principles and purposes of 22776
sentencing, the court shall contact the department of 22777
rehabilitation and correction and ask the department to provide 22778
the court with the names of, contact information for, and program 22779
details of one or more community control sanctions of at least one 22780
year's duration that are available for persons sentenced by the 22781
court. Not later than forty-five days after receipt of a request 22782

from a court under this division, the department shall provide the 22783
court with the names of, contact information for, and program 22784
details of one or more community control sanctions of at least one 22785
year's duration that are available for persons sentenced by the 22786
court, if any. Upon making a request under this division that 22787
relates to a particular offender, a court shall defer sentencing 22788
of that offender until it receives from the department the names 22789
of, contact information for, and program details of one or more 22790
community control sanctions of at least one year's duration that 22791
are available for persons sentenced by the court or for forty-five 22792
days, whichever is the earlier. 22793

If the department provides the court with the names of, 22794
contact information for, and program details of one or more 22795
community control sanctions of at least one year's duration that 22796
are available for persons sentenced by the court within the 22797
forty-five-day period specified in this division, the court shall 22798
impose upon the offender a community control sanction under 22799
division (B)(1)(a) of this section, except that the court may 22800
impose a prison term under division (B)(1)(b) of this section if a 22801
factor described in division (B)(1)(b)(i) or (ii) of this section 22802
applies. If the department does not provide the court with the 22803
names of, contact information for, and program details of one or 22804
more community control sanctions of at least one year's duration 22805
that are available for persons sentenced by the court within the 22806
forty-five-day period specified in this division, the court may 22807
impose upon the offender a prison term under division 22808
(B)(1)(b)(iv) of this section. 22809

(d) A sentencing court may impose an additional penalty under 22810
division (B) of section 2929.15 of the Revised Code upon an 22811
offender sentenced to a community control sanction under division 22812
(B)(1)(a) of this section if the offender violates the conditions 22813
of the community control sanction, violates a law, or leaves the 22814

state without the permission of the court or the offender's 22815
probation officer. 22816

(2) If division (B)(1) of this section does not apply, except 22817
as provided in division (E), (F), or (G) of this section, in 22818
determining whether to impose a prison term as a sanction for a 22819
felony of the fourth or fifth degree, the sentencing court shall 22820
comply with the purposes and principles of sentencing under 22821
section 2929.11 of the Revised Code and with section 2929.12 of 22822
the Revised Code. 22823

(C) Except as provided in division (D), (E), (F), or (G) of 22824
this section, in determining whether to impose a prison term as a 22825
sanction for a felony of the third degree or a felony drug offense 22826
that is a violation of a provision of Chapter 2925. of the Revised 22827
Code and that is specified as being subject to this division for 22828
purposes of sentencing, the sentencing court shall comply with the 22829
purposes and principles of sentencing under section 2929.11 of the 22830
Revised Code and with section 2929.12 of the Revised Code. 22831

(D)(1) Except as provided in division (E) or (F) of this 22832
section, for a felony of the first or second degree, for a felony 22833
drug offense that is a violation of any provision of Chapter 22834
2925., 3719., or 4729. of the Revised Code for which a presumption 22835
in favor of a prison term is specified as being applicable, and 22836
for a violation of division (A)(4) or (B) of section 2907.05 of 22837
the Revised Code for which a presumption in favor of a prison term 22838
is specified as being applicable, it is presumed that a prison 22839
term is necessary in order to comply with the purposes and 22840
principles of sentencing under section 2929.11 of the Revised 22841
Code. Division (D)(2) of this section does not apply to a 22842
presumption established under this division for a violation of 22843
division (A)(4) of section 2907.05 of the Revised Code. 22844

(2) Notwithstanding the presumption established under 22845
division (D)(1) of this section for the offenses listed in that 22846

division other than a violation of division (A)(4) or (B) of 22847
section 2907.05 of the Revised Code, the sentencing court may 22848
impose a community control sanction or a combination of community 22849
control sanctions instead of a prison term on an offender for a 22850
felony of the first or second degree or for a felony drug offense 22851
that is a violation of any provision of Chapter 2925., 3719., or 22852
4729. of the Revised Code for which a presumption in favor of a 22853
prison term is specified as being applicable if it makes both of 22854
the following findings: 22855

(a) A community control sanction or a combination of 22856
community control sanctions would adequately punish the offender 22857
and protect the public from future crime, because the applicable 22858
factors under section 2929.12 of the Revised Code indicating a 22859
lesser likelihood of recidivism outweigh the applicable factors 22860
under that section indicating a greater likelihood of recidivism. 22861

(b) A community control sanction or a combination of 22862
community control sanctions would not demean the seriousness of 22863
the offense, because one or more factors under section 2929.12 of 22864
the Revised Code that indicate that the offender's conduct was 22865
less serious than conduct normally constituting the offense are 22866
applicable, and they outweigh the applicable factors under that 22867
section that indicate that the offender's conduct was more serious 22868
than conduct normally constituting the offense. 22869

(E)(1) Except as provided in division (F) of this section, 22870
for any drug offense that is a violation of any provision of 22871
Chapter 2925. of the Revised Code and that is a felony of the 22872
third, fourth, or fifth degree, the applicability of a presumption 22873
under division (D) of this section in favor of a prison term or of 22874
division (B) or (C) of this section in determining whether to 22875
impose a prison term for the offense shall be determined as 22876
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 22877
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 22878

Revised Code, whichever is applicable regarding the violation. 22879

(2) If an offender who was convicted of or pleaded guilty to 22880
a felony violates the conditions of a community control sanction 22881
imposed for the offense solely by reason of producing positive 22882
results on a drug test, the court, as punishment for the violation 22883
of the sanction, shall not order that the offender be imprisoned 22884
unless the court determines on the record either of the following: 22885

(a) The offender had been ordered as a sanction for the 22886
felony to participate in a drug treatment program, in a drug 22887
education program, or in narcotics anonymous or a similar program, 22888
and the offender continued to use illegal drugs after a reasonable 22889
period of participation in the program. 22890

(b) The imprisonment of the offender for the violation is 22891
consistent with the purposes and principles of sentencing set 22892
forth in section 2929.11 of the Revised Code. 22893

(3) A court that sentences an offender for a drug abuse 22894
offense that is a felony of the third, fourth, or fifth degree may 22895
require that the offender be assessed by a properly credentialed 22896
professional within a specified period of time. The court shall 22897
require the professional to file a written assessment of the 22898
offender with the court. If the offender is eligible for a 22899
community control sanction and after considering the written 22900
assessment, the court may impose a community control sanction that 22901
includes treatment and recovery support services authorized by 22902
division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If 22903
the court imposes treatment and recovery support services as a 22904
community control sanction, the court shall direct the level and 22905
type of treatment and recovery support services after considering 22906
the assessment and recommendation of ~~treatment and recovery~~ 22907
~~support services~~ community addiction services providers. 22908

(F) Notwithstanding divisions (A) to (E) of this section, the 22909

court shall impose a prison term or terms under sections 2929.02 22910
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 22911
of the Revised Code and except as specifically provided in section 22912
2929.20, divisions (C) to (I) of section 2967.19, or section 22913
2967.191 of the Revised Code or when parole is authorized for the 22914
offense under section 2967.13 of the Revised Code shall not reduce 22915
the term or terms pursuant to section 2929.20, section 2967.19, 22916
section 2967.193, or any other provision of Chapter 2967. or 22917
Chapter 5120. of the Revised Code for any of the following 22918
offenses: 22919

(1) Aggravated murder when death is not imposed or murder; 22920

(2) Any rape, regardless of whether force was involved and 22921
regardless of the age of the victim, or an attempt to commit rape 22922
if, had the offender completed the rape that was attempted, the 22923
offender would have been guilty of a violation of division 22924
(A)(1)(b) of section 2907.02 of the Revised Code and would be 22925
sentenced under section 2971.03 of the Revised Code; 22926

(3) Gross sexual imposition or sexual battery, if the victim 22927
is less than thirteen years of age and if any of the following 22928
applies: 22929

(a) Regarding gross sexual imposition, the offender 22930
previously was convicted of or pleaded guilty to rape, the former 22931
offense of felonious sexual penetration, gross sexual imposition, 22932
or sexual battery, and the victim of the previous offense was less 22933
than thirteen years of age; 22934

(b) Regarding gross sexual imposition, the offense was 22935
committed on or after August 3, 2006, and evidence other than the 22936
testimony of the victim was admitted in the case corroborating the 22937
violation. 22938

(c) Regarding sexual battery, either of the following 22939
applies: 22940

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony

of the first or second degree that resulted in the death of a 22972
person or in physical harm to a person, or complicity in or an 22973
attempt to commit any of those offenses; 22974

(b) An offense under an existing or former law of this state, 22975
another state, or the United States that is or was substantially 22976
equivalent to an offense listed in division (F)(7)(a) of this 22977
section that resulted in the death of a person or in physical harm 22978
to a person. 22979

(8) Any offense, other than a violation of section 2923.12 of 22980
the Revised Code, that is a felony, if the offender had a firearm 22981
on or about the offender's person or under the offender's control 22982
while committing the felony, with respect to a portion of the 22983
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 22984
of the Revised Code for having the firearm; 22985

(9) Any offense of violence that is a felony, if the offender 22986
wore or carried body armor while committing the felony offense of 22987
violence, with respect to the portion of the sentence imposed 22988
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 22989
Code for wearing or carrying the body armor; 22990

(10) Corrupt activity in violation of section 2923.32 of the 22991
Revised Code when the most serious offense in the pattern of 22992
corrupt activity that is the basis of the offense is a felony of 22993
the first degree; 22994

(11) Any violent sex offense or designated homicide, assault, 22995
or kidnapping offense if, in relation to that offense, the 22996
offender is adjudicated a sexually violent predator; 22997

(12) A violation of division (A)(1) or (2) of section 2921.36 22998
of the Revised Code, or a violation of division (C) of that 22999
section involving an item listed in division (A)(1) or (2) of that 23000
section, if the offender is an officer or employee of the 23001
department of rehabilitation and correction; 23002

(13) A violation of division (A)(1) or (2) of section 2903.06 23003
of the Revised Code if the victim of the offense is a peace 23004
officer, as defined in section 2935.01 of the Revised Code, or an 23005
investigator of the bureau of criminal identification and 23006
investigation, as defined in section 2903.11 of the Revised Code, 23007
with respect to the portion of the sentence imposed pursuant to 23008
division (B)(5) of section 2929.14 of the Revised Code; 23009

(14) A violation of division (A)(1) or (2) of section 2903.06 23010
of the Revised Code if the offender has been convicted of or 23011
pleaded guilty to three or more violations of division (A) or (B) 23012
of section 4511.19 of the Revised Code or an equivalent offense, 23013
as defined in section 2941.1415 of the Revised Code, or three or 23014
more violations of any combination of those divisions and 23015
offenses, with respect to the portion of the sentence imposed 23016
pursuant to division (B)(6) of section 2929.14 of the Revised 23017
Code; 23018

(15) Kidnapping, in the circumstances specified in section 23019
2971.03 of the Revised Code and when no other provision of 23020
division (F) of this section applies; 23021

(16) Kidnapping, abduction, compelling prostitution, 23022
promoting prostitution, engaging in a pattern of corrupt activity, 23023
illegal use of a minor in a nudity-oriented material or 23024
performance in violation of division (A)(1) or (2) of section 23025
2907.323 of the Revised Code, or endangering children in violation 23026
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 23027
the Revised Code, if the offender is convicted of or pleads guilty 23028
to a specification as described in section 2941.1422 of the 23029
Revised Code that was included in the indictment, count in the 23030
indictment, or information charging the offense; 23031

(17) A felony violation of division (A) or (B) of section 23032
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 23033
that section, and division (D)(6) of that section, require the 23034

imposition of a prison term; 23035

(18) A felony violation of section 2903.11, 2903.12, or 23036
2903.13 of the Revised Code, if the victim of the offense was a 23037
woman that the offender knew was pregnant at the time of the 23038
violation, with respect to a portion of the sentence imposed 23039
pursuant to division (B)(8) of section 2929.14 of the Revised 23040
Code. 23041

(G) Notwithstanding divisions (A) to (E) of this section, if 23042
an offender is being sentenced for a fourth degree felony OVI 23043
offense or for a third degree felony OVI offense, the court shall 23044
impose upon the offender a mandatory term of local incarceration 23045
or a mandatory prison term in accordance with the following: 23046

(1) If the offender is being sentenced for a fourth degree 23047
felony OVI offense and if the offender has not been convicted of 23048
and has not pleaded guilty to a specification of the type 23049
described in section 2941.1413 of the Revised Code, the court may 23050
impose upon the offender a mandatory term of local incarceration 23051
of sixty days or one hundred twenty days as specified in division 23052
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 23053
not reduce the term pursuant to section 2929.20, 2967.193, or any 23054
other provision of the Revised Code. The court that imposes a 23055
mandatory term of local incarceration under this division shall 23056
specify whether the term is to be served in a jail, a 23057
community-based correctional facility, a halfway house, or an 23058
alternative residential facility, and the offender shall serve the 23059
term in the type of facility specified by the court. A mandatory 23060
term of local incarceration imposed under division (G)(1) of this 23061
section is not subject to any other Revised Code provision that 23062
pertains to a prison term except as provided in division (A)(1) of 23063
this section. 23064

(2) If the offender is being sentenced for a third degree 23065
felony OVI offense, or if the offender is being sentenced for a 23066

fourth degree felony OVI offense and the court does not impose a 23067
mandatory term of local incarceration under division (G)(1) of 23068
this section, the court shall impose upon the offender a mandatory 23069
prison term of one, two, three, four, or five years if the 23070
offender also is convicted of or also pleads guilty to a 23071
specification of the type described in section 2941.1413 of the 23072
Revised Code or shall impose upon the offender a mandatory prison 23073
term of sixty days or one hundred twenty days as specified in 23074
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 23075
if the offender has not been convicted of and has not pleaded 23076
guilty to a specification of that type. Subject to divisions (C) 23077
to (I) of section 2967.19 of the Revised Code, the court shall not 23078
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 23079
any other provision of the Revised Code. The offender shall serve 23080
the one-, two-, three-, four-, or five-year mandatory prison term 23081
consecutively to and prior to the prison term imposed for the 23082
underlying offense and consecutively to any other mandatory prison 23083
term imposed in relation to the offense. In no case shall an 23084
offender who once has been sentenced to a mandatory term of local 23085
incarceration pursuant to division (G)(1) of this section for a 23086
fourth degree felony OVI offense be sentenced to another mandatory 23087
term of local incarceration under that division for any violation 23088
of division (A) of section 4511.19 of the Revised Code. In 23089
addition to the mandatory prison term described in division (G)(2) 23090
of this section, the court may sentence the offender to a 23091
community control sanction under section 2929.16 or 2929.17 of the 23092
Revised Code, but the offender shall serve the prison term prior 23093
to serving the community control sanction. The department of 23094
rehabilitation and correction may place an offender sentenced to a 23095
mandatory prison term under this division in an intensive program 23096
prison established pursuant to section 5120.033 of the Revised 23097
Code if the department gave the sentencing judge prior notice of 23098
its intent to place the offender in an intensive program prison 23099

established under that section and if the judge did not notify the 23100
department that the judge disapproved the placement. Upon the 23101
establishment of the initial intensive program prison pursuant to 23102
section 5120.033 of the Revised Code that is privately operated 23103
and managed by a contractor pursuant to a contract entered into 23104
under section 9.06 of the Revised Code, both of the following 23105
apply: 23106

(a) The department of rehabilitation and correction shall 23107
make a reasonable effort to ensure that a sufficient number of 23108
offenders sentenced to a mandatory prison term under this division 23109
are placed in the privately operated and managed prison so that 23110
the privately operated and managed prison has full occupancy. 23111

(b) Unless the privately operated and managed prison has full 23112
occupancy, the department of rehabilitation and correction shall 23113
not place any offender sentenced to a mandatory prison term under 23114
this division in any intensive program prison established pursuant 23115
to section 5120.033 of the Revised Code other than the privately 23116
operated and managed prison. 23117

(H) If an offender is being sentenced for a sexually oriented 23118
offense or child-victim oriented offense that is a felony 23119
committed on or after January 1, 1997, the judge shall require the 23120
offender to submit to a DNA specimen collection procedure pursuant 23121
to section 2901.07 of the Revised Code. 23122

(I) If an offender is being sentenced for a sexually oriented 23123
offense or a child-victim oriented offense committed on or after 23124
January 1, 1997, the judge shall include in the sentence a summary 23125
of the offender's duties imposed under sections 2950.04, 2950.041, 23126
2950.05, and 2950.06 of the Revised Code and the duration of the 23127
duties. The judge shall inform the offender, at the time of 23128
sentencing, of those duties and of their duration. If required 23129
under division (A)(2) of section 2950.03 of the Revised Code, the 23130
judge shall perform the duties specified in that section, or, if 23131

required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division. 23132
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(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted. 23135
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(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. 23143
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(K) As used in this section: 23154

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 23155
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(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 23157
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~~(2)~~(3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies. 23159
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. If the court imposes restitution, the court shall order that the restitution be made to the victim in open court, to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court. If the court imposes restitution, at sentencing, the court shall determine the amount of restitution to be made by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other

information, provided that the amount the court orders as 23195
restitution shall not exceed the amount of the economic loss 23196
suffered by the victim as a direct and proximate result of the 23197
commission of the offense. If the court decides to impose 23198
restitution, the court shall hold a hearing on restitution if the 23199
offender, victim, or survivor disputes the amount. All restitution 23200
payments shall be credited against any recovery of economic loss 23201
in a civil action brought by the victim or any survivor of the 23202
victim against the offender. 23203

If the court imposes restitution, the court may order that 23204
the offender pay a surcharge of not more than five per cent of the 23205
amount of the restitution otherwise ordered to the entity 23206
responsible for collecting and processing restitution payments. 23207

The victim or survivor may request that the prosecutor in the 23208
case file a motion, or the offender may file a motion, for 23209
modification of the payment terms of any restitution ordered. If 23210
the court grants the motion, it may modify the payment terms as it 23211
determines appropriate. 23212

(2) Except as provided in division (B)(1), (3), or (4) of 23213
this section, a fine payable by the offender to the state, to a 23214
political subdivision, or as described in division (B)(2) of this 23215
section to one or more law enforcement agencies, with the amount 23216
of the fine based on a standard percentage of the offender's daily 23217
income over a period of time determined by the court and based 23218
upon the seriousness of the offense. A fine ordered under this 23219
division shall not exceed the maximum conventional fine amount 23220
authorized for the level of the offense under division (A)(3) of 23221
this section. 23222

(3) Except as provided in division (B)(1), (3), or (4) of 23223
this section, a fine payable by the offender to the state, to a 23224
political subdivision when appropriate for a felony, or as 23225
described in division (B)(2) of this section to one or more law 23226

enforcement agencies, in the following amount:	23227
(a) For a felony of the first degree, not more than twenty thousand dollars;	23228 23229
(b) For a felony of the second degree, not more than fifteen thousand dollars;	23230 23231
(c) For a felony of the third degree, not more than ten thousand dollars;	23232 23233
(d) For a felony of the fourth degree, not more than five thousand dollars;	23234 23235
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	23236 23237
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	23238 23239
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	23240 23241 23242
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	23243 23244 23245
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	23246 23247 23248 23249 23250 23251
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	23252 23253 23254 23255 23256

(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code.

(B)(1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under division (B)(1) of this section and any fine imposed upon an

offender under division (A)(2) or (3) of this section for any 23289
fourth or fifth degree felony violation of any provision of 23290
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 23291
to law enforcement agencies pursuant to division (F) of section 23292
2925.03 of the Revised Code. 23293

(3) For a fourth degree felony OVI offense and for a third 23294
degree felony OVI offense, the sentencing court shall impose upon 23295
the offender a mandatory fine in the amount specified in division 23296
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 23297
is applicable. The mandatory fine so imposed shall be disbursed as 23298
provided in the division pursuant to which it is imposed. 23299

(4) Notwithstanding any fine otherwise authorized or required 23300
to be imposed under division (A)(2) or (3) or (B)(1) of this 23301
section or section 2929.31 of the Revised Code for a violation of 23302
section 2925.03 of the Revised Code, in addition to any penalty or 23303
sanction imposed for that offense under section 2925.03 or 23304
sections 2929.11 to 2929.18 of the Revised Code and in addition to 23305
the forfeiture of property in connection with the offense as 23306
prescribed in Chapter 2981. of the Revised Code, the court that 23307
sentences an offender for a violation of section 2925.03 of the 23308
Revised Code may impose upon the offender a fine in addition to 23309
any fine imposed under division (A)(2) or (3) of this section and 23310
in addition to any mandatory fine imposed under division (B)(1) of 23311
this section. The fine imposed under division (B)(4) of this 23312
section shall be used as provided in division (H) of section 23313
2925.03 of the Revised Code. A fine imposed under division (B)(4) 23314
of this section shall not exceed whichever of the following is 23315
applicable: 23316

(a) The total value of any personal or real property in which 23317
the offender has an interest and that was used in the course of, 23318
intended for use in the course of, derived from, or realized 23319
through conduct in violation of section 2925.03 of the Revised 23320

Code, including any property that constitutes proceeds derived 23321
from that offense; 23322

(b) If the offender has no interest in any property of the 23323
type described in division (B)(4)(a) of this section or if it is 23324
not possible to ascertain whether the offender has an interest in 23325
any property of that type in which the offender may have an 23326
interest, the amount of the mandatory fine for the offense imposed 23327
under division (B)(1) of this section or, if no mandatory fine is 23328
imposed under division (B)(1) of this section, the amount of the 23329
fine authorized for the level of the offense imposed under 23330
division (A)(3) of this section. 23331

(5) Prior to imposing a fine under division (B)(4) of this 23332
section, the court shall determine whether the offender has an 23333
interest in any property of the type described in division 23334
(B)(4)(a) of this section. Except as provided in division (B)(6) 23335
or (7) of this section, a fine that is authorized and imposed 23336
under division (B)(4) of this section does not limit or affect the 23337
imposition of the penalties and sanctions for a violation of 23338
section 2925.03 of the Revised Code prescribed under those 23339
sections or sections 2929.11 to 2929.18 of the Revised Code and 23340
does not limit or affect a forfeiture of property in connection 23341
with the offense as prescribed in Chapter 2981. of the Revised 23342
Code. 23343

(6) If the sum total of a mandatory fine amount imposed for a 23344
first, second, or third degree felony violation of section 2925.03 23345
of the Revised Code under division (B)(1) of this section plus the 23346
amount of any fine imposed under division (B)(4) of this section 23347
does not exceed the maximum statutory fine amount authorized for 23348
the level of the offense under division (A)(3) of this section or 23349
section 2929.31 of the Revised Code, the court may impose a fine 23350
for the offense in addition to the mandatory fine and the fine 23351
imposed under division (B)(4) of this section. The sum total of 23352

the amounts of the mandatory fine, the fine imposed under division 23353
(B)(4) of this section, and the additional fine imposed under 23354
division (B)(6) of this section shall not exceed the maximum 23355
statutory fine amount authorized for the level of the offense 23356
under division (A)(3) of this section or section 2929.31 of the 23357
Revised Code. The clerk of the court shall pay any fine that is 23358
imposed under division (B)(6) of this section to the county, 23359
township, municipal corporation, park district as created pursuant 23360
to section 511.18 or 1545.04 of the Revised Code, or state law 23361
enforcement agencies in this state that primarily were responsible 23362
for or involved in making the arrest of, and in prosecuting, the 23363
offender pursuant to division (F) of section 2925.03 of the 23364
Revised Code. 23365

(7) If the sum total of the amount of a mandatory fine 23366
imposed for a first, second, or third degree felony violation of 23367
section 2925.03 of the Revised Code plus the amount of any fine 23368
imposed under division (B)(4) of this section exceeds the maximum 23369
statutory fine amount authorized for the level of the offense 23370
under division (A)(3) of this section or section 2929.31 of the 23371
Revised Code, the court shall not impose a fine under division 23372
(B)(6) of this section. 23373

(8)(a) If an offender who is convicted of or pleads guilty to 23374
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 23375
2923.32, division (A)(1) or (2) of section 2907.323, or division 23376
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 23377
Code also is convicted of or pleads guilty to a specification of 23378
the type described in section 2941.1422 of the Revised Code that 23379
charges that the offender knowingly committed the offense in 23380
furtherance of human trafficking, the sentencing court shall 23381
sentence the offender to a financial sanction of restitution by 23382
the offender to the victim or any survivor of the victim, with the 23383
restitution including the costs of housing, counseling, and 23384

medical and legal assistance incurred by the victim as a direct	23385
result of the offense and the greater of the following:	23386
(i) The gross income or value to the offender of the victim's	23387
labor or services;	23388
(ii) The value of the victim's labor as guaranteed under the	23389
minimum wage and overtime provisions of the "Federal Fair Labor	23390
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state	23391
labor laws.	23392
(b) If a court imposing sentence upon an offender for a	23393
felony is required to impose upon the offender a financial	23394
sanction of restitution under division (B)(8)(a) of this section,	23395
in addition to that financial sanction of restitution, the court	23396
may sentence the offender to any other financial sanction or	23397
combination of financial sanctions authorized under this section,	23398
including a restitution sanction under division (A)(1) of this	23399
section.	23400
(9) In addition to any other fine that is or may be imposed	23401
under this section, the court imposing sentence upon an offender	23402
for a felony that is a sexually oriented offense or a child-victim	23403
oriented offense, as those terms are defined in section 2950.01 of	23404
the Revised Code, may impose a fine of not less than fifty nor	23405
more than five hundred dollars.	23406
(C)(1) The offender shall pay reimbursements imposed upon the	23407
offender pursuant to division (A)(5)(a) of this section to pay the	23408
costs incurred by the department of rehabilitation and correction	23409
in operating a prison or other facility used to confine offenders	23410
pursuant to sanctions imposed under section 2929.14, 2929.142, or	23411
2929.16 of the Revised Code to the treasurer of state. The	23412
treasurer of state shall deposit the reimbursements in the	23413
confinement cost reimbursement fund that is hereby created in the	23414
state treasury. The department of rehabilitation and correction	23415

~~shall use the amounts deposited in the fund to fund the operation 23416
of facilities used to confine offenders pursuant to sections 23417
2929.14, 2929.142, and 2929.16 of the Revised Code. 23418~~

~~(2)~~ Except as provided in section 2951.021 of the Revised 23419
Code, the offender shall pay reimbursements imposed upon the 23420
offender pursuant to division (A)(5)(a) of this section to pay the 23421
costs incurred by a county pursuant to any sanction imposed under 23422
this section or section 2929.16 or 2929.17 of the Revised Code or 23423
in operating a facility used to confine offenders pursuant to a 23424
sanction imposed under section 2929.16 of the Revised Code to the 23425
county treasurer. The county treasurer shall deposit the 23426
reimbursements in the sanction cost reimbursement fund that each 23427
board of county commissioners shall create in its county treasury. 23428
The county shall use the amounts deposited in the fund to pay the 23429
costs incurred by the county pursuant to any sanction imposed 23430
under this section or section 2929.16 or 2929.17 of the Revised 23431
Code or in operating a facility used to confine offenders pursuant 23432
to a sanction imposed under section 2929.16 of the Revised Code. 23433

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 23434
Code, the offender shall pay reimbursements imposed upon the 23435
offender pursuant to division (A)(5)(a) of this section to pay the 23436
costs incurred by a municipal corporation pursuant to any sanction 23437
imposed under this section or section 2929.16 or 2929.17 of the 23438
Revised Code or in operating a facility used to confine offenders 23439
pursuant to a sanction imposed under section 2929.16 of the 23440
Revised Code to the treasurer of the municipal corporation. The 23441
treasurer shall deposit the reimbursements in a special fund that 23442
shall be established in the treasury of each municipal 23443
corporation. The municipal corporation shall use the amounts 23444
deposited in the fund to pay the costs incurred by the municipal 23445
corporation pursuant to any sanction imposed under this section or 23446
section 2929.16 or 2929.17 of the Revised Code or in operating a 23447

facility used to confine offenders pursuant to a sanction imposed 23448
under section 2929.16 of the Revised Code. 23449

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 23450
Code, the offender shall pay reimbursements imposed pursuant to 23451
division (A)(5)(a) of this section for the costs incurred by a 23452
private provider pursuant to a sanction imposed under this section 23453
or section 2929.16 or 2929.17 of the Revised Code to the provider. 23454

(D) Except as otherwise provided in this division, a 23455
financial sanction imposed pursuant to division (A) or (B) of this 23456
section is a judgment in favor of the state or a political 23457
subdivision in which the court that imposed the financial sanction 23458
is located, and the offender subject to the financial sanction is 23459
the judgment debtor. A financial sanction of reimbursement imposed 23460
pursuant to division (A)(5)(a)(ii) of this section upon an 23461
offender who is incarcerated in a state facility or a municipal 23462
jail is a judgment in favor of the state or the municipal 23463
corporation, and the offender subject to the financial sanction is 23464
the judgment debtor. A financial sanction of reimbursement imposed 23465
upon an offender pursuant to this section for costs incurred by a 23466
private provider of sanctions is a judgment in favor of the 23467
private provider, and the offender subject to the financial 23468
sanction is the judgment debtor. A financial sanction of 23469
restitution imposed pursuant to division (A)(1) or (B)(8) of this 23470
section is an order in favor of the victim of the offender's 23471
criminal act that can be collected through a certificate of 23472
judgment as described in division (D)(1) of this section, through 23473
execution as described in division (D)(2) of this section, or 23474
through an order as described in division (D)(3) of this section, 23475
and the offender shall be considered for purposes of the 23476
collection as the judgment debtor. Imposition of a financial 23477
sanction and execution on the judgment does not preclude any other 23478
power of the court to impose or enforce sanctions on the offender. 23479

Once the financial sanction is imposed as a judgment or order	23480
under this division, the victim, private provider, state, or	23481
political subdivision may do any of the following:	23482
(1) Obtain from the clerk of the court in which the judgment	23483
was entered a certificate of judgment that shall be in the same	23484
manner and form as a certificate of judgment issued in a civil	23485
action;	23486
(2) Obtain execution of the judgment or order through any	23487
available procedure, including:	23488
(a) An execution against the property of the judgment debtor	23489
under Chapter 2329. of the Revised Code;	23490
(b) An execution against the person of the judgment debtor	23491
under Chapter 2331. of the Revised Code;	23492
(c) A proceeding in aid of execution under Chapter 2333. of	23493
the Revised Code, including:	23494
(i) A proceeding for the examination of the judgment debtor	23495
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27	23496
of the Revised Code;	23497
(ii) A proceeding for attachment of the person of the	23498
judgment debtor under section 2333.28 of the Revised Code;	23499
(iii) A creditor's suit under section 2333.01 of the Revised	23500
Code.	23501
(d) The attachment of the property of the judgment debtor	23502
under Chapter 2715. of the Revised Code;	23503
(e) The garnishment of the property of the judgment debtor	23504
under Chapter 2716. of the Revised Code.	23505
(3) Obtain an order for the assignment of wages of the	23506
judgment debtor under section 1321.33 of the Revised Code.	23507
(E) A court that imposes a financial sanction upon an	23508

offender may hold a hearing if necessary to determine whether the
offender is able to pay the sanction or is likely in the future to
be able to pay it.

(F) Each court imposing a financial sanction upon an offender
under this section or under section 2929.32 of the Revised Code
may designate the clerk of the court or another person to collect
the financial sanction. The clerk or other person authorized by
law or the court to collect the financial sanction may enter into
contracts with one or more public agencies or private vendors for
the collection of, amounts due under the financial sanction
imposed pursuant to this section or section 2929.32 of the Revised
Code. Before entering into a contract for the collection of
amounts due from an offender pursuant to any financial sanction
imposed pursuant to this section or section 2929.32 of the Revised
Code, a court shall comply with sections 307.86 to 307.92 of the
Revised Code.

(G) If a court that imposes a financial sanction under
division (A) or (B) of this section finds that an offender
satisfactorily has completed all other sanctions imposed upon the
offender and that all restitution that has been ordered has been
paid as ordered, the court may suspend any financial sanctions
imposed pursuant to this section or section 2929.32 of the Revised
Code that have not been paid.

(H) No financial sanction imposed under this section or
section 2929.32 of the Revised Code shall preclude a victim from
bringing a civil action against the offender.

Sec. 2929.20. (A) As used in this section:

(1)(a) Except as provided in division (A)(1)(b) of this
section, "eligible offender" means any person who, on or after
April 7, 2009, is serving a stated prison term that includes one
or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who, on 23540
or after April 7, 2009, is serving a stated prison term for any of 23541
the following criminal offenses that was a felony and was 23542
committed while the person held a public office in this state: 23543

(i) A violation of section 2921.02, 2921.03, 2921.05, 23544
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 23545
Code; 23546

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 23547
2921.12 of the Revised Code, when the conduct constituting the 23548
violation was related to the duties of the offender's public 23549
office or to the offender's actions as a public official holding 23550
that public office; 23551

(iii) A violation of an existing or former municipal 23552
ordinance or law of this or any other state or the United States 23553
that is substantially equivalent to any violation listed in 23554
division (A)(1)(b)(i) of this section; 23555

(iv) A violation of an existing or former municipal ordinance 23556
or law of this or any other state or the United States that is 23557
substantially equivalent to any violation listed in division 23558
(A)(1)(b)(ii) of this section, when the conduct constituting the 23559
violation was related to the duties of the offender's public 23560
office or to the offender's actions as a public official holding 23561
that public office; 23562

(v) A conspiracy to commit, attempt to commit, or complicity 23563
in committing any offense listed in division (A)(1)(b)(i) or 23564
described in division (A)(1)(b)(iii) of this section; 23565

(vi) A conspiracy to commit, attempt to commit, or complicity 23566
in committing any offense listed in division (A)(1)(b)(ii) or 23567
described in division (A)(1)(b)(iv) of this section, if the 23568
conduct constituting the offense that was the subject of the 23569
conspiracy, that would have constituted the offense attempted, or 23570

constituting the offense in which the offender was complicit was 23571
or would have been related to the duties of the offender's public 23572
office or to the offender's actions as a public official holding 23573
that public office. 23574

(2) "Nonmandatory prison term" means a prison term that is 23575
not a mandatory prison term. 23576

(3) "Public office" means any elected federal, state, or 23577
local government office in this state. 23578

(4) "Victim's representative" has the same meaning as in 23579
section 2930.01 of the Revised Code. 23580

(5) "Imminent danger of death," "medically incapacitated," 23581
and "terminal illness" have the same meanings as in section 23582
2967.05 of the Revised Code. 23583

(B) On the motion of an eligible offender or upon its own 23584
motion, the sentencing court may reduce the eligible offender's 23585
aggregated nonmandatory prison term or terms through a judicial 23586
release under this section. 23587

(C) An eligible offender may file a motion for judicial 23588
release with the sentencing court within the following applicable 23589
periods: 23590

(1) If the aggregated nonmandatory prison term or terms is 23591
less than two years, the eligible offender may file the motion not 23592
earlier than thirty days after the offender is delivered to a 23593
state correctional institution or, if the prison term includes a 23594
mandatory prison term or terms, not earlier than thirty days after 23595
the expiration of all mandatory prison terms. 23596

(2) If the aggregated nonmandatory prison term or terms is at 23597
least two years but less than five years, the eligible offender 23598
may file the motion not earlier than one hundred eighty days after 23599
the offender is delivered to a state correctional institution or, 23600

if the prison term includes a mandatory prison term or terms, not 23601
earlier than one hundred eighty days after the expiration of all 23602
mandatory prison terms. 23603

(3) If the aggregated nonmandatory prison term or terms is 23604
five years, the eligible offender may file the motion not earlier 23605
than four years after the eligible offender is delivered to a 23606
state correctional institution or, if the prison term includes a 23607
mandatory prison term or terms, not earlier than four years after 23608
the expiration of all mandatory prison terms. 23609

(4) If the aggregated nonmandatory prison term or terms is 23610
more than five years but not more than ten years, the eligible 23611
offender may file the motion not earlier than five years after the 23612
eligible offender is delivered to a state correctional institution 23613
or, if the prison term includes a mandatory prison term or terms, 23614
not earlier than five years after the expiration of all mandatory 23615
prison terms. 23616

(5) If the aggregated nonmandatory prison term or terms is 23617
more than ten years, the eligible offender may file the motion not 23618
earlier than the later of the date on which the offender has 23619
served one-half of the offender's stated prison term or the date 23620
specified in division (C)(4) of this section. 23621

(D) Upon receipt of a timely motion for judicial release 23622
filed by an eligible offender under division (C) of this section 23623
or upon the sentencing court's own motion made within the 23624
appropriate time specified in that division, the court may deny 23625
the motion without a hearing or schedule a hearing on the motion. 23626
The court shall not grant the motion without a hearing. If a court 23627
denies a motion without a hearing, the court later may consider 23628
judicial release for that eligible offender on a subsequent motion 23629
filed by that eligible offender unless the court denies the motion 23630
with prejudice. If a court denies a motion with prejudice, the 23631
court may later consider judicial release on its own motion. If a 23632

court denies a motion after a hearing, the court shall not 23633
consider a subsequent motion for that eligible offender. The court 23634
shall hold only one hearing for any eligible offender. 23635

A hearing under this section shall be conducted in open court 23636
not less than thirty or more than sixty days after the motion is 23637
filed, provided that the court may delay the hearing for one 23638
hundred eighty additional days. If the court holds a hearing, the 23639
court shall enter a ruling on the motion within ten days after the 23640
hearing. If the court denies the motion without a hearing, the 23641
court shall enter its ruling on the motion within sixty days after 23642
the motion is filed. 23643

(E) If a court schedules a hearing under division (D) of this 23644
section, the court shall notify the eligible offender and the head 23645
of the state correctional institution in which the eligible 23646
offender is confined prior to the hearing. The head of the state 23647
correctional institution immediately shall notify the appropriate 23648
person at the department of rehabilitation and correction of the 23649
hearing, and the department within twenty-four hours after receipt 23650
of the notice, shall post on the database it maintains pursuant to 23651
section 5120.66 of the Revised Code the offender's name and all of 23652
the information specified in division (A)(1)(c)(i) of that 23653
section. If the court schedules a hearing for judicial release, 23654
the court promptly shall give notice of the hearing to the 23655
prosecuting attorney of the county in which the eligible offender 23656
was indicted. Upon receipt of the notice from the court, the 23657
prosecuting attorney shall do whichever of the following is 23658
applicable: 23659

(1) Subject to division (E)(2) of this section, notify the 23660
victim of the offense or the victim's representative pursuant to 23661
division (B) of section 2930.16 of the Revised Code; 23662

(2) If the offense was an offense of violence that is a 23663
felony of the first, second, or third degree, except as otherwise 23664

provided in this division, notify the victim or the victim's 23665
representative of the hearing regardless of whether the victim or 23666
victim's representative has requested the notification. The notice 23667
of the hearing shall not be given under this division to a victim 23668
or victim's representative if the victim or victim's 23669
representative has requested pursuant to division (B)(2) of 23670
section 2930.03 of the Revised Code that the victim or the 23671
victim's representative not be provided the notice. If notice is 23672
to be provided to a victim or victim's representative under this 23673
division, the prosecuting attorney may give the notice by any 23674
reasonable means, including regular mail, telephone, and 23675
electronic mail, in accordance with division (D)(1) of section 23676
2930.16 of the Revised Code. If the notice is based on an offense 23677
committed prior to March 22, 2013, the notice also shall include 23678
the opt-out information described in division (D)(1) of section 23679
2930.16 of the Revised Code. The prosecuting attorney, in 23680
accordance with division (D)(2) of section 2930.16 of the Revised 23681
Code, shall keep a record of all attempts to provide the notice, 23682
and of all notices provided, under this division. Division (E)(2) 23683
of this section, and the notice-related provisions of division (K) 23684
of this section, division (D)(1) of section 2930.16, division (H) 23685
of section 2967.12, division (E)(1)(b) of section 2967.19, 23686
division (A)(3)(b) of section 2967.26, division (D)(1) of section 23687
2967.28, and division (A)(2) of section 5149.101 of the Revised 23688
Code enacted in the act in which division (E)(2) of this section 23689
was enacted, shall be known as "Roberta's Law." 23690

(F) Upon an offender's successful completion of 23691
rehabilitative activities, the head of the state correctional 23692
institution may notify the sentencing court of the successful 23693
completion of the activities. 23694

(G) Prior to the date of the hearing on a motion for judicial 23695
release under this section, the head of the state correctional 23696

institution in which the eligible offender is confined shall send 23697
to the court an institutional summary report on the eligible 23698
offender's conduct in the institution and in any institution from 23699
which the eligible offender may have been transferred. Upon the 23700
request of the prosecuting attorney of the county in which the 23701
eligible offender was indicted or of any law enforcement agency, 23702
the head of the state correctional institution, at the same time 23703
the person sends the institutional summary report to the court, 23704
also shall send a copy of the report to the requesting prosecuting 23705
attorney and law enforcement agencies. The institutional summary 23706
report shall cover the eligible offender's participation in 23707
school, vocational training, work, treatment, and other 23708
rehabilitative activities and any disciplinary action taken 23709
against the eligible offender. The report shall be made part of 23710
the record of the hearing. A presentence investigation report is 23711
not required for judicial release. 23712

(H) If the court grants a hearing on a motion for judicial 23713
release under this section, the eligible offender shall attend the 23714
hearing if ordered to do so by the court. Upon receipt of a copy 23715
of the journal entry containing the order, the head of the state 23716
correctional institution in which the eligible offender is 23717
incarcerated shall deliver the eligible offender to the sheriff of 23718
the county in which the hearing is to be held. The sheriff shall 23719
convey the eligible offender to and from the hearing. 23720

(I) At the hearing on a motion for judicial release under 23721
this section, the court shall afford the eligible offender and the 23722
eligible offender's attorney an opportunity to present written 23723
and, if present, oral information relevant to the motion. The 23724
court shall afford a similar opportunity to the prosecuting 23725
attorney, the victim or the victim's representative, and any other 23726
person the court determines is likely to present additional 23727
relevant information. The court shall consider any statement of a 23728

victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing.

(K) If the court grants a motion for judicial release under 23761
this section, the court shall order the release of the eligible 23762
offender, shall place the eligible offender under an appropriate 23763
community control sanction, under appropriate conditions, and 23764
under the supervision of the department of probation serving the 23765
court and shall reserve the right to reimpose the sentence that it 23766
reduced if the offender violates the sanction. If the court 23767
reimposes the reduced sentence, it may do so either concurrently 23768
with, or consecutive to, any new sentence imposed upon the 23769
eligible offender as a result of the violation that is a new 23770
offense. The Except as provided in division (R)(2) of this 23771
section, the period of community control shall be no longer than 23772
five years. The court, in its discretion, may reduce the period of 23773
community control by the amount of time the eligible offender 23774
spent in jail or prison for the offense and in prison. If the 23775
court made any findings pursuant to division (J)(1) of this 23776
section, the court shall serve a copy of the findings upon counsel 23777
for the parties within fifteen days after the date on which the 23778
court grants the motion for judicial release. 23779

If the court grants a motion for judicial release, the court 23780
shall notify the appropriate person at the department of 23781
rehabilitation and correction, and the department shall post 23782
notice of the release on the database it maintains pursuant to 23783
section 5120.66 of the Revised Code. The court also shall notify 23784
the prosecuting attorney of the county in which the eligible 23785
offender was indicted that the motion has been granted. Unless the 23786
victim or the victim's representative has requested pursuant to 23787
division (B)(2) of section 2930.03 of the Revised Code that the 23788
victim or victim's representative not be provided the notice, the 23789
prosecuting attorney shall notify the victim or the victim's 23790
representative of the judicial release in any manner, and in 23791
accordance with the same procedures, pursuant to which the 23792
prosecuting attorney is authorized to provide notice of the 23793

hearing pursuant to division (E)(2) of this section. If the notice 23794
is based on an offense committed prior to March 22, 2013, the 23795
notice to the victim or victim's representative also shall include 23796
the opt-out information described in division (D)(1) of section 23797
2930.16 of the Revised Code. 23798

(L) In addition to and independent of the right of a victim 23799
to make a statement pursuant to section 2930.14, 2930.17, or 23800
2946.051 of the Revised Code and any right of a person to present 23801
written information or make a statement pursuant to division (I) 23802
of this section, any person may submit to the court, at any time 23803
prior to the hearing on the offender's motion for judicial 23804
release, a written statement concerning the effects of the 23805
offender's crime or crimes, the circumstances surrounding the 23806
crime or crimes, the manner in which the crime or crimes were 23807
perpetrated, and the person's opinion as to whether the offender 23808
should be released. 23809

(M) The changes to this section that are made on September 23810
30, 2011, apply to any judicial release decision made on or after 23811
September 30, 2011, for any eligible offender. 23812

(N) Notwithstanding the eligibility requirements specified in 23813
division (A) of this section and the filing time frames specified 23814
in division (C) of this section and notwithstanding the findings 23815
required under division (J) of this section, the sentencing court, 23816
upon the court's own motion and after considering whether the 23817
release of the offender into society would create undue risk to 23818
public safety, may grant a judicial release to an offender who is 23819
not serving a life sentence at any time during the offender's 23820
imposed sentence when the director of rehabilitation and 23821
correction certifies to the sentencing court through the chief 23822
medical officer for the department of rehabilitation and 23823
correction that the offender is in imminent danger of death, is 23824
medically incapacitated, or is suffering from a terminal illness. 23825

(O) The director of rehabilitation and correction shall not certify any offender under division (N) of this section who is serving a death sentence. 23826
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(P) A motion made by the court under division (N) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section, except for the following: 23829
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(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding. 23833
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(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion. 23837
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(O) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N) of this section. 23843
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(R)(1) If the court grants judicial release under division (N) of this section, the court shall do all of the following: 23846
23847

(a) Order the release of the offender; 23848

(b) Place the offender under an appropriate community control sanction, under appropriate conditions; 23849
23850

(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority. 23851
23852
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(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction 23854
23855

described in division (R)(1) of this section. The period of that 23856
community control is not subject to the five-year limitation 23857
described in division (K) of this section and shall not expire 23858
earlier than the date on which all of the offender's mandatory 23859
prison terms expire. 23860

(S) If the health of an offender who is released under 23861
division (N) of this section improves so that the offender is no 23862
longer terminally ill, medically incapacitated, or in imminent 23863
danger of death, the court shall, upon the court's own motion, 23864
revoke the judicial release. The court shall not grant the motion 23865
without a hearing unless the offender waives a hearing. If a 23866
hearing is held, the court shall afford the offender and the 23867
offender's attorney an opportunity to present written and, if the 23868
offender or the offender's attorney is present, oral information 23869
relevant to the motion. The court shall afford a similar 23870
opportunity to the prosecuting attorney, the victim or the 23871
victim's representative, and any other person the court determines 23872
is likely to present additional relevant information. A court that 23873
grants a motion under this division shall specify its findings on 23874
the record. 23875

Sec. 2935.33. (A) If a person charged with a misdemeanor is 23876
taken before a judge of a court of record and if it appears to the 23877
judge that the person is an alcoholic or is suffering from acute 23878
alcohol intoxication and that the person would benefit from 23879
services provided by a community addiction services provider 23880
~~certified under Chapter 5119. of the Revised Code, the judge may~~ 23881
place the person temporarily ~~in~~ with a community addiction 23882
services provider ~~certified under that chapter~~ in the area in 23883
which the court has jurisdiction for inpatient care and treatment 23884
for an indefinite period not exceeding five days. The commitment 23885
does not limit the right to release on bail. The judge may dismiss 23886
a charge of a violation of division (B) of section 2917.11 of the 23887

Revised Code or of a municipal ordinance substantially equivalent 23888
to that division if the defendant complies with all the conditions 23889
of treatment ordered by the court. 23890

The court may order that any fines or court costs collected 23891
by the court from defendants who have received inpatient care from 23892
a community addiction services provider be paid, for the benefit 23893
of the program, to the board of alcohol, drug addiction, and 23894
mental health services of the alcohol, drug addiction, and mental 23895
health service district in which the community addiction services 23896
provider is located or to the director of mental health and 23897
addiction services. 23898

(B) If a person is being sentenced for a violation of 23899
division (B) of section 2917.11 or section 4511.19 of the Revised 23900
Code, a misdemeanor violation of section 2919.25 of the Revised 23901
Code, a misdemeanor violation of section 2919.27 of the Revised 23902
Code involving a protection order issued or consent agreement 23903
approved pursuant to section 2919.26 or 3113.31 of the Revised 23904
Code, or a violation of a municipal ordinance substantially 23905
equivalent to that division or any of those sections and if it 23906
appears to the judge at the time of sentencing that the person is 23907
an alcoholic or is suffering from acute alcohol intoxication and 23908
that, in lieu of imprisonment, the person would benefit from 23909
services provided by a community addiction services provider 23910
~~certified under Chapter 5119. of the Revised Code,~~ the court may 23911
commit the person to close supervision in any facility in the area 23912
in which the court has jurisdiction that is, or is operated by, 23913
such a services provider. Such close supervision may include 23914
outpatient services and part-time release, except that a person 23915
convicted of a violation of division (A) of section 4511.19 of the 23916
Revised Code shall be confined to the facility for at least three 23917
days and except that a person convicted of a misdemeanor violation 23918
of section 2919.25 of the Revised Code, a misdemeanor violation of 23919

section 2919.27 of the Revised Code involving a protection order 23920
issued or consent agreement approved pursuant to section 2919.26 23921
or 3113.31 of the Revised Code, or a violation of a substantially 23922
equivalent municipal ordinance shall be confined to the facility 23923
in accordance with the order of commitment. A commitment of a 23924
person to a facility for purposes of close supervision shall not 23925
exceed the maximum term for which the person could be imprisoned. 23926

(C) A law enforcement officer who finds a person subject to 23927
prosecution for violation of division (B) of section 2917.11 of 23928
the Revised Code or a municipal ordinance substantially equivalent 23929
to that division and who has reasonable cause to believe that the 23930
person is an alcoholic or is suffering from acute alcohol 23931
intoxication and would benefit from immediate treatment 23932
immediately may place the person ~~in~~ with a community addiction 23933
services provider ~~certified under Chapter 5119. of the Revised~~ 23934
~~Code~~ in the area in which the person is found, for emergency 23935
treatment, in lieu of other arrest procedures, for a maximum 23936
period of forty-eight hours. During that time, if the person 23937
desires to leave such custody, the person shall be released 23938
forthwith. 23939

(D) As used in this section: 23940

(1) "Alcoholic" ~~has~~ and "community addiction services 23941
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 23942
the Revised Code; 23943

(2) "Acute alcohol intoxication" means a heavy consumption of 23944
alcohol over a relatively short period of time, resulting in 23945
dysfunction of the brain centers controlling behavior, speech, and 23946
memory and causing characteristic withdrawal symptoms. 23947

Sec. 2951.041. (A)(1) If an offender is charged with a 23948
criminal offense, including but not limited to a violation of 23949
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 23950

the Revised Code, and the court has reason to believe that drug or 23951
alcohol usage by the offender was a factor leading to the criminal 23952
offense with which the offender is charged or that, at the time of 23953
committing that offense, the offender had a mental illness, was a 23954
person with intellectual disability, or was a victim of a 23955
violation of section 2905.32 of the Revised Code and that the 23956
mental illness, status as a person with intellectual disability, 23957
or fact that the offender was a victim of a violation of section 23958
2905.32 of the Revised Code was a factor leading to the offender's 23959
criminal behavior, the court may accept, prior to the entry of a 23960
guilty plea, the offender's request for intervention in lieu of 23961
conviction. The request shall include a statement from the 23962
offender as to whether the offender is alleging that drug or 23963
alcohol usage by the offender was a factor leading to the criminal 23964
offense with which the offender is charged or is alleging that, at 23965
the time of committing that offense, the offender had a mental 23966
illness, was a person with intellectual disability, or was a 23967
victim of a violation of section 2905.32 of the Revised Code and 23968
that the mental illness, status as a person with intellectual 23969
disability, or fact that the offender was a victim of a violation 23970
of section 2905.32 of the Revised Code was a factor leading to the 23971
criminal offense with which the offender is charged. The request 23972
also shall include a waiver of the defendant's right to a speedy 23973
trial, the preliminary hearing, the time period within which the 23974
grand jury may consider an indictment against the offender, and 23975
arraignment, unless the hearing, indictment, or arraignment has 23976
already occurred. The court may reject an offender's request 23977
without a hearing. If the court elects to consider an offender's 23978
request, the court shall conduct a hearing to determine whether 23979
the offender is eligible under this section for intervention in 23980
lieu of conviction and shall stay all criminal proceedings pending 23981
the outcome of the hearing. If the court schedules a hearing, the 23982
court shall order an assessment of the offender for the purpose of 23983

determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. 23984
23985

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by ~~an~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The community addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court. 23986
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(2) The victim notification provisions of division (C) of section 2930.08 of the Revised Code apply in relation to any hearing held under division (A)(1) of this section. 23997
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(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following: 24000
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(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B)(2) of section 2929.13 of the Revised Code or with a misdemeanor. 24002
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(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of 24013
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division (A)(1) or (2) of section 2903.06 of the Revised Code, is 24015
not a violation of division (A)(1) of section 2903.08 of the 24016
Revised Code, is not a violation of division (A) of section 24017
4511.19 of the Revised Code or a municipal ordinance that is 24018
substantially similar to that division, and is not an offense for 24019
which a sentencing court is required to impose a mandatory prison 24020
term, a mandatory term of local incarceration, or a mandatory term 24021
of imprisonment in a jail. 24022

(3) The offender is not charged with a violation of section 24023
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 24024
with a violation of section 2925.03 of the Revised Code that is a 24025
felony of the first, second, third, or fourth degree, and is not 24026
charged with a violation of section 2925.11 of the Revised Code 24027
that is a felony of the first, second, or third degree. 24028

(4) If an offender alleges that drug or alcohol usage by the 24029
offender was a factor leading to the criminal offense with which 24030
the offender is charged, the court has ordered that the offender 24031
be assessed by ~~an~~ a community addiction services provider 24032
~~certified pursuant to section 5119.36 of the Revised Code~~ or a 24033
properly credentialed professional for the purpose of determining 24034
the offender's eligibility for intervention in lieu of conviction 24035
and recommending an appropriate intervention plan, the offender 24036
has been assessed by ~~an~~ a community addiction services provider of 24037
that nature or a properly credentialed professional in accordance 24038
with the court's order, and the community addiction services 24039
provider or properly credentialed professional has filed the 24040
written assessment of the offender with the court. 24041

(5) If an offender alleges that, at the time of committing 24042
the criminal offense with which the offender is charged, the 24043
offender had a mental illness, was a person with intellectual 24044
disability, or was a victim of a violation of section 2905.32 of 24045
the Revised Code and that the mental illness, status as a person 24046

with intellectual disability, or fact that the offender was a 24047
victim of a violation of section 2905.32 of the Revised Code was a 24048
factor leading to that offense, the offender has been assessed by 24049
a psychiatrist, psychologist, independent social worker, licensed 24050
professional clinical counselor, or independent marriage and 24051
family therapist for the purpose of determining the offender's 24052
eligibility for intervention in lieu of conviction and 24053
recommending an appropriate intervention plan. 24054

(6) The offender's drug usage, alcohol usage, mental illness, 24055
or intellectual disability, or the fact that the offender was a 24056
victim of a violation of section 2905.32 of the Revised Code, 24057
whichever is applicable, was a factor leading to the criminal 24058
offense with which the offender is charged, intervention in lieu 24059
of conviction would not demean the seriousness of the offense, and 24060
intervention would substantially reduce the likelihood of any 24061
future criminal activity. 24062

(7) The alleged victim of the offense was not sixty-five 24063
years of age or older, permanently and totally disabled, under 24064
thirteen years of age, or a peace officer engaged in the officer's 24065
official duties at the time of the alleged offense. 24066

(8) If the offender is charged with a violation of section 24067
2925.24 of the Revised Code, the alleged violation did not result 24068
in physical harm to any person, and the offender previously has 24069
not been treated for drug abuse. 24070

(9) The offender is willing to comply with all terms and 24071
conditions imposed by the court pursuant to division (D) of this 24072
section. 24073

(10) The offender is not charged with an offense that would 24074
result in the offender being disqualified under Chapter 4506. of 24075
the Revised Code from operating a commercial motor vehicle or 24076
would subject the offender to any other sanction under that 24077

chapter. 24078

(C) At the conclusion of a hearing held pursuant to division 24079
(A) of this section, the court shall enter its determination as to 24080
whether the offender is eligible for intervention in lieu of 24081
conviction and as to whether to grant the offender's request. If 24082
the court finds under division (B) of this section that the 24083
offender is eligible for intervention in lieu of conviction and 24084
grants the offender's request, the court shall accept the 24085
offender's plea of guilty and waiver of the defendant's right to a 24086
speedy trial, the preliminary hearing, the time period within 24087
which the grand jury may consider an indictment against the 24088
offender, and arraignment, unless the hearing, indictment, or 24089
arraignment has already occurred. In addition, the court then may 24090
stay all criminal proceedings and order the offender to comply 24091
with all terms and conditions imposed by the court pursuant to 24092
division (D) of this section. If the court finds that the offender 24093
is not eligible or does not grant the offender's request, the 24094
criminal proceedings against the offender shall proceed as if the 24095
offender's request for intervention in lieu of conviction had not 24096
been made. 24097

(D) If the court grants an offender's request for 24098
intervention in lieu of conviction, the court shall place the 24099
offender under the general control and supervision of the county 24100
probation department, the adult parole authority, or another 24101
appropriate local probation or court services agency, if one 24102
exists, as if the offender was subject to a community control 24103
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 24104
Revised Code. The court shall establish an intervention plan for 24105
the offender. The terms and conditions of the intervention plan 24106
shall require the offender, for at least one year from the date on 24107
which the court grants the order of intervention in lieu of 24108
conviction, to abstain from the use of illegal drugs and alcohol, 24109

to participate in treatment and recovery support services, and to 24110
submit to regular random testing for drug and alcohol use and may 24111
include any other treatment terms and conditions, or terms and 24112
conditions similar to community control sanctions, which may 24113
include community service or restitution, that are ordered by the 24114
court. 24115

(E) If the court grants an offender's request for 24116
intervention in lieu of conviction and the court finds that the 24117
offender has successfully completed the intervention plan for the 24118
offender, including the requirement that the offender abstain from 24119
using illegal drugs and alcohol for a period of at least one year 24120
from the date on which the court granted the order of intervention 24121
in lieu of conviction, the requirement that the offender 24122
participate in treatment and recovery support services, and all 24123
other terms and conditions ordered by the court, the court shall 24124
dismiss the proceedings against the offender. Successful 24125
completion of the intervention plan and period of abstinence under 24126
this section shall be without adjudication of guilt and is not a 24127
criminal conviction for purposes of any disqualification or 24128
disability imposed by law and upon conviction of a crime, and the 24129
court may order the sealing of records related to the offense in 24130
question in the manner provided in sections 2953.31 to 2953.36 of 24131
the Revised Code. 24132

(F) If the court grants an offender's request for 24133
intervention in lieu of conviction and the offender fails to 24134
comply with any term or condition imposed as part of the 24135
intervention plan for the offender, the supervising authority for 24136
the offender promptly shall advise the court of this failure, and 24137
the court shall hold a hearing to determine whether the offender 24138
failed to comply with any term or condition imposed as part of the 24139
plan. If the court determines that the offender has failed to 24140
comply with any of those terms and conditions, it shall enter a 24141

finding of guilty and shall impose an appropriate sanction under 24142
Chapter 2929. of the Revised Code. If the court sentences the 24143
offender to a prison term, the court, after consulting with the 24144
department of rehabilitation and correction regarding the 24145
availability of services, may order continued court-supervised 24146
activity and treatment of the offender during the prison term and, 24147
upon consideration of reports received from the department 24148
concerning the offender's progress in the program of activity and 24149
treatment, may consider judicial release under section 2929.20 of 24150
the Revised Code. 24151

(G) As used in this section: 24152

(1) "Community addiction services provider" has the same 24153
meaning as in section 5119.01 of the Revised Code. 24154

(2) "Community control sanction" has the same meaning as in 24155
section 2929.01 of the Revised Code. 24156

~~(2)~~(3) "Intervention in lieu of conviction" means any 24157
court-supervised activity that complies with this section. 24158

~~(3)~~(4) "Peace officer" has the same meaning as in section 24159
2935.01 of the Revised Code. 24160

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 24161
meanings as in section 5122.01 of the Revised Code. 24162

~~(5)~~(6) "Person with intellectual disability" means a person 24163
having significantly subaverage general intellectual functioning 24164
existing concurrently with deficiencies in adaptive behavior, 24165
manifested during the developmental period. 24166

~~(6)~~(7) "Psychologist" has the same meaning as in section 24167
4732.01 of the Revised Code. 24168

(H) Whenever the term "mentally retarded person" is used in 24169
any statute, rule, contract, grant, or other document, the 24170
reference shall be deemed to include a "person with intellectual 24171

disability," as defined in this section. 24172

Sec. 2967.14. (A) The department of rehabilitation and 24173
correction or the adult parole authority may require or allow a 24174
parolee, a releasee, or a prisoner otherwise released from a state 24175
correctional institution to reside in a halfway house or other 24176
suitable community residential center that has been licensed by 24177
the division of parole and community services pursuant to division 24178
(C) of this section during a part or for the entire period of the 24179
offender's or parolee's conditional release or of the releasee's 24180
term of post-release control. The court of common pleas that 24181
placed an offender under a sanction consisting of a term in a 24182
halfway house or in an alternative residential sanction may 24183
require the offender to reside in a halfway house or other 24184
suitable community residential center that is designated by the 24185
court and that has been licensed by the division pursuant to 24186
division (C) of this section during a part or for the entire 24187
period of the offender's residential sanction. 24188

(B) The division of parole and community services may 24189
negotiate and enter into agreements with any public or private 24190
agency or a department or political subdivision of the state that 24191
operates a halfway house, reentry center, or community residential 24192
center that has been licensed by the division pursuant to division 24193
(C) of this section. An agreement under this division shall 24194
provide for the purchase of beds, shall set limits of supervision 24195
and levels of occupancy, and shall determine the scope of services 24196
for all eligible offenders, including those subject to a 24197
residential sanction, as defined in rules adopted by the director 24198
of rehabilitation and correction in accordance with Chapter 119. 24199
of the Revised Code, or those released from prison without 24200
supervision. The payments for beds and services shall not exceed 24201
the total operating costs of the halfway house, reentry center, or 24202
community residential center during the term of an agreement. The 24203

director of rehabilitation and correction shall adopt rules in 24204
accordance with Chapter 119. of the Revised Code for determining 24205
includable and excludable costs and income to be used in computing 24206
the agency's average daily per capita costs with its facility at 24207
full occupancy. 24208

The director of rehabilitation and correction shall adopt 24209
rules providing for the use of no more than fifteen per cent of 24210
the amount appropriated to the department each fiscal year for the 24211
halfway house, reentry center, and community residential center 24212
program to pay for contracts with licensed halfway houses for 24213
nonresidential services for offenders under the supervision of the 24214
adult parole authority, including but not limited to, offenders 24215
supervised pursuant to an agreement entered into by the adult 24216
parole authority and a court of common pleas under section 2301.32 24217
of the Revised Code. The nonresidential services may include, but 24218
are not limited to, treatment for substance abuse, mental health 24219
counseling, counseling for sex offenders, electronic monitoring 24220
services, aftercare, and other nonresidential services that the 24221
director identifies by rule. 24222

(C) The division of parole and community services may license 24223
a halfway house, reentry center, or community residential center 24224
as a suitable facility for the care and treatment of adult 24225
offenders, including offenders sentenced under section 2929.16 or 24226
2929.26 of the Revised Code, only if the halfway house, reentry 24227
center, or community residential center complies with the 24228
standards that the division adopts in accordance with Chapter 119. 24229
of the Revised Code for the licensure of halfway houses, reentry 24230
centers, and community residential centers. The division shall 24231
annually inspect each licensed halfway house, licensed reentry 24232
center, and licensed community residential center to determine if 24233
it is in compliance with the licensure standards. 24234

(D) The division of parole and community services may expend 24235

up to one-half per cent of the annual appropriation made for 24236
halfway house programs, for goods or services that benefit those 24237
programs. 24238

Sec. 2969.14. (A) If a separate account has been maintained 24239
in the name of an offender in the crime victims recovery fund and 24240
if there is no further requirement to pay into the fund money, or 24241
the monetary value of property, pursuant to section 2929.32 of the 24242
Revised Code, unless otherwise ordered by a court of record in 24243
which a judgment has been rendered against the offender or the 24244
representatives of the offender, the clerk of the court of claims 24245
shall pay the money remaining in the separate account in 24246
accordance with division (B) of this section, if all of the 24247
following apply: 24248

(1) The applicable period of time that governs the making of 24249
payments from the separate account, as set forth in division 24250
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 24251

(2) None of the civil actions against the offender or the 24252
representatives of the offender of which the clerk of the court of 24253
claims has been notified pursuant to division (B)(1) of section 24254
2969.12 of the Revised Code is pending. 24255

(3) All judgments for which payment was requested pursuant to 24256
division (B)(3) of section 2969.12 of the Revised Code have been 24257
paid. 24258

(B) If the clerk of the court of claims is required by 24259
division (A) of this section to pay the money remaining in the 24260
separate account established in the name of an offender in 24261
accordance with this division, the clerk shall pay the money as 24262
follows: 24263

~~(1) If the offender was confined for a felony in a prison or~~ 24264
~~other facility operated by the department of rehabilitation and~~ 24265

~~correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.~~

~~(2) If the offender was confined for a felony in a facility operated by a county or a municipal corporation, after payment of any costs required to be paid under division (B)(1) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)(2)(1) or (3)(2) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(3)(2) and (5)(4) of this section.~~

~~(3)(2) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)(2)(1) of this section, after payment of any costs required to be paid under division (B)(1) or (2) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)(2)(1) or (3)(2) of section 2929.18 of the Revised Code, to cover the costs so incurred. If more than one county or municipal corporation incurred costs pursuant to the sanction, the clerk shall equitably~~

apportion the money among each of those counties and municipal 24298
corporations. If any money remains in the separate account after 24299
the payment of the costs of the sanction pursuant to this 24300
division, the clerk shall pay the remaining money in accordance 24301
with division (B)~~(5)~~(4) of this section. 24302

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 24303
misdemeanor, to the treasurer of the political subdivision that 24304
operates the facility in which the offender was imprisoned or 24305
incarcerated, to cover the costs of the imprisonment or 24306
incarceration. If more than one political subdivision operated a 24307
facility in which the offender was confined, the clerk shall 24308
equitably apportion the money among each of those political 24309
subdivisions. If any money remains in the separate account after 24310
the payment of the costs of the imprisonment or incarceration 24311
under this division, the clerk shall pay the remaining money in 24312
accordance with division (B)~~(5)~~(4) of this section. 24313

~~(5)~~(4) If any money remains in the separate account after 24314
payment of any costs required to be paid under division (B)(1), 24315
(2), or (3), ~~or~~ ~~(4)~~ of this section, or if no provision of 24316
division (B)(1), (2), or (3), ~~or~~ ~~(4)~~ of this section applies, the 24317
clerk shall distribute the amount of the money remaining in the 24318
separate account as otherwise provided by law for the distribution 24319
of money paid in satisfaction of a fine, as if that amount was a 24320
fine paid by the offender. 24321

Sec. 2981.12. (A) Unclaimed or forfeited property in the 24322
custody of a law enforcement agency, other than property described 24323
in division (A)(2) of section 2981.11 of the Revised Code, shall 24324
be disposed of by order of any court of record that has 24325
territorial jurisdiction over the political subdivision that 24326
employs the law enforcement agency, as follows: 24327

(1) Drugs shall be disposed of pursuant to section 3719.11 of 24328

the Revised Code or placed in the custody of the secretary of the 24329
treasury of the United States for disposal or use for medical or 24330
scientific purposes under applicable federal law. 24331

(2) Firearms and dangerous ordnance suitable for police work 24332
may be given to a law enforcement agency for that purpose. 24333
Firearms suitable for sporting use or as museum pieces or 24334
collectors' items may be sold at public auction pursuant to 24335
division (B) of this section. The agency may sell other firearms 24336
and dangerous ordnance to a federally licensed firearms dealer in 24337
a manner that the court considers proper. The agency shall destroy 24338
any firearms or dangerous ordnance not given to a law enforcement 24339
agency or sold or shall send them to the bureau of criminal 24340
identification and investigation for destruction by the bureau. 24341

(3) Obscene materials shall be destroyed. 24342

(4) Beer, intoxicating liquor, or alcohol seized from a 24343
person who does not hold a permit issued under Chapters 4301. and 24344
4303. of the Revised Code or otherwise forfeited to the state for 24345
an offense under section 4301.45 or 4301.53 of the Revised Code 24346
shall be sold by the division of liquor control if the division 24347
determines that it is fit for sale or shall be placed in the 24348
custody of the investigations unit in the department of public 24349
safety and be used for training relating to law enforcement 24350
activities. The department, with the assistance of the division of 24351
liquor control, shall adopt rules in accordance with Chapter 119. 24352
of the Revised Code to provide for the distribution to state or 24353
local law enforcement agencies upon their request. If any tax 24354
imposed under Title XLIII of the Revised Code has not been paid in 24355
relation to the beer, intoxicating liquor, or alcohol, any moneys 24356
acquired from the sale shall first be used to pay the tax. All 24357
other money collected under this division shall be paid into the 24358
state treasury. Any beer, intoxicating liquor, or alcohol that the 24359
division determines to be unfit for sale shall be destroyed. 24360

(5) Money received by an inmate of a correctional institution 24361
from an unauthorized source or in an unauthorized manner shall be 24362
returned to the sender, if known, or deposited in the inmates' 24363
industrial and entertainment fund of the institution if the sender 24364
is not known. 24365

(6)(a) Any mobile instrumentality forfeited under this 24366
chapter may be given to the law enforcement agency that initially 24367
seized the mobile instrumentality for use in performing its 24368
duties, if the agency wants the mobile instrumentality. The agency 24369
shall take the mobile instrumentality subject to any security 24370
interest or lien on the mobile instrumentality. 24371

(b) Vehicles and vehicle parts forfeited under sections 24372
4549.61 to 4549.63 of the Revised Code may be given to a law 24373
enforcement agency for use in performing its duties. Those parts 24374
may be incorporated into any other official vehicle. Parts that do 24375
not bear vehicle identification numbers or derivatives of them may 24376
be sold or disposed of as provided by rules of the director of 24377
public safety. Parts from which a vehicle identification number or 24378
derivative of it has been removed, defaced, covered, altered, or 24379
destroyed and that are not suitable for police work or 24380
incorporation into an official vehicle shall be destroyed and sold 24381
as junk or scrap. 24382

(7) Computers, computer networks, computer systems, and 24383
computer software suitable for police work may be given to a law 24384
enforcement agency for that purpose or disposed of under division 24385
(B) of this section. 24386

(8) Money seized in connection with a violation of section 24387
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 24388
deposited in the victims of human trafficking fund created by 24389
section 5101.87 of the Revised Code. 24390

(B) Unclaimed or forfeited property that is not described in 24391

division (A) of this section or division (A)(2) of section 2981.11 24392
of the Revised Code, with court approval, may be used by the law 24393
enforcement agency in possession of it. If it is not used by the 24394
agency, it may be sold without appraisal at a public auction to 24395
the highest bidder for cash or disposed of in another manner that 24396
the court considers proper. 24397

(C) Except as provided in divisions (A) and (F) of this 24398
section and after compliance with division (D) of this section 24399
when applicable, any moneys acquired from the sale of property 24400
disposed of pursuant to this section shall be placed in the 24401
general revenue fund of the state, or the general fund of the 24402
county, the township, or the municipal corporation of which the 24403
law enforcement agency involved is an agency. 24404

(D) If the property was in the possession of the law 24405
enforcement agency in relation to a delinquent child proceeding in 24406
a juvenile court, ten per cent of any moneys acquired from the 24407
sale of property disposed of under this section shall be applied 24408
to one or more community addiction ~~treatment~~ services providers 24409
~~that are certified by the department of mental health and~~ 24410
~~addiction services under section 5119.36, as defined in section~~ 24411
5119.01 of the Revised Code. A juvenile court shall not specify a 24412
services provider, except as provided in this division, unless the 24413
services provider is in the same county as the court or in a 24414
contiguous county. If no ~~certified~~ services provider is located in 24415
any of those counties, the juvenile court may specify a ~~certified~~ 24416
services provider anywhere in Ohio. The remaining ninety per cent 24417
of the proceeds or cash shall be applied as provided in division 24418
(C) of this section. 24419

Each services provider that receives in any calendar year 24420
forfeited money under this division shall file an annual report 24421
for that year with the attorney general and with the court of 24422
common pleas and board of county commissioners of the county in 24423

which the services provider is located and of any other county 24424
from which the services provider received forfeited money. The 24425
services provider shall file the report on or before the first day 24426
of March in the calendar year following the calendar year in which 24427
the services provider received the money. The report shall include 24428
statistics on the number of persons the services provider served, 24429
identify the types of treatment services it provided to them, and 24430
include a specific accounting of the purposes for which it used 24431
the money so received. No information contained in the report 24432
shall identify, or enable a person to determine the identity of, 24433
any person served by the services provider. 24434

(E) Each ~~certified~~ community addiction services provider that 24435
receives in any calendar year money under this section or under 24436
section 2981.13 of the Revised Code as the result of a juvenile 24437
forfeiture order shall file an annual report for that calendar 24438
year with the attorney general and with the court of common pleas 24439
and board of county commissioners of the county in which the 24440
services provider is located and of any other county from which 24441
the services provider received the money. The services provider 24442
shall file the report on or before the first day of March in the 24443
calendar year following the year in which the services provider 24444
received the money. The report shall include statistics on the 24445
number of persons served with the money, identify the types of 24446
treatment services provided, and specifically account for how the 24447
money was used. No information in the report shall identify or 24448
enable a person to determine the identity of anyone served by the 24449
services provider. 24450

As used in this division, "juvenile-related forfeiture order" 24451
means any forfeiture order issued by a juvenile court under 24452
section 2981.04 or 2981.05 of the Revised Code and any disposal of 24453
property ordered by a court under section 2981.11 of the Revised 24454
Code regarding property that was in the possession of a law 24455

enforcement agency in relation to a delinquent child proceeding in 24456
a juvenile court. 24457

(F) Each board of county commissioners that recognizes a 24458
citizens' reward program under section 9.92 of the Revised Code 24459
shall notify each law enforcement agency of that county and of a 24460
township or municipal corporation wholly located in that county of 24461
the recognition by filing a copy of its resolution conferring that 24462
recognition with each of those agencies. When the board recognizes 24463
a citizens' reward program and the county includes a part, but not 24464
all, of the territory of a municipal corporation, the board shall 24465
so notify the law enforcement agency of that municipal corporation 24466
of the recognition of the citizens' reward program only if the 24467
county contains the highest percentage of the municipal 24468
corporation's population. 24469

Upon being so notified, each law enforcement agency shall pay 24470
twenty-five per cent of any forfeited proceeds or cash derived 24471
from each sale of property disposed of pursuant to this section to 24472
the citizens' reward program for use exclusively to pay rewards. 24473
No part of the funds may be used to pay expenses associated with 24474
the program. If a citizens' reward program that operates in more 24475
than one county or in another state in addition to this state 24476
receives funds under this section, the funds shall be used to pay 24477
rewards only for tips and information to law enforcement agencies 24478
concerning offenses committed in the county from which the funds 24479
were received. 24480

Receiving funds under this section or section 2981.11 of the 24481
Revised Code does not make the citizens' reward program a 24482
governmental unit or public office for purposes of section 149.43 24483
of the Revised Code. 24484

(G) Any property forfeited under this chapter shall not be 24485
used to pay any fine imposed upon a person who is convicted of or 24486
pleads guilty to an underlying criminal offense or a different 24487

offense arising out of the same facts and circumstances. 24488

(H) Any moneys acquired from the sale of personal effects, 24489
tools, or other property seized because the personal effects, 24490
tools, or other property were used in the commission of a 24491
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 24492
Code or derived from the proceeds of the commission of a violation 24493
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 24494
disposed of pursuant to this section shall be placed in the 24495
victims of human trafficking fund created by section 5101.87 of 24496
the Revised Code. 24497

Sec. 2981.13. (A) Except as otherwise provided in this 24498
section, property ordered forfeited as contraband, proceeds, or an 24499
instrumentality pursuant to this chapter shall be disposed of, 24500
used, or sold pursuant to section 2981.12 of the Revised Code. If 24501
the property is to be sold under that section, the prosecutor 24502
shall cause notice of the proposed sale to be given in accordance 24503
with law. 24504

(B) If the contraband or instrumentality forfeited under this 24505
chapter is sold, any moneys acquired from a sale and any proceeds 24506
forfeited under this chapter shall be applied in the following 24507
order: 24508

(1) First, to pay costs incurred in the seizure, storage, 24509
maintenance, security, and sale of the property and in the 24510
forfeiture proceeding; 24511

(2) Second, in a criminal forfeiture case, to satisfy any 24512
restitution ordered to the victim of the offense or, in a civil 24513
forfeiture case, to satisfy any recovery ordered for the person 24514
harmled, unless paid from other assets; 24515

(3) Third, to pay the balance due on any security interest 24516
preserved under this chapter; 24517

(4) Fourth, apply the remaining amounts as follows:	24518
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug <u>community addiction treatment programs services providers</u> as provided <u>specified</u> in division (D) of section 2981.12 of the Revised Code;	24519 24520 24521 24522
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the	24523 24524 24525 24526 24527 24528
(i) <u>The</u> law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the	24529 24530 24531
(ii) <u>The</u> state highway patrol contraband, forfeiture, and other fund; the	24532 24533
(iii) <u>The</u> department of public safety investigative unit contraband, forfeiture, and other fund; the	24534 24535
(iv) <u>The</u> department of taxation enforcement fund; the	24536
(v) <u>The</u> board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the	24537 24538
(vi) <u>The</u> medicaid fraud investigation and prosecution fund; the	24539 24540
(vii) <u>The</u> casino control commission enforcement fund created by section 3772.36 of the Revised Code; or the	24541 24542
(viii) <u>The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;</u>	24543 24544
(ix) <u>The</u> treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation. In	24545 24546 24547

In the case of property forfeited for medicaid fraud, any 24548
remaining amount shall be used by the attorney general to 24549
investigate and prosecute medicaid fraud offenses. 24550

If the prosecutor declines to accept any of the remaining 24551
amounts, the amounts shall be applied to the fund of the agency 24552
that substantially conducted the investigation. 24553

(c) If more than one law enforcement agency is substantially 24554
involved in the seizure of property forfeited under this chapter, 24555
the court ordering the forfeiture shall equitably divide the 24556
amounts, after calculating any distribution to the law enforcement 24557
trust fund of the prosecutor pursuant to division (B)(4) of this 24558
section, among the entities that the court determines were 24559
substantially involved in the seizure. 24560

(C)(1) A law enforcement trust fund shall be established by 24561
the prosecutor of each county who intends to receive any remaining 24562
amounts pursuant to this section, by the sheriff of each county, 24563
by the legislative authority of each municipal corporation, by the 24564
board of township trustees of each township that has a township 24565
police department, township or joint police district police force, 24566
or office of the constable, and by the board of park commissioners 24567
of each park district created pursuant to section 511.18 or 24568
1545.01 of the Revised Code that has a park district police force 24569
or law enforcement department, for the purposes of this section. 24570

There is hereby created in the state treasury the state 24571
highway patrol contraband, forfeiture, and other fund, the 24572
department of public safety investigative unit contraband, 24573
forfeiture, and other fund, the medicaid fraud investigation and 24574
prosecution fund, the department of taxation enforcement fund, and 24575
the peace officer training commission fund, for the purposes of 24576
this section. 24577

Amounts distributed to any municipal corporation, township, 24578

or park district law enforcement trust fund shall be allocated 24579
from the fund by the legislative authority only to the police 24580
department of the municipal corporation, by the board of township 24581
trustees only to the township police department, township police 24582
district police force, or office of the constable, by the joint 24583
police district board only to the joint police district, and by 24584
the board of park commissioners only to the park district police 24585
force or law enforcement department. 24586

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 24587
this section or used by an agency unless the agency has adopted a 24588
written internal control policy that addresses the use of moneys 24589
received from the appropriate fund. The appropriate fund shall be 24590
expended only in accordance with that policy and, subject to the 24591
requirements specified in this section, only for the following 24592
purposes: 24593

(i) To pay the costs of protracted or complex investigations 24594
or prosecutions; 24595

(ii) To provide reasonable technical training or expertise; 24596

(iii) To provide matching funds to obtain federal grants to 24597
aid law enforcement, in the support of DARE programs or other 24598
programs designed to educate adults or children with respect to 24599
the dangers associated with the use of drugs of abuse; 24600

(iv) To pay the costs of emergency action taken under section 24601
3745.13 of the Revised Code relative to the operation of an 24602
illegal methamphetamine laboratory if the forfeited property or 24603
money involved was that of a person responsible for the operation 24604
of the laboratory; 24605

(v) For other law enforcement purposes that the 24606
superintendent of the state highway patrol, department of public 24607
safety, auditor of state, prosecutor, county sheriff, legislative 24608
authority, department of taxation, Ohio casino control commission, 24609

board of township trustees, or board of park commissioners 24610
determines to be appropriate. 24611

(b) The board of pharmacy drug law enforcement fund shall be 24612
expended only in accordance with the written internal control 24613
policy so adopted by the board and only in accordance with section 24614
4729.65 of the Revised Code, except that it also may be expended 24615
to pay the costs of emergency action taken under section 3745.13 24616
of the Revised Code relative to the operation of an illegal 24617
methamphetamine laboratory if the forfeited property or money 24618
involved was that of a person responsible for the operation of the 24619
laboratory. 24620

(c) ~~The state highway patrol contraband, forfeiture, and 24621
other fund, the department of public safety investigative unit 24622
contraband, forfeiture, and other fund, the department of taxation 24623
enforcement fund, the board of pharmacy drug law enforcement fund, 24624
the casino control commission enforcement fund, and a law 24625
enforcement trust~~ A fund listed in division (B)(4)(b) of this 24626
section, other than the Medicaid fraud investigation and 24627
prosecution fund, shall not be used to meet the operating costs of 24628
the ~~state highway patrol, of the investigative unit of the 24629
department of public safety, of the state board of pharmacy, of 24630
any political subdivision, of the Ohio casino control commission, 24631
or of any office of a prosecutor or county sheriff agency, office, 24632
or political subdivision~~ that are unrelated to law enforcement. 24633

(d) Forfeited moneys that are paid into the state treasury to 24634
be deposited into the peace officer training commission fund shall 24635
be used by the commission only to pay the costs of peace officer 24636
training. 24637

(3) Any of the following offices or agencies that receive 24638
amounts under this section during any calendar year shall file a 24639
report with the specified entity, not later than the thirty-first 24640
day of January of the next calendar year, verifying that the 24641

moneys were expended only for the purposes authorized by this 24642
section or other relevant statute and specifying the amounts 24643
expended for each authorized purpose: 24644

(a) Any sheriff or prosecutor shall file the report with the 24645
county auditor. 24646

(b) Any municipal corporation police department shall file 24647
the report with the legislative authority of the municipal 24648
corporation. 24649

(c) Any township police department, township or joint police 24650
district police force, or office of the constable shall file the 24651
report with the board of township trustees of the township. 24652

(d) Any park district police force or law enforcement 24653
department shall file the report with the board of park 24654
commissioners of the park district. 24655

(e) The superintendent of the state highway patrol, the 24656
auditor of state, and the tax commissioner shall file the report 24657
with the attorney general. 24658

(f) The executive director of the state board of pharmacy 24659
shall file the report with the attorney general, verifying that 24660
cash and forfeited proceeds paid into the board of pharmacy drug 24661
law enforcement fund were used only in accordance with section 24662
4729.65 of the Revised Code. 24663

(g) The peace officer training commission shall file a report 24664
with the attorney general, verifying that cash and forfeited 24665
proceeds paid into the peace officer training commission fund 24666
pursuant to this section during the prior calendar year were used 24667
by the commission during the prior calendar year only to pay the 24668
costs of peace officer training. 24669

(h) The executive director of the Ohio casino control 24670
commission shall file the report with the attorney general, 24671

verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code. 24672
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(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue. 24675
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The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used. 24692
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As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse. 24697
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(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate 24701
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certificate of title or registration to the purchaser. If the 24704
state is vested with title and elects to retain property that is 24705
required to be titled or registered under law, the state shall 24706
issue an appropriate certificate of title or registration. 24707

(F) Any failure of a law enforcement officer or agency, 24708
prosecutor, court, or the attorney general to comply with this 24709
section in relation to any property seized does not affect the 24710
validity of the seizure and shall not be considered to be the 24711
basis for suppressing any evidence resulting from the seizure, 24712
provided the seizure itself was lawful. 24713

Sec. 3105.171. (A) As used in this section: 24714

(1) "Distributive award" means any payment or payments, in 24715
real or personal property, that are payable in a lump sum or over 24716
time, in fixed amounts, that are made from separate property or 24717
income, and that are not made from marital property and do not 24718
constitute payments of spousal support, as defined in section 24719
3105.18 of the Revised Code. 24720

(2) "During the marriage" means whichever of the following is 24721
applicable: 24722

(a) Except as provided in division (A)(2)(b) of this section, 24723
the period of time from the date of the marriage through the date 24724
of the final hearing in an action for divorce or in an action for 24725
legal separation; 24726

(b) If the court determines that the use of either or both of 24727
the dates specified in division (A)(2)(a) of this section would be 24728
inequitable, the court may select dates that it considers 24729
equitable in determining marital property. If the court selects 24730
dates that it considers equitable in determining marital property, 24731
"during the marriage" means the period of time between those dates 24732
selected and specified by the court. 24733

(3)(a) "Marital property" means, subject to division	24734
(A)(3)(b) of this section, all of the following:	24735
(i) All real and personal property that currently is owned by either or both of the spouses, including, but not limited to, the retirement benefits of the spouses, and that was acquired by either or both of the spouses during the marriage;	24736 24737 24738 24739
(ii) All interest that either or both of the spouses currently has in any real or personal property, including, but not limited to, the retirement benefits of the spouses, and that was acquired by either or both of the spouses during the marriage;	24740 24741 24742 24743
(iii) Except as otherwise provided in this section, all income and appreciation on separate property, due to the labor, monetary, or in-kind contribution of either or both of the spouses that occurred during the marriage;	24744 24745 24746 24747
(iv) A participant account, as defined in section 148.01 of the Revised Code, of either of the spouses, to the extent of the following: the moneys that have been deferred by a continuing member or participating employee, as defined in that section, and that have been transmitted to the Ohio public employees deferred compensation board during the marriage and any income that is derived from the investment of those moneys during the marriage; the moneys that have been deferred by an officer or employee of a municipal corporation and that have been transmitted to the governing board, administrator, depository, or trustee of the deferred compensation program of the municipal corporation during the marriage and any income that is derived from the investment of those moneys during the marriage; or the moneys that have been deferred by an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, and that have been transmitted to the governing board, as defined in that section, during the marriage and any income that is derived from the investment of those moneys during the marriage.	24748 24749 24750 24751 24752 24753 24754 24755 24756 24757 24758 24759 24760 24761 24762 24763 24764 24765

(b) "Marital property" does not include any separate property.	24766 24767
(4) "Passive income" means income acquired other than as a result of the labor, monetary, or in-kind contribution of either spouse.	24768 24769 24770
(5) "Personal property" includes both tangible and intangible personal property.	24771 24772
(6)(a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following:	24773 24774 24775
(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	24776 24777
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	24778 24779 24780
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	24781 24782
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	24783 24784 24785
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;	24786 24787 24788
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	24789 24790 24791
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	24792 24793 24794 24795

(b) The commingling of separate property with other property 24796
of any type does not destroy the identity of the separate property 24797
as separate property, except when the separate property is not 24798
traceable. 24799

(B) In divorce proceedings, the court shall, and in legal 24800
separation proceedings upon the request of either spouse, the 24801
court may, determine what constitutes marital property and what 24802
constitutes separate property. In either case, upon making such a 24803
determination, the court shall divide the marital and separate 24804
property equitably between the spouses, in accordance with this 24805
section. For purposes of this section, the court has jurisdiction 24806
over all property, excluding the social security benefits of a 24807
spouse other than as set forth in division (F)(9) of this section, 24808
in which one or both spouses have an interest. 24809

(C)(1) Except as provided in this division or division (E) of 24810
this section, the division of marital property shall be equal. If 24811
an equal division of marital property would be inequitable, the 24812
court shall not divide the marital property equally but instead 24813
shall divide it between the spouses in the manner the court 24814
determines equitable. In making a division of marital property, 24815
the court shall consider all relevant factors, including those set 24816
forth in division (F) of this section. 24817

(2) Each spouse shall be considered to have contributed 24818
equally to the production and acquisition of marital property. 24819

(3) The court shall provide for an equitable division of 24820
marital property under this section prior to making any award of 24821
spousal support to either spouse under section 3105.18 of the 24822
Revised Code and without regard to any spousal support so awarded. 24823

(4) If the marital property includes a participant account, 24824
as defined in section 148.01 of the Revised Code, the court shall 24825
not order the division or disbursement of the moneys and income 24826

described in division (A)(3)(a)(iv) of this section to occur in a 24827
manner that is inconsistent with the law, rules, or plan governing 24828
the deferred compensation program involved or prior to the time 24829
that the spouse in whose name the participant account is 24830
maintained commences receipt of the moneys and income credited to 24831
the account in accordance with that law, rules, and plan. 24832

(D) Except as otherwise provided in division (E) of this 24833
section or by another provision of this section, the court shall 24834
disburse a spouse's separate property to that spouse. If a court 24835
does not disburse a spouse's separate property to that spouse, the 24836
court shall make written findings of fact that explain the factors 24837
that it considered in making its determination that the spouse's 24838
separate property should not be disbursed to that spouse. 24839

(E)(1) The court may make a distributive award to facilitate, 24840
effectuate, or supplement a division of marital property. The 24841
court may require any distributive award to be secured by a lien 24842
on the payor's specific marital property or separate property. 24843

(2) The court may make a distributive award in lieu of a 24844
division of marital property in order to achieve equity between 24845
the spouses, if the court determines that a division of the 24846
marital property in kind or in money would be impractical or 24847
burdensome. 24848

(3) The court shall require each spouse to disclose in a full 24849
and complete manner all marital property, separate property, and 24850
other assets, debts, income, and expenses of the spouse. 24851

(4) If a spouse has engaged in financial misconduct, 24852
including, but not limited to, the dissipation, destruction, 24853
concealment, nondisclosure, or fraudulent disposition of assets, 24854
the court may compensate the offended spouse with a distributive 24855
award or with a greater award of marital property. 24856

(5) If a spouse has substantially and willfully failed to ~~12~~ 24857

disclose marital property, separate property, or other assets, ~~13~~ 24858
debts, income, or expenses as required under division (E)(3) of ~~14~~ 24859
this section, the court may compensate the offended spouse with ~~15~~ 24860
a distributive award or with a greater award of marital property 24861
~~16~~ not to exceed three times the value of the marital property, ~~17~~ 24862
separate property, or other assets, debts, income, or expenses ~~18~~ 24863
that are not disclosed by the other spouse. 24864

(F) In making a division of marital property and in 24865
determining whether to make and the amount of any distributive 24866
award under this section, the court shall consider all of the 24867
following factors: 24868

(1) The duration of the marriage; 24869

(2) The assets and liabilities of the spouses; 24870

(3) The desirability of awarding the family home, or the 24871
right to reside in the family home for reasonable periods of time, 24872
to the spouse with custody of the children of the marriage; 24873

(4) The liquidity of the property to be distributed; 24874

(5) The economic desirability of retaining intact an asset or 24875
an interest in an asset; 24876

(6) The tax consequences of the property division upon the 24877
respective awards to be made to each spouse; 24878

(7) The costs of sale, if it is necessary that an asset be 24879
sold to effectuate an equitable distribution of property; 24880

(8) Any division or disbursement of property made in a 24881
separation agreement that was voluntarily entered into by the 24882
spouses; 24883

(9) Any retirement benefits of the spouses, excluding the 24884
social security benefits of a spouse except as may be relevant for 24885
purposes of dividing a public pension; 24886

(10) Any other factor that the court expressly finds to be 24887

relevant and equitable. 24888

(G) In any order for the division or disbursement of property 24889
or a distributive award made pursuant to this section, the court 24890
shall make written findings of fact that support the determination 24891
that the marital property has been equitably divided and shall 24892
specify the dates it used in determining the meaning of "during 24893
the marriage." 24894

(H) Except as otherwise provided in this section, the holding 24895
of title to property by one spouse individually or by both spouses 24896
in a form of co-ownership does not determine whether the property 24897
is marital property or separate property. 24898

(I) A division or disbursement of property or a distributive 24899
award made under this section is not subject to future 24900
modification by the court except upon the express written consent 24901
or agreement to the modification by both spouses. 24902

(J) The court may issue any orders under this section that it 24903
determines equitable, including, but not limited to, either of the 24904
following types of orders: 24905

(1) An order granting a spouse the right to use the marital 24906
dwelling or any other marital property or separate property for 24907
any reasonable period of time; 24908

(2) An order requiring the sale or encumbrancing of any real 24909
or personal property, with the proceeds from the sale and the 24910
funds from any loan secured by the encumbrance to be applied as 24911
determined by the court. 24912

Sec. 3107.0611. Notice served under section 3107.067 of the 24913
Revised Code shall be provided to the putative father of the child 24914
in substantially the following form: 24915

"..... (putative father's name), who has 24916
been named as the father of the unborn child of 24917

..... (birth mother's name), or who claims to 24918
be the father of the unborn child, is notified that 24919
..... (birth mother's name) has expressed an 24920
intention to place the child for adoption. 24921

~~On receipt of this notice, If~~ 24922
(putative father's name) ~~may~~ seeks to preserve his right to 24923
consent to the adoption of the unborn child, he must file an 24924
action under section 3111.04 of the Revised Code. 24925

Under Ohio law, a putative father means a man, including one 24926
under age eighteen, who may be a child's father and to whom all of 24927
the following apply: 24928

(1) He is not married to the child's mother at the time of 24929
the child's conception or birth. 24930

(2) He has not adopted the child. 24931

(3) He has not been determined, prior to the date a petition 24932
to adopt the child is filed, to have a parent and child 24933
relationship with the child by a court proceeding pursuant to 24934
sections 3111.01 to 3111.18 of the Revised Code, a court 24935
proceeding in another state, an administrative agency proceeding 24936
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an 24937
administrative agency proceeding in another state. 24938

(4) He has not acknowledged paternity of the child pursuant 24939
to sections 3111.20 to 3111.35 of the Revised Code. 24940

For purposes of this notice, 24941
(putative father's name) is a putative father under the laws in 24942
Ohio regarding adoption. 24943

Sec. 3107.0612. A putative father who receives a notice as 24944
provided in section 3107.067 of the Revised Code ~~may~~ and who 24945
wishes to preserve his right to consent to the placement for 24946
adoption of the child who is the subject of the notice shall file 24947

an action under section 3111.04 of the Revised Code. 24948

Sec. 3119.27. (A) A court that issues or modifies a court 24949
support order, or an administrative agency that issues or modifies 24950
an administrative child support order, shall impose on the obligor 24951
under the support order a processing charge ~~that is the greater in~~ 24952
the amount of two per cent of the support payment to be collected 24953
under a support order ~~or one dollar per month~~. No court or agency 24954
may call the charge a poundage fee. 24955

(B) In each child support case that is a Title IV-D case, the 24956
department of job and family services shall annually claim 24957
twenty-five dollars from the processing charge described in 24958
division (A) of this section for federal reporting purposes if the 24959
obligee has never received assistance under Title IV-A and the 24960
department has collected at least five hundred dollars of child 24961
support for the obligee. The director of job and family services 24962
shall adopt rules under Chapter 119. of the Revised Code to 24963
implement this division, and the department shall implement this 24964
division not later than March 31, 2008. 24965

(C) As used in this section: 24966

(1) "Annual" means the period as defined in regulations 24967
issued by the United States secretary of health and human services 24968
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 24969

(2) "Title IV-A" has the same meaning as in section 5107.02 24970
of the Revised Code. 24971

(3) "Title IV-D case" has the same meaning as in section 24972
3125.01 of the Revised Code. 24973

Sec. 3121.03. If a court or child support enforcement agency 24974
that issued or modified a support order, or the agency 24975
administering the support order, is required by the Revised Code 24976

to issue one or more withholding or deduction notices described in 24977
this section or other orders described in this section, the court 24978
or agency shall issue one or more of the following types of 24979
notices or orders, as appropriate, for payment of the support and 24980
also, if required by the Revised Code or the court, to pay any 24981
arrearages: 24982

(A)(1) If the court or the child support enforcement agency 24983
determines that the obligor is receiving income from a payor, the 24984
court or agency shall require the payor to do all of the 24985
following: 24986

(a) Withhold from the obligor's income a specified amount for 24987
support in satisfaction of the support order and begin the 24988
withholding no later than fourteen business days following the 24989
date the notice is mailed or transmitted to the payor under 24990
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 24991
division (A)(2) of this section or, if the payor is an employer, 24992
no later than the first pay period that occurs after fourteen 24993
business days following the date the notice is mailed or 24994
transmitted; 24995

(b) Send the amount withheld to the office of child support 24996
in the department of job and family services pursuant to section 24997
3121.43 of the Revised Code immediately but not later than seven 24998
business days after the date the obligor is paid; 24999

(c) Continue the withholding at intervals specified in the 25000
notice until further notice from the court or child support 25001
enforcement agency. 25002

To the extent possible, the amount specified to be withheld 25003
shall satisfy the amount ordered for support in the support order 25004
plus any arrearages owed by the obligor under any prior support 25005
order that pertained to the same child or spouse, notwithstanding 25006
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 25007

2716.041, and 2716.05 of the Revised Code. However, in no case 25008
shall the sum of the amount to be withheld and any fee withheld by 25009
the payor as a charge for its services exceed the maximum amount 25010
permitted under section 303(b) of the "Consumer Credit Protection 25011
Act," 15 U.S.C. 1673(b). 25012

(2) A court or agency that imposes an income withholding 25013
requirement shall, within the applicable time specified in section 25014
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 25015
Code, send to the obligor's payor by regular mail or via secure 25016
federally managed data transmission interface a notice that 25017
contains all of the information applicable to withholding notices 25018
set forth in section 3121.037 of the Revised Code. The notice is 25019
final and is enforceable by the court. 25020

(B)(1) If the court or child support enforcement agency 25021
determines that the obligor has funds that are not exempt under 25022
the laws of this state or the United States from execution, 25023
attachment, or other legal process and are on deposit in an 25024
account in a financial institution under the jurisdiction of the 25025
court that issued the court support order, or in the case of an 25026
administrative child support order, under the jurisdiction of the 25027
common pleas court of the county in which the agency that issued 25028
or is administering the order is located, the court or agency may 25029
require any financial institution in which the obligor's funds are 25030
on deposit to do all of the following: 25031

(a) Deduct from the obligor's account a specified amount for 25032
support in satisfaction of the support order and begin the 25033
deduction no later than fourteen business days following the date 25034
the notice was mailed or transmitted to the financial institution 25035
under section 3121.035 or 3123.06 of the Revised Code and division 25036
(B)(2) of this section; 25037

(b) Send the amount deducted to the office of child support 25038
in the department of job and family services pursuant to section 25039

3121.43 of the Revised Code immediately but not later than seven 25040
business days after the date the latest deduction was made; 25041

(c) Provide the date on which the amount was deducted; 25042

(d) Continue the deduction at intervals specified in the 25043
notice until further notice from the court or child support 25044
enforcement agency. 25045

To the extent possible, the amount to be deducted shall 25046
satisfy the amount ordered for support in the support order plus 25047
any arrearages that may be owed by the obligor under any prior 25048
support order that pertained to the same child or spouse, 25049
notwithstanding the limitations of sections 2329.66, 2329.70, and 25050
2716.13 of the Revised Code. 25051

(2) A court or agency that imposes a deduction requirement 25052
shall, within the applicable period of time specified in section 25053
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 25054
to the financial institution by regular mail or via secure 25055
federally managed data transmission interface a notice that 25056
contains all of the information applicable to deduction notices 25057
set forth in section 3121.037 of the Revised Code. The notice is 25058
final and is enforceable by the court. 25059

(C) With respect to any court support order it issues, a 25060
court may issue an order requiring the obligor to enter into a 25061
cash bond with the court. The court shall issue the order as part 25062
of the court support order or, if the court support order has 25063
previously been issued, as a separate order. The cash bond shall 25064
be in a sum fixed by the court at not less than five hundred nor 25065
more than ten thousand dollars, conditioned that the obligor will 25066
make payment as previously ordered and will pay any arrearages 25067
under any prior court support order that pertained to the same 25068
child or spouse. 25069

The order, along with an additional order requiring the 25070

obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court support order has previously been issued, as soon as possible after the issuance of the order under this section. The additional order requiring notice by the obligor shall state all of the following:

(1) That when the obligor begins to receive income from a payor the obligor may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a payor the court will proceed to collect on the bond if the court determines that payments due under the court support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under the court support order and will issue a notice requiring the withholding of an amount from income for support in accordance with this section. The notice required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

The court shall not order an obligor to post a cash bond under this section unless the court determines that the obligor has the ability to do so.

A child support enforcement agency may not issue a cash bond order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but the agency determines that no withholding or deduction notice would be appropriate, the agency may request that the court issue a cash bond order under this

section, and upon the request, the court may issue the order. 25103

(D)(1) If the obligor under a court support order is 25104
unemployed, has no income, and does not have an account at any 25105
financial institution, or on request of a child support 25106
enforcement agency under division (D)(1) or (2) of this section, 25107
the court shall issue an order requiring the obligor, if able to 25108
engage in employment, to seek employment or participate in a work 25109
activity to which a recipient of assistance under Title IV-A of 25110
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 25111
as amended, may be assigned as specified in section 407(d) of the 25112
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 25113
shall include in the order ~~a requirement~~ requirements that the 25114
obligor register with OhioMeansJobs and to notify the child 25115
support enforcement agency on obtaining employment, obtaining any 25116
income, or obtaining ownership of any asset with a value of five 25117
hundred dollars or more. The court may issue the order regardless 25118
of whether the obligee to whom the obligor owes support is a 25119
recipient of assistance under Title IV-A of the "Social Security 25120
Act." The court shall issue the order as part of a court support 25121
order or, if a court support order has previously been issued, as 25122
a separate order. If a child support enforcement agency is 25123
required to issue a withholding or deduction notice under this 25124
section with respect to a court support order but determines that 25125
no withholding or deduction notice would be appropriate, the 25126
agency may request that the court issue a court order under 25127
division (D)(1) of this section, and, on the request, the court 25128
may issue the order. 25129

(2) If the obligor under an administrative child support 25130
order is unemployed, has no income, and does not have an account 25131
at any financial institution, the agency shall issue an 25132
administrative order requiring the obligor, if able to engage in 25133
employment, to seek employment or participate in a work activity 25134

to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order ~~a requirement~~ requirements that the obligor register with OhioMeansJobs and to notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

Sec. 3301.078. (A) No official or board of this state, whether appointed or elected, shall enter into any agreement or memorandum of understanding with any federal or private entity that would require the state to cede any measure of control over the development, adoption, or revision of academic content standards.

(B) No funds appropriated from the general revenue fund shall be used to purchase an assessment developed by the partnership for assessment of readiness for college and careers for use as the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code.

Sec. 3301.0711. (A) The department of education shall:
(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each

district shall score any assessment administered pursuant to 25165
division (B)(10) of this section. Each assessment so furnished 25166
shall include the data verification code of the student to whom 25167
the assessment will be administered, as assigned pursuant to 25168
division (D)(2) of section 3301.0714 of the Revised Code. In 25169
furnishing the practice versions of Ohio graduation tests 25170
prescribed by division (D) of section 3301.0710 of the Revised 25171
Code, the department shall make the tests available on its web 25172
site for reproduction by districts. In awarding contracts for 25173
grading assessments, the department shall give preference to 25174
Ohio-based entities employing Ohio residents. 25175

(2) Adopt rules for the ethical use of assessments and 25176
prescribing the manner in which the assessments prescribed by 25177
section 3301.0710 of the Revised Code shall be administered to 25178
students. 25179

(B) Except as provided in divisions (C) and (J) of this 25180
section, the board of education of each city, local, and exempted 25181
village school district shall, in accordance with rules adopted 25182
under division (A) of this section: 25183

(1) Administer the English language arts assessments 25184
prescribed under division (A)(1)(a) of section 3301.0710 of the 25185
Revised Code twice annually to all students in the third grade who 25186
have not attained the score designated for that assessment under 25187
division (A)(2)(c) of section 3301.0710 of the Revised Code. 25188

(2) Administer the mathematics assessment prescribed under 25189
division (A)(1)(a) of section 3301.0710 of the Revised Code at 25190
least once annually to all students in the third grade. 25191

(3) Administer the assessments prescribed under division 25192
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 25193
annually to all students in the fourth grade. 25194

(4) Administer the assessments prescribed under division 25195

(A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	25196 25197
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	25198 25199 25200
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	25201 25202 25203
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	25204 25205 25206
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	25207 25208 25209
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	25210 25211 25212 25213
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	25214 25215 25216 25217 25218 25219
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under	25220 25221 25222 25223 25224 25225 25226

that division. A board of a joint vocational school district may 25227
also administer such an assessment to any student described in 25228
division (B)(8)(b) of this section. 25229

(10) If the district has a three-year average graduation rate 25230
of not more than seventy-five per cent, administer each assessment 25231
prescribed by division (D) of section 3301.0710 of the Revised 25232
Code in September to all ninth grade students who entered ninth 25233
grade prior to July 1, 2014. 25234

Except as provided in section 3313.614 of the Revised Code 25235
for administration of an assessment to a person who has fulfilled 25236
the curriculum requirement for a high school diploma but has not 25237
passed one or more of the required assessments, the assessments 25238
prescribed under division (B)(1) of section 3301.0710 of the 25239
Revised Code shall not be administered after the date specified in 25240
the rules adopted by the state board of education under division 25241
(D)(1) of section 3301.0712 of the Revised Code. 25242

(11) Administer the assessments prescribed by division (B)(2) 25243
of section 3301.0710 and section 3301.0712 of the Revised Code in 25244
accordance with the timeline and plan for implementation of those 25245
assessments prescribed by rule of the state board adopted under 25246
division (D)(1) of section 3301.0712 of the Revised Code. 25247

(C)(1)(a) In the case of a student receiving special 25248
education services under Chapter 3323. of the Revised Code, the 25249
individualized education program developed for the student under 25250
that chapter shall specify the manner in which the student will 25251
participate in the assessments administered under this section. 25252
The individualized education program may excuse the student from 25253
taking any particular assessment required to be administered under 25254
this section if it instead specifies an alternate assessment 25255
method approved by the department of education as conforming to 25256
requirements of federal law for receipt of federal funds for 25257
disadvantaged pupils. To the extent possible, the individualized 25258

education program shall not excuse the student from taking an 25259
assessment unless no reasonable accommodation can be made to 25260
enable the student to take the assessment. 25261

(b) Any alternate assessment approved by the department for a 25262
student under this division shall produce measurable results 25263
comparable to those produced by the assessment it replaces in 25264
order to allow for the student's results to be included in the 25265
data compiled for a school district or building under section 25266
3302.03 of the Revised Code. 25267

(c) Any student enrolled in a chartered nonpublic school who 25268
has been identified, based on an evaluation conducted in 25269
accordance with section 3323.03 of the Revised Code or section 504 25270
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 25271
794, as amended, as a child with a disability shall be excused 25272
from taking any particular assessment required to be administered 25273
under this section if a plan developed for the student pursuant to 25274
rules adopted by the state board excuses the student from taking 25275
that assessment. In the case of any student so excused from taking 25276
an assessment, the chartered nonpublic school shall not prohibit 25277
the student from taking the assessment. 25278

(2) A district board may, for medical reasons or other good 25279
cause, excuse a student from taking an assessment administered 25280
under this section on the date scheduled, but that assessment 25281
shall be administered to the excused student not later than nine 25282
days following the scheduled date. The district board shall 25283
annually report the number of students who have not taken one or 25284
more of the assessments required by this section to the state 25285
board not later than the thirtieth day of June. 25286

(3) As used in this division, "limited English proficient 25287
student" has the same meaning as in 20 U.S.C. 7801. 25288

No school district board shall excuse any limited English 25289

proficient student from taking any particular assessment required 25290
to be administered under this section, except that any limited 25291
English proficient student who has been enrolled in United States 25292
schools for less than one full school year shall not be required 25293
to take any reading, writing, or English language arts assessment. 25294
However, no board shall prohibit a limited English proficient 25295
student who is not required to take an assessment under this 25296
division from taking the assessment. A board may permit any 25297
limited English proficient student to take an assessment required 25298
to be administered under this section with appropriate 25299
accommodations, as determined by the department. For each limited 25300
English proficient student, each school district shall annually 25301
assess that student's progress in learning English, in accordance 25302
with procedures approved by the department. 25303

The governing authority of a chartered nonpublic school may 25304
excuse a limited English proficient student from taking any 25305
assessment administered under this section. However, no governing 25306
authority shall prohibit a limited English proficient student from 25307
taking the assessment. 25308

(D)(1) In the school year next succeeding the school year in 25309
which the assessments prescribed by division (A)(1) or (B)(1) of 25310
section 3301.0710 of the Revised Code or former division (A)(1), 25311
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 25312
existed prior to September 11, 2001, are administered to any 25313
student, the board of education of any school district in which 25314
the student is enrolled in that year shall provide to the student 25315
intervention services commensurate with the student's performance, 25316
including any intensive intervention required under section 25317
3313.608 of the Revised Code, in any skill in which the student 25318
failed to demonstrate at least a score at the proficient level on 25319
the assessment. 25320

(2) Following any administration of the assessments 25321

prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an

assessment administered under this section or make up an 25354
assessment as provided by division (C)(2) of this section and who 25355
is not exempt from the requirement to take the assessment under 25356
division (C)(3) of this section. 25357

(F) No person shall be charged a fee for taking any 25358
assessment administered under this section. 25359

(G)(1) Each school district board shall designate one 25360
location for the collection of assessments administered in the 25361
spring under division (B)(1) of this section and those 25362
administered under divisions (B)(2) to (7) of this section. Each 25363
district board shall submit the assessments to the entity with 25364
which the department contracts for the scoring of the assessments 25365
as follows: 25366

(a) If the district's total enrollment in grades kindergarten 25367
through twelve during the first full school week of October was 25368
less than two thousand five hundred, not later than the Friday 25369
after all of the assessments have been administered; 25370

(b) If the district's total enrollment in grades kindergarten 25371
through twelve during the first full school week of October was 25372
two thousand five hundred or more, but less than seven thousand, 25373
not later than the Monday after all of the assessments have been 25374
administered; 25375

(c) If the district's total enrollment in grades kindergarten 25376
through twelve during the first full school week of October was 25377
seven thousand or more, not later than the Tuesday after all of 25378
the assessments have been administered. 25379

However, any assessment that a student takes during the 25380
make-up period described in division (C)(2) of this section shall 25381
be submitted not later than the Friday following the day the 25382
student takes the assessment. 25383

(2) The department or an entity with which the department 25384

contracts for the scoring of the assessment shall send to each 25385
school district board a list of the individual scores of all 25386
persons taking an assessment prescribed by division (A)(1) or 25387
(B)(1) of section 3301.0710 of the Revised Code within sixty days 25388
after its administration, but in no case shall the scores be 25389
returned later than the fifteenth day of June following the 25390
administration. For assessments administered under this section by 25391
a joint vocational school district, the department or entity shall 25392
also send to each city, local, or exempted village school district 25393
a list of the individual scores of any students of such city, 25394
local, or exempted village school district who are attending 25395
school in the joint vocational school district. 25396

(H) Individual scores on any assessments administered under 25397
this section shall be released by a district board only in 25398
accordance with section 3319.321 of the Revised Code and the rules 25399
adopted under division (A) of this section. No district board or 25400
its employees shall utilize individual or aggregate results in any 25401
manner that conflicts with rules for the ethical use of 25402
assessments adopted pursuant to division (A) of this section. 25403

(I) Except as provided in division (G) of this section, the 25404
department or an entity with which the department contracts for 25405
the scoring of the assessment shall not release any individual 25406
scores on any assessment administered under this section. The 25407
state board shall adopt rules to ensure the protection of student 25408
confidentiality at all times. The rules may require the use of the 25409
data verification codes assigned to students pursuant to division 25410
(D)(2) of section 3301.0714 of the Revised Code to protect the 25411
confidentiality of student scores. 25412

(J) Notwithstanding division (D) of section 3311.52 of the 25413
Revised Code, this section does not apply to the board of 25414
education of any cooperative education school district except as 25415
provided under rules adopted pursuant to this division. 25416

(1) In accordance with rules that the state board shall 25417
adopt, the board of education of any city, exempted village, or 25418
local school district with territory in a cooperative education 25419
school district established pursuant to divisions (A) to (C) of 25420
section 3311.52 of the Revised Code may enter into an agreement 25421
with the board of education of the cooperative education school 25422
district for administering any assessment prescribed under this 25423
section to students of the city, exempted village, or local school 25424
district who are attending school in the cooperative education 25425
school district. 25426

(2) In accordance with rules that the state board shall 25427
adopt, the board of education of any city, exempted village, or 25428
local school district with territory in a cooperative education 25429
school district established pursuant to section 3311.521 of the 25430
Revised Code shall enter into an agreement with the cooperative 25431
district that provides for the administration of any assessment 25432
prescribed under this section to both of the following: 25433

(a) Students who are attending school in the cooperative 25434
district and who, if the cooperative district were not 25435
established, would be entitled to attend school in the city, 25436
local, or exempted village school district pursuant to section 25437
3313.64 or 3313.65 of the Revised Code; 25438

(b) Persons described in division (B)(8)(b) of this section. 25439

Any assessment of students pursuant to such an agreement 25440
shall be in lieu of any assessment of such students or persons 25441
pursuant to this section. 25442

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 25443
or (K)(1)(c) of this section, each chartered nonpublic school for 25444
which at least sixty-five per cent of its total enrollment is made 25445
up of students who are participating in state scholarship programs 25446
shall administer the elementary assessments prescribed by section 25447

3301.0710 of the Revised Code. In accordance with procedures and 25448
deadlines prescribed by the department, the parent or guardian of 25449
a student enrolled in the school who is not participating in a 25450
state scholarship program may submit notice to the chief 25451
administrative officer of the school that the parent or guardian 25452
does not wish to have the student take the elementary assessments 25453
prescribed for the student's grade level under division (A) of 25454
section 3301.0710 of the Revised Code. If a parent or guardian 25455
submits an opt-out notice, the school shall not administer the 25456
assessments to that student. This option does not apply to any 25457
assessment required for a high school diploma under section 25458
3313.612 of the Revised Code. 25459

(b) If a chartered nonpublic school is educating students in 25460
grades nine through twelve, it shall administer the assessments 25461
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 25462
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 25463
~~the Revised Code. Except for a student attending a chartered~~ 25464
~~nonpublic school under a state scholarship program, division~~ 25465
~~(K)(1)(b) of this section shall not apply to the following:~~ 25466

(i) A chartered nonpublic school accredited through the 25467
independent school association of the central states; 25468

(ii) A chartered nonpublic school that is not accredited 25469
through the independent school association of the central states 25470
but that is acting in accordance with division (D) of section 25471
3313.612 of the Revised Code. 25472

(c) A chartered nonpublic school may submit to the 25473
superintendent of public instruction a request for a waiver from 25474
administering the elementary assessments prescribed by division 25475
(A) of section 3301.0710 of the Revised Code. The state 25476
superintendent shall approve or disapprove a request for a waiver 25477
submitted under division (K)(1)(c) of this section. No waiver 25478
shall be approved for any school year prior to the 2015-2016 25479

school year. 25480

To be eligible to submit a request for a waiver, a chartered 25481
nonpublic school shall meet the following conditions: 25482

(i) At least ninety-five per cent of the students enrolled in 25483
the school are children with disabilities, as defined under 25484
section 3323.01 of the Revised Code, or have received a diagnosis 25485
by a school district or from a physician, including a 25486
neuropsychiatrist or psychiatrist, or a psychologist who is 25487
authorized to practice in this or another state as having a 25488
condition that impairs academic performance, such as dyslexia, 25489
dyscalculia, attention deficit hyperactivity disorder, or 25490
Asperger's syndrome. 25491

(ii) The school has solely served a student population 25492
described in division (K)(1)(c)(i) of this section for at least 25493
ten years. 25494

(iii) The school provides to the department at least five 25495
years of records of internal testing conducted by the school that 25496
affords the department data required for accountability purposes, 25497
including diagnostic assessments and nationally standardized 25498
norm-referenced achievement assessments that measure reading and 25499
math skills. 25500

(d) Any chartered nonpublic school that is not subject to 25501
division (K)(1)(a) of this section may participate in the 25502
assessment program by administering any of the assessments 25503
prescribed by division (A) of section 3301.0710 of the Revised 25504
Code. The chief administrator of the school shall specify which 25505
assessments the school will administer. Such specification shall 25506
be made in writing to the superintendent of public instruction 25507
prior to the first day of August of any school year in which 25508
assessments are administered and shall include a pledge that the 25509
nonpublic school will administer the specified assessments in the 25510

same manner as public schools are required to do under this 25511
section and rules adopted by the department. 25512

(2) The department of education shall furnish the assessments 25513
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 25514
to each chartered nonpublic school that is subject to division 25515
(K)(1)(a) of this section or participates under division (K)(1)(b) 25516
of this section. 25517

(L)(1) The superintendent of the state school for the blind 25518
and the superintendent of the state school for the deaf shall 25519
administer the assessments described by sections 3301.0710 and 25520
3301.0712 of the Revised Code. Each superintendent shall 25521
administer the assessments in the same manner as district boards 25522
are required to do under this section and rules adopted by the 25523
department of education and in conformity with division (C)(1)(a) 25524
of this section. 25525

(2) The department of education shall furnish the assessments 25526
described by sections 3301.0710 and 3301.0712 of the Revised Code 25527
to each superintendent. 25528

(M) Notwithstanding division (E) of this section, a school 25529
district may use a student's failure to attain a score in at least 25530
the proficient range on the mathematics assessment described by 25531
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 25532
an assessment described by division (A)(1)(b), (c), (d), (e), or 25533
(f) of section 3301.0710 of the Revised Code as a factor in 25534
retaining that student in the current grade level. 25535

(N)(1) In the manner specified in divisions (N)(3), (4), and 25536
(6) of this section, the assessments required by division (A)(1) 25537
of section 3301.0710 of the Revised Code shall become public 25538
records pursuant to section 149.43 of the Revised Code on the 25539
thirty-first day of July following the school year that the 25540
assessments were administered. 25541

(2) The department may field test proposed questions with 25542
samples of students to determine the validity, reliability, or 25543
appropriateness of questions for possible inclusion in a future 25544
year's assessment. The department also may use anchor questions on 25545
assessments to ensure that different versions of the same 25546
assessment are of comparable difficulty. 25547

Field test questions and anchor questions shall not be 25548
considered in computing scores for individual students. Field test 25549
questions and anchor questions may be included as part of the 25550
administration of any assessment required by division (A)(1) or 25551
(B) of section 3301.0710 and division (B) of section 3301.0712 of 25552
the Revised Code. 25553

(3) Any field test question or anchor question administered 25554
under division (N)(2) of this section shall not be a public 25555
record. Such field test questions and anchor questions shall be 25556
redacted from any assessments which are released as a public 25557
record pursuant to division (N)(1) of this section. 25558

(4) This division applies to the assessments prescribed by 25559
division (A) of section 3301.0710 of the Revised Code. 25560

(a) The first administration of each assessment, as specified 25561
in former section 3301.0712 of the Revised Code, shall be a public 25562
record. 25563

(b) For subsequent administrations of each assessment prior 25564
to the 2011-2012 school year, not less than forty per cent of the 25565
questions on the assessment that are used to compute a student's 25566
score shall be a public record. The department shall determine 25567
which questions will be needed for reuse on a future assessment 25568
and those questions shall not be public records and shall be 25569
redacted from the assessment prior to its release as a public 25570
record. However, for each redacted question, the department shall 25571
inform each city, local, and exempted village school district of 25572

the statewide academic standard adopted by the state board under 25573
section 3301.079 of the Revised Code and the corresponding 25574
benchmark to which the question relates. The preceding sentence 25575
does not apply to field test questions that are redacted under 25576
division (N)(3) of this section. 25577

(c) The administrations of each assessment in the 2011-2012, 25578
2012-2013, and 2013-2014 school years shall not be a public 25579
record. 25580

(5) Each assessment prescribed by division (B)(1) of section 25581
3301.0710 of the Revised Code shall not be a public record. 25582

(6) Beginning with the spring administration for the 25583
2014-2015 school year, questions on the assessments prescribed 25584
under division (A) of section 3301.0710 and division (B)(2) of 25585
section 3301.0712 of the Revised Code and the corresponding 25586
preferred answers that are used to compute a student's score shall 25587
become a public record as follows: 25588

(a) Forty per cent of the questions and preferred answers on 25589
the assessments on the thirty-first day of July following the 25590
administration of the assessment; 25591

(b) Twenty per cent of the questions and preferred answers on 25592
the assessment on the thirty-first day of July one year after the 25593
administration of the assessment; 25594

(c) The remaining forty per cent of the questions and 25595
preferred answers on the assessment on the thirty-first day of 25596
July two years after the administration of the assessment. 25597

The entire content of an assessment shall become a public 25598
record within three years of its administration. 25599

The department shall make the questions that become a public 25600
record under this division readily accessible to the public on the 25601
department's web site. Questions on the spring administration of 25602

each assessment shall be released on an annual basis, in 25603
accordance with this division. 25604

(0) As used in this section: 25605

(1) "Three-year average" means the average of the most recent 25606
consecutive three school years of data. 25607

(2) "Dropout" means a student who withdraws from school 25608
before completing course requirements for graduation and who is 25609
not enrolled in an education program approved by the state board 25610
of education or an education program outside the state. "Dropout" 25611
does not include a student who has departed the country. 25612

(3) "Graduation rate" means the ratio of students receiving a 25613
diploma to the number of students who entered ninth grade four 25614
years earlier. Students who transfer into the district are added 25615
to the calculation. Students who transfer out of the district for 25616
reasons other than dropout are subtracted from the calculation. If 25617
a student who was a dropout in any previous year returns to the 25618
same school district, that student shall be entered into the 25619
calculation as if the student had entered ninth grade four years 25620
before the graduation year of the graduating class that the 25621
student joins. 25622

(4) "State scholarship programs" means the educational choice 25623
scholarship pilot program established under sections 3310.01 to 25624
3310.17 of the Revised Code, the autism scholarship program 25625
established under section 3310.41 of the Revised Code, the Jon 25626
Peterson special needs scholarship program established under 25627
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 25628
project scholarship program established under sections 3313.974 to 25629
3313.979 of the Revised Code. 25630

Sec. 3301.0712. (A) The state board of education, the 25631
superintendent of public instruction, and the chancellor of the 25632

Ohio board of regents shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) Nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(2) Seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American

government may be used as end-of-course examinations in accordance 25664
with division (B)(4)(a)(i) of this section. Final course grades 25665
for courses taken under any other advanced standing program, as 25666
prescribed under section 3313.6013 of the Revised Code, in the 25667
areas of science, American history, and American government may be 25668
used in lieu of end-of-course examinations in accordance with 25669
division (B)(4)(a)(ii) of this section. 25670

(3)(a) Not later than July 1, 2013, each school district 25671
board of education shall adopt interim end-of-course examinations 25672
that comply with the requirements of divisions (B)(3)(b)(i) and 25673
(ii) of this section to assess mastery of American history and 25674
American government standards adopted under division (A)(1)(b) of 25675
section 3301.079 of the Revised Code and the topics required under 25676
division (M) of section 3313.603 of the Revised Code. Each high 25677
school of the district shall use the interim examinations until 25678
the state superintendent and chancellor select end-of-course 25679
examinations in American history and American government under 25680
division (B)(2) of this section. 25681

(b) Not later than July 1, 2014, the state superintendent and 25682
the chancellor shall select the end-of-course examinations in 25683
American history and American government. 25684

(i) The end-of-course examinations in American history and 25685
American government shall require demonstration of mastery of the 25686
American history and American government content for social 25687
studies standards adopted under division (A)(1)(b) of section 25688
3301.079 of the Revised Code and the topics required under 25689
division (M) of section 3313.603 of the Revised Code. 25690

(ii) At least twenty per cent of the end-of-course 25691
examination in American government shall address the topics on 25692
American history and American government described in division (M) 25693
of section 3313.603 of the Revised Code. 25694

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts

I, English language arts II, Algebra I, or geometry prescribed	25727
under division (B)(2) of this section.	25728
(c) The state board shall consider additional assessments	25729
that may be used, beginning with the 2016-2017 school year, as	25730
substitute examinations in lieu of the end-of-course examinations	25731
prescribed under division (B)(2) of this section.	25732
(5) The state board shall do all of the following:	25733
(a) Determine and designate at least five ranges of scores on	25734
each of the end-of-course examinations prescribed under division	25735
(B)(2) of this section, and substitute examinations prescribed	25736
under division (B)(4) of this section. Each range of scores shall	25737
be considered to demonstrate a level of achievement so that any	25738
student attaining a score within such range has achieved one of	25739
the following:	25740
(i) An advanced level of skill;	25741
(ii) An accelerated level of skill;	25742
(iii) A proficient level of skill;	25743
(iv) A basic level of skill;	25744
(v) A limited level of skill.	25745
(b) Determine a method by which to calculate a cumulative	25746
performance score based on the results of a student's	25747
end-of-course examinations or substitute examinations;	25748
(c) Determine the minimum cumulative performance score that	25749
demonstrates the level of academic achievement necessary to earn a	25750
high school diploma;	25751
(d) Develop a table of corresponding score equivalents for	25752
the end-of-course examinations and substitute examinations in	25753
order to calculate student performance consistently across the	25754
different examinations.	25755

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	25756 25757
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	25758 25759 25760
(ii) The examination was not available for administration prior to July 1, 2015.	25761 25762
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	25763 25764 25765 25766 25767
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	25768 25769 25770 25771 25772
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	25773 25774 25775
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	25776 25777 25778
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	25779 25780 25781 25782 25783
(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course	25784 25785

examination prescribed under division (B)(2) of this section with 25786
an algebra II end-of-course examination, beginning with the 25787
2016-2017 school year for students who enter ninth grade on or 25788
after July 1, 2016. 25789

(b) If the state board replaces the algebra I end-of-course 25790
examination with an algebra II end-of-course examination as 25791
authorized under division (B)(7)(a) of this section, both of the 25792
following shall apply: 25793

(i) A student who is enrolled in an advanced placement or 25794
international baccalaureate course in algebra II shall take the 25795
advanced placement or international baccalaureate examination in 25796
lieu of the algebra II end-of-course examination. 25797

(ii) A student who is enrolled in an algebra II course under 25798
any other advanced standing program, as described in section 25799
3313.6013 of the Revised Code, shall not be required to take the 25800
algebra II end-of-course examination. Instead, that student's 25801
final course grade shall be used in lieu of the examination. 25802

(c) If a school district or school utilizes an integrated 25803
approach to mathematics instruction, the district or school may do 25804
either or both of the following: 25805

(i) Administer an integrated mathematics I end-of-course 25806
examination in lieu of the prescribed algebra I end-of-course 25807
examination; 25808

(ii) Administer an integrated mathematics II end-of-course 25809
examination in lieu of the prescribed geometry end-of-course 25810
examination. 25811

(8)(a) For students entering the ninth grade for the first 25812
time on or after July 1, 2014, but prior to July 1, 2015, the 25813
assessment in the area of science shall be physical science or 25814
biology. For students entering the ninth grade for the first time 25815
on or after July 1, 2015, the assessment in the area of science 25816

shall be biology. 25817

(b) Until July 1, 2019, the department of education shall 25818
make available the end-of-course examination in physical science 25819
for students who entered the ninth grade for the first time on or 25820
after July 1, 2014, but prior to July 1, 2015, and who wish to 25821
retake the examination. 25822

(c) Not later than July 1, 2016, the state board shall adopt 25823
rules prescribing the requirements for the end-of-course 25824
examination in science for students who entered the ninth grade 25825
for the first time on or after July 1, 2014, but prior to July 1, 25826
2015, and who have not met the requirement prescribed by section 25827
3313.618 of the Revised Code by July 1, 2019, due to a student's 25828
failure to satisfy division (A)(2) of section 3313.618 of the 25829
Revised Code. 25830

(9) Neither the state board nor the department of education 25831
shall develop or administer an end-of-course examination in the 25832
area of world history. 25833

(C) The state board shall convene a group of national 25834
experts, state experts, and local practitioners to provide advice, 25835
guidance, and recommendations for the alignment of standards and 25836
model curricula to the assessments and in the design of the 25837
end-of-course examinations prescribed by this section. 25838

(D) Upon completion of the development of the assessment 25839
system, the state board shall adopt rules prescribing all of the 25840
following: 25841

(1) A timeline and plan for implementation of the assessment 25842
system, including a phased implementation if the state board 25843
determines such a phase-in is warranted; 25844

(2) The date after which a person shall meet the requirements 25845
of the entire assessment system as a prerequisite for a diploma of 25846
adult education under section 3313.611 of the Revised Code; 25847

(3) Whether and the extent to which a person may be excused 25848
from an American history end-of-course examination and an American 25849
government end-of-course examination under division (H) of section 25850
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 25851
Code; 25852

(4) The date after which a person who has fulfilled the 25853
curriculum requirement for a diploma but has not passed one or 25854
more of the required assessments at the time the person fulfilled 25855
the curriculum requirement shall meet the requirements of the 25856
entire assessment system as a prerequisite for a high school 25857
diploma under division (B) of section 3313.614 of the Revised 25858
Code; 25859

(5) The extent to which the assessment system applies to 25860
students enrolled in a dropout recovery and prevention program for 25861
purposes of division (F) of section 3313.603 and section 3314.36 25862
of the Revised Code. 25863

(E) Not later than forty-five days prior to the state board's 25864
adoption of a resolution directing the department to file the 25865
rules prescribed by division (D) of this section in final form 25866
under section 119.04 of the Revised Code, the superintendent of 25867
public instruction shall present the assessment system developed 25868
under this section to the respective committees of the house of 25869
representatives and senate that consider education legislation. 25870

(F)(1) Any person enrolled in a nonchartered nonpublic school 25871
or any person who has been excused from attendance at school for 25872
the purpose of home instruction under section 3321.04 of the 25873
Revised Code may choose to participate in the system of 25874
assessments administered under divisions (B)(1) and (2) of this 25875
section. However, no such person shall be required to participate 25876
in the system of assessments. 25877

(2) The department shall adopt rules for the administration 25878

and scoring of any assessments under division (F)(1) of this 25879
section. 25880

(G) Not later than December 31, 2014, the state board shall 25881
select at least one nationally recognized job skills assessment. 25882
Each school district shall administer that assessment to those 25883
students who opt to take it. The state shall reimburse a school 25884
district for the costs of administering that assessment. The state 25885
board shall establish the minimum score a student must attain on 25886
the job skills assessment in order to demonstrate a student's 25887
workforce readiness and employability. The administration of the 25888
job skills assessment to a student under this division shall not 25889
exempt a school district from administering the assessments 25890
prescribed in division (B) of this section to that student. 25891

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 25892
Revised Code: 25893

(A) "Preschool program" means either of the following: 25894

(1) A child care program for preschool children that is 25895
operated by a school district board of education or an eligible 25896
nonpublic school. 25897

(2) A child care program for preschool children age three or 25898
older that is operated by a county DD board or a community school. 25899

(B) "Preschool child" or "child" means a child who has not 25900
entered kindergarten and is not of compulsory school age. 25901

(C) "Parent, guardian, or custodian" means the person or 25902
government agency that is or will be responsible for a child's 25903
school attendance under section 3321.01 of the Revised Code. 25904

(D) "Superintendent" means the superintendent of a school 25905
district or the chief administrative officer of a community school 25906
or an eligible nonpublic school. 25907

(E) "Director" means the director, head teacher, elementary 25908

principal, or site administrator who is the individual on site and 25909
responsible for supervision of a preschool program. 25910

(F) "Preschool staff member" means a preschool employee whose 25911
primary responsibility is care, teaching, or supervision of 25912
preschool children. 25913

(G) "Nonteaching employee" means a preschool program or 25914
school child program employee whose primary responsibilities are 25915
duties other than care, teaching, and supervision of preschool 25916
children or school children. 25917

(H) "Eligible nonpublic school" means a nonpublic school 25918
chartered as described in division (B)(8) of section 5104.02 of 25919
the Revised Code or chartered by the state board of education for 25920
any combination of grades one through twelve, regardless of 25921
whether it also offers kindergarten. 25922

(I) "County DD board" means a county board of developmental 25923
disabilities. 25924

(J) "School child program" means a child care program for 25925
only school children that is operated by a school district board 25926
of education, county DD board, community school, or eligible 25927
nonpublic school. 25928

(K) "School child" means a child who is enrolled in or is 25929
eligible to be enrolled in a grade of kindergarten or above but is 25930
less than fifteen years old. 25931

(L) "School child program staff member" means an employee 25932
whose primary responsibility is the care, teaching, or supervision 25933
of children in a school child program. 25934

(M) "Child care" means administering to the needs of infants, 25935
toddlers, preschool children, and school children outside of 25936
school hours by persons other than their parents or guardians, 25937
custodians, or relatives by blood, marriage, or adoption for any 25938

part of the twenty-four-hour day in a place or residence other than a child's own home. 25939
25940

(N) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code. 25941
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(O)(1) "Community school" means a community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code. 25944
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(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following: 25948
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(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 25951
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(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 25956
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Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county DD boards, community schools, or eligible nonpublic schools. The rules shall include the following: 25960
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(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment 25967
25968

of the program, is of the quality to support the growth and 25969
development of the children according to the program objectives, 25970
and meets the requirements of section 3301.55 of the Revised Code; 25971

(2) Standards ensuring that supervision, discipline, and 25972
programs will be administered according to established objectives 25973
and procedures; 25974

(3) Standards ensuring that preschool staff members and 25975
nonteaching employees are recruited, employed, assigned, 25976
evaluated, and provided inservice education without discrimination 25977
on the basis of age, color, national origin, race, or sex; and 25978
that preschool staff members and nonteaching employees are 25979
assigned responsibilities in accordance with written position 25980
descriptions commensurate with their training and experience; 25981

(4) A requirement that boards of education intending to 25982
establish a preschool program demonstrate a need for a preschool 25983
program prior to establishing the program; 25984

(5) Requirements that children participating in preschool 25985
programs have been immunized to the extent considered appropriate 25986
by the state board to prevent the spread of communicable disease; 25987

(6) Requirements that the parents of preschool children 25988
complete the emergency medical authorization form specified in 25989
section 3313.712 of the Revised Code. 25990

(B) The state board of education in consultation with the 25991
director of job and family services shall ensure that the rules 25992
adopted by the state board under sections 3301.52 to 3301.58 of 25993
the Revised Code are consistent with and meet or exceed the 25994
requirements of Chapter 5104. of the Revised Code with regard to 25995
child day-care centers. The state board and the director of job 25996
and family services shall review all such rules at least once 25997
every five years. 25998

(C) The state board of education, in consultation with the 25999

director of job and family services, shall adopt rules for school 26000
child programs that are consistent with and meet or exceed the 26001
requirements of the rules adopted for school-age child care 26002
centers under Chapter 5104. of the Revised Code. 26003

Sec. 3301.541. (A)(1) The director, head teacher, elementary 26004
principal, or site administrator of a preschool program shall 26005
request the superintendent of the bureau of criminal 26006
identification and investigation to conduct a criminal records 26007
check with respect to any applicant who has applied to the 26008
preschool program for employment as a person responsible for the 26009
care, custody, or control of a child. If the applicant does not 26010
present proof that the applicant has been a resident of this state 26011
for the five-year period immediately prior to the date upon which 26012
the criminal records check is requested or does not provide 26013
evidence that within that five-year period the superintendent has 26014
requested information about the applicant from the federal bureau 26015
of investigation in a criminal records check, the director, head 26016
teacher, or elementary principal shall request that the 26017
superintendent obtain information from the federal bureau of 26018
investigation as a part of the criminal records check for the 26019
applicant. If the applicant presents proof that the applicant has 26020
been a resident of this state for that five-year period, the 26021
director, head teacher, or elementary principal may request that 26022
the superintendent include information from the federal bureau of 26023
investigation in the criminal records check. 26024

(2) Any director, head teacher, elementary principal, or site 26025
administrator required by division (A)(1) of this section to 26026
request a criminal records check shall provide to each applicant a 26027
copy of the form prescribed pursuant to division (C)(1) of section 26028
109.572 of the Revised Code, provide to each applicant a standard 26029
impression sheet to obtain fingerprint impressions prescribed 26030
pursuant to division (C)(2) of section 109.572 of the Revised 26031

Code, obtain the completed form and impression sheet from each 26032
applicant, and forward the completed form and impression sheet to 26033
the superintendent of the bureau of criminal identification and 26034
investigation at the time the person requests a criminal records 26035
check pursuant to division (A)(1) of this section. 26036

(3) Any applicant who receives pursuant to division (A)(2) of 26037
this section a copy of the form prescribed pursuant to division 26038
(C)(1) of section 109.572 of the Revised Code and a copy of an 26039
impression sheet prescribed pursuant to division (C)(2) of that 26040
section and who is requested to complete the form and provide a 26041
set of fingerprint impressions shall complete the form or provide 26042
all the information necessary to complete the form and provide the 26043
impression sheet with the impressions of the applicant's 26044
fingerprints. If an applicant, upon request, fails to provide the 26045
information necessary to complete the form or fails to provide 26046
impressions of the applicant's fingerprints, the preschool program 26047
shall not employ that applicant for any position for which a 26048
criminal records check is required by division (A)(1) of this 26049
section. 26050

(B)(1) Except as provided in rules adopted by the department 26051
of education in accordance with division (E) of this section, no 26052
preschool program shall employ a person as a person responsible 26053
for the care, custody, or control of a child if the person 26054
previously has been convicted of or pleaded guilty to any of the 26055
following: 26056

(a) A violation of section 2903.01, 2903.02, 2903.03, 26057
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 26058
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 26059
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 26060
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 26061
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 26062
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 26063

2925.06, or 3716.11 of the Revised Code, a violation of section 26064
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 26065
violation of section 2919.23 of the Revised Code that would have 26066
been a violation of section 2905.04 of the Revised Code as it 26067
existed prior to July 1, 1996, had the violation occurred prior to 26068
that date, a violation of section 2925.11 of the Revised Code that 26069
is not a minor drug possession offense, or felonious sexual 26070
penetration in violation of former section 2907.12 of the Revised 26071
Code; 26072

(b) A violation of an existing or former law of this state, 26073
any other state, or the United States that is substantially 26074
equivalent to any of the offenses or violations described in 26075
division (B)(1)(a) of this section. 26076

(2) A preschool program may employ an applicant conditionally 26077
until the criminal records check required by this section is 26078
completed and the preschool program receives the results of the 26079
criminal records check. If the results of the criminal records 26080
check indicate that, pursuant to division (B)(1) of this section, 26081
the applicant does not qualify for employment, the preschool 26082
program shall release the applicant from employment. 26083

(C)(1) Each preschool program shall pay to the bureau of 26084
criminal identification and investigation the fee prescribed 26085
pursuant to division (C)(3) of section 109.572 of the Revised Code 26086
for each criminal records check conducted in accordance with that 26087
section upon the request pursuant to division (A)(1) of this 26088
section of the director, head teacher, elementary principal, or 26089
site administrator of the preschool program. 26090

(2) A preschool program may charge an applicant a fee for the 26091
costs it incurs in obtaining a criminal records check under this 26092
section. A fee charged under this division shall not exceed the 26093
amount of fees the preschool program pays under division (C)(1) of 26094
this section. If a fee is charged under this division, the 26095

preschool program shall notify the applicant at the time of the 26096
applicant's initial application for employment of the amount of 26097
the fee and that, unless the fee is paid, the applicant will not 26098
be considered for employment. 26099

(D) The report of any criminal records check conducted by the 26100
bureau of criminal identification and investigation in accordance 26101
with section 109.572 of the Revised Code and pursuant to a request 26102
under division (A)(1) of this section is not a public record for 26103
the purposes of section 149.43 of the Revised Code and shall not 26104
be made available to any person other than the applicant who is 26105
the subject of the criminal records check or the applicant's 26106
representative, the preschool program requesting the criminal 26107
records check or its representative, and any court, hearing 26108
officer, or other necessary individual in a case dealing with the 26109
denial of employment to the applicant. 26110

(E) The department of education shall adopt rules pursuant to 26111
Chapter 119. of the Revised Code to implement this section, 26112
including rules specifying circumstances under which a preschool 26113
program may hire a person who has been convicted of an offense 26114
listed in division (B)(1) of this section but who meets standards 26115
in regard to rehabilitation set by the department. 26116

(F) Any person required by division (A)(1) of this section to 26117
request a criminal records check shall inform each person, at the 26118
time of the person's initial application for employment, that the 26119
person is required to provide a set of impressions of the person's 26120
fingerprints and that a criminal records check is required to be 26121
conducted and satisfactorily completed in accordance with section 26122
109.572 of the Revised Code if the person comes under final 26123
consideration for appointment or employment as a precondition to 26124
employment for that position. 26125

(G) As used in this section: 26126

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, or chartered nonpublic school in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

Sec. 3301.55. (A) A school district, county DD board, community school, or eligible nonpublic school operating a preschool program shall house the program in buildings that meet the following requirements:

(1) The building is operated by the district, county DD board, community school, or eligible nonpublic school and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed,

equipped, repaired, altered, and maintained in accordance with 26158
applicable provisions of Chapters 3781. and 3791. and with rules 26159
adopted by the board of building standards under Chapter 3781. of 26160
the Revised Code for the safety and sanitation of structures 26161
erected for this purpose. 26162

(2) The building is in compliance with fire and safety laws 26163
and regulations as evidenced by reports of annual school fire and 26164
safety inspections as conducted by appropriate local authorities. 26165

(3) The school is in compliance with rules established by the 26166
state board of education regarding school food services. 26167

(4) The facility includes not less than thirty-five square 26168
feet of indoor space for each child in the program. Safe play 26169
space, including both indoor and outdoor play space, totaling not 26170
less than sixty square feet for each child using the space at any 26171
one time, shall be regularly available and scheduled for use. 26172

(5) First aid facilities and space for temporary placement or 26173
isolation of injured or ill children are provided. 26174

(B) Each school district, county DD board, community school, 26175
or eligible nonpublic school that operates, or proposes to 26176
operate, a preschool program shall submit a building plan 26177
including all information specified by the state board of 26178
education to the board not later than the first day of September 26179
of the school year in which the program is to be initiated. The 26180
board shall determine whether the buildings meet the requirements 26181
of this section and section 3301.53 of the Revised Code, and 26182
notify the superintendent of its determination. If the board 26183
determines, on the basis of the building plan or any other 26184
information, that the buildings do not meet those requirements, it 26185
shall cause the buildings to be inspected by the department of 26186
education. The department shall make a report to the 26187
superintendent specifying any aspects of the building that are not 26188

in compliance with the requirements of this section and section 26189
3301.53 of the Revised Code and the time period that will be 26190
allowed the district, county DD board, or school to meet the 26191
requirements. 26192

Sec. 3301.56. (A) The director, head teacher, elementary 26193
principal, or site administrator who is on site and responsible 26194
for supervision of each preschool program shall be responsible for 26195
the following: 26196

(1) Ensuring that the health and safety of the children are 26197
safeguarded by an organized program of school health services 26198
designed to identify child health problems and to coordinate 26199
school and community health resources for children, as evidenced 26200
by but not limited to: 26201

(a) Requiring immunization and compliance with emergency 26202
medical authorization requirements in accordance with rules 26203
adopted by the state board of education under section 3301.53 of 26204
the Revised Code; 26205

(b) Providing procedures for emergency situations, including 26206
fire drills, rapid dismissals, tornado drills, and school safety 26207
drills in accordance with section 3737.73 of the Revised Code, and 26208
keeping records of such drills or dismissals; 26209

(c) Posting emergency procedures in preschool rooms and 26210
making them available to school personnel, children, and parents; 26211

(d) Posting emergency numbers by each telephone; 26212

(e) Supervising grounds, play areas, and other facilities 26213
when scheduled for use by children; 26214

(f) Providing first-aid facilities and materials. 26215

(2) Maintaining cumulative records for each child; 26216

(3) Supervising each child's admission, placement, and 26217

withdrawal according to established procedures; 26218

(4) Preparing at least once annually for each group of 26219
children in the program a roster of names and telephone numbers of 26220
parents, guardians, and custodians of children in the group and, 26221
on request, furnishing the roster for each group to the parents, 26222
guardians, and custodians of children in that group. The director 26223
may prepare a similar roster of all children in the program and, 26224
on request, make it available to the parents, guardians, and 26225
custodians, of children in the program. The director shall not 26226
include in either roster the name or telephone number of any 26227
parent, guardian, or custodian who requests that the parent's, 26228
guardian's, or custodian's name or number not be included, and 26229
shall not furnish any roster to any person other than a parent, 26230
guardian, or custodian of a child in the program. 26231

(5) Ensuring that clerical and custodial services are 26232
provided for the program; 26233

(6) Supervising the instructional program and the daily 26234
operation of the program; 26235

(7) Supervising and evaluating preschool staff members 26236
according to a planned sequence of observations and evaluation 26237
conferences, and supervising nonteaching employees. 26238

(B)(1) In each program the maximum number of children per 26239
preschool staff member and the maximum group size by age category 26240
of children shall be as follows: 26241

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	26242 26243 26244 26245 26246 26247 26248

12 months to less than 18 months	12	1:6	26249
18 months to less than 30 months	14	1:7	26250
30 months to less than 3 years	16	1:8	26251
3-year-olds	24	1:12	26252
4- and 5-year-olds not in school	28	1:14	26253

(2) When age groups are combined, the maximum number of 26254
children per preschool staff member shall be determined by the age 26255
of the youngest child in the group, except that when no more than 26256
one child thirty months of age or older receives child care in a 26257
group in which all the other children are in the next older age 26258
group, the maximum number of children per child-care staff member 26259
and maximum group size requirements of the older age group 26260
established under division (B)(1) of this section shall apply. 26261

(3) In a room where children are napping, if all the children 26262
are at least eighteen months of age, the maximum number of 26263
children per preschool staff member shall, for a period not to 26264
exceed one and one-half hours in any twenty-four hour day, be 26265
twice the maximum number of children per preschool staff member 26266
established under division (B)(1) of this section if all the 26267
following criteria are met: 26268

(a) At least one preschool staff member is present in the 26269
room; 26270

(b) Sufficient preschool staff members are present on the 26271
preschool program premises to comply with division (B)(1) of this 26272
section; 26273

(c) Naptime preparations have been completed and the children 26274
are resting or napping. 26275

(4) Any accredited program that uses the Montessori method 26276
endorsed by the American Montessori society or the association 26277
Montessori internationale as its primary method of instruction and 26278
is licensed as a preschool program under section 3301.58 of the 26279

Revised Code may combine preschool children of ages three to five 26280
years old with children enrolled in kindergarten. Notwithstanding 26281
anything to the contrary in division (B)(2) of this section, when 26282
such age groups are combined, the maximum number of children per 26283
preschool staff member shall be twelve and the maximum group size 26284
shall be twenty-four children. 26285

(C) In each building in which a preschool program is operated 26286
there shall be on the premises, and readily available at all 26287
times, at least one employee who has completed a course in first 26288
aid and in the prevention, recognition, and management of 26289
communicable diseases which is approved by the state department of 26290
health, and an employee who has completed a course in child abuse 26291
recognition and prevention. 26292

(D) Any parent, guardian, or custodian of a child enrolled in 26293
a preschool program shall be permitted unlimited access to the 26294
school during its hours of operation to contact the parent's, 26295
guardian's, or custodian's child, evaluate the care provided by 26296
the program, or evaluate the premises, or for other purposes 26297
approved by the director. Upon entering the premises, the parent, 26298
guardian, or custodian shall report to the school office. 26299

Sec. 3301.57. (A) For the purpose of improving programs, 26300
facilities, and implementation of the standards promulgated by the 26301
state board of education under section 3301.53 of the Revised 26302
Code, the state department of education shall provide consultation 26303
and technical assistance to school districts, county DD boards, 26304
community schools, and eligible nonpublic schools operating 26305
preschool programs or school child programs, and inservice 26306
training to preschool staff members, school child program staff 26307
members, and nonteaching employees. 26308

(B) The department and the school district board of 26309
education, county DD board, community school, or eligible 26310

nonpublic school shall jointly monitor each preschool program and 26311
each school child program. 26312

If the program receives any grant or other funding from the 26313
state or federal government, the department annually shall monitor 26314
all reports on attendance, financial support, and expenditures 26315
according to provisions for use of the funds. 26316

(C) The department of education, at least once during every 26317
twelve-month period of operation of a preschool program or a 26318
licensed school child program, shall inspect the program and 26319
provide a written inspection report to the superintendent of the 26320
school district, county DD board, community school, or eligible 26321
nonpublic school. The department may inspect any program more than 26322
once, as considered necessary by the department, during any 26323
twelve-month period of operation. All inspections may be 26324
unannounced. No person shall interfere with any inspection 26325
conducted pursuant to this division or to the rules adopted 26326
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 26327

Upon receipt of any complaint that a preschool program or a 26328
licensed school child program is out of compliance with the 26329
requirements in sections 3301.52 to 3301.59 of the Revised Code or 26330
the rules adopted under those sections, the department shall 26331
investigate and may inspect the program. 26332

(D) If a preschool program or a licensed school child program 26333
is determined to be out of compliance with the requirements of 26334
sections 3301.52 to 3301.59 of the Revised Code or the rules 26335
adopted under those sections, the department of education shall 26336
notify the appropriate superintendent, county DD board, community 26337
school, or eligible nonpublic school in writing regarding the 26338
nature of the violation, what must be done to correct the 26339
violation, and by what date the correction must be made. If the 26340
correction is not made by the date established by the department, 26341
it may commence action under Chapter 119. of the Revised Code to 26342

close the program or to revoke the license of the program. If a 26343
program does not comply with an order to cease operation issued in 26344
accordance with Chapter 119. of the Revised Code, the department 26345
shall notify the attorney general, the prosecuting attorney of the 26346
county in which the program is located, or the city attorney, 26347
village solicitor, or other chief legal officer of the municipal 26348
corporation in which the program is located that the program is 26349
operating in violation of sections 3301.52 to 3301.59 of the 26350
Revised Code or the rules adopted under those sections and in 26351
violation of an order to cease operation issued in accordance with 26352
Chapter 119. of the Revised Code. Upon receipt of the 26353
notification, the attorney general, prosecuting attorney, city 26354
attorney, village solicitor, or other chief legal officer shall 26355
file a complaint in the court of common pleas of the county in 26356
which the program is located requesting the court to issue an 26357
order enjoining the program from operating. The court shall grant 26358
the requested injunctive relief upon a showing that the program 26359
named in the complaint is operating in violation of sections 26360
3301.52 to 3301.59 of the Revised Code or the rules adopted under 26361
those sections and in violation of an order to cease operation 26362
issued in accordance with Chapter 119. of the Revised Code. 26363

(E) The department of education shall prepare an annual 26364
report on inspections conducted under this section. The report 26365
shall include the number of inspections conducted, the number and 26366
types of violations found, and the steps taken to address the 26367
violations. The department shall file the report with the 26368
governor, the president and minority leader of the senate, and the 26369
speaker and minority leader of the house of representatives on or 26370
before the first day of January of each year, beginning in 1999. 26371

Sec. 3301.58. (A) The department of education is responsible 26372
for the licensing of preschool programs and school child programs 26373
and for the enforcement of sections 3301.52 to 3301.59 of the 26374

Revised Code and of any rules adopted under those sections. No 26375
school district board of education, county DD board, community 26376
school, or eligible nonpublic school shall operate, establish, 26377
manage, conduct, or maintain a preschool program without a license 26378
issued under this section. A school district board of education, 26379
county DD board, community school, or eligible nonpublic school 26380
may obtain a license under this section for a school child 26381
program. The school district board of education, county DD board, 26382
community school, or eligible nonpublic school shall post the 26383
license for each preschool program and licensed school child 26384
program it operates, establishes, manages, conducts, or maintains 26385
in a conspicuous place in the preschool program or licensed school 26386
child program that is accessible to parents, custodians, or 26387
guardians and employees and staff members of the program at all 26388
times when the program is in operation. 26389

(B) Any school district board of education, county DD board, 26390
community school, or eligible nonpublic school that desires to 26391
operate, establish, manage, conduct, or maintain a preschool 26392
program shall apply to the department of education for a license 26393
on a form that the department shall prescribe by rule. Any school 26394
district board of education, county DD board, community school, or 26395
eligible nonpublic school that desires to obtain a license for a 26396
school child program shall apply to the department for a license 26397
on a form that the department shall prescribe by rule. The 26398
department shall provide at no charge to each applicant for a 26399
license under this section a copy of the requirements under 26400
sections 3301.52 to 3301.59 of the Revised Code and any rules 26401
adopted under those sections. The department may establish 26402
application fees by rule adopted under Chapter 119. of the Revised 26403
Code, and all applicants for a license shall pay any fee 26404
established by the department at the time of making an application 26405
for a license. All fees collected pursuant to this section shall 26406
be paid into the state treasury to the credit of the general 26407

revenue fund. 26408

(C) Upon the filing of an application for a license, the 26409
department of education shall investigate and inspect the 26410
preschool program or school child program to determine the license 26411
capacity for each age category of children of the program and to 26412
determine whether the program complies with sections 3301.52 to 26413
3301.59 of the Revised Code and any rules adopted under those 26414
sections. When, after investigation and inspection, the department 26415
of education is satisfied that sections 3301.52 to 3301.59 of the 26416
Revised Code and any rules adopted under those sections are 26417
complied with by the applicant, the department of education shall 26418
issue the program a provisional license as soon as practicable in 26419
the form and manner prescribed by the rules of the department. The 26420
provisional license shall be valid for one year from the date of 26421
issuance unless revoked. 26422

(D) The department of education shall investigate and inspect 26423
a preschool program or school child program that has been issued a 26424
provisional license at least once during operation under the 26425
provisional license. If, after the investigation and inspection, 26426
the department of education determines that the requirements of 26427
sections 3301.52 to 3301.59 of the Revised Code and any rules 26428
adopted under those sections are met by the provisional licensee, 26429
the department of education shall issue the program a license. The 26430
license shall remain valid unless revoked or the program ceases 26431
operations. 26432

(E) The department of education annually shall investigate 26433
and inspect each preschool program or school child program 26434
licensed under division (D) of this section to determine if the 26435
requirements of sections 3301.52 to 3301.59 of the Revised Code 26436
and any rules adopted under those sections are met by the program, 26437
and shall notify the program of the results. 26438

(F) The license or provisional license shall state the name 26439

of the school district board of education, county DD board, 26440
community school, or eligible nonpublic school that operates the 26441
preschool program or school child program and the license capacity 26442
of the program. 26443

(G) The department of education may revoke the license of any 26444
preschool program or school child program that is not in 26445
compliance with the requirements of sections 3301.52 to 3301.59 of 26446
the Revised Code and any rules adopted under those sections. 26447

(H) If the department of education revokes a license, the 26448
department shall not issue a license to the program within two 26449
years from the date of the revocation. All actions of the 26450
department with respect to licensing preschool programs and school 26451
child programs shall be in accordance with Chapter 119. of the 26452
Revised Code. 26453

Sec. 3302.02. Not later than one year after the adoption of 26454
rules under division (D) of section 3301.0712 of the Revised Code 26455
and at least every sixth year thereafter, upon recommendations of 26456
the superintendent of public instruction, the state board of 26457
education shall establish a set of performance indicators that 26458
considered as a unit will be used as one of the performance 26459
categories for the report cards required by section 3302.03 of the 26460
Revised Code. In establishing these indicators, the superintendent 26461
shall consider inclusion of student performance on assessments 26462
prescribed under section 3301.0710 or 3301.0712 of the Revised 26463
Code, rates of student improvement on such assessments, the 26464
breadth of coursework available within the district, and other 26465
indicators of student success. 26466

Beginning with the report card for the 2014-2015 school year, 26467
the performance indicators shall include an indicator that 26468
reflects the level of services provided to, and the performance 26469
of, students identified as gifted under Chapter 3324. of the 26470

Revised Code. The indicator shall include the performance of 26471
students identified as gifted on state assessments and value-added 26472
growth measure disaggregated for students identified as gifted. 26473

For the 2013-2014 school year, except as otherwise provided 26474
in this section, for any indicator based on the percentage of 26475
students attaining a proficient score on the assessments 26476
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 26477
Revised Code, a school district or building shall be considered to 26478
have met the indicator if at least eighty per cent of the tested 26479
students attain a score of proficient or higher on the assessment. 26480
A school district or building shall be considered to have met the 26481
indicator for the assessments prescribed by division (B)(1) of 26482
section 3301.0710 of the Revised Code and only as administered to 26483
eleventh grade students, if at least eighty-five per cent of the 26484
tested students attain a score of proficient or higher on the 26485
assessment. ~~Not later than July 1, 2014, the~~ 26486

The state board may shall adopt rules, under Chapter 119. of 26487
the Revised Code, to establish ~~different~~ proficiency percentages 26488
to meet each indicator that is based on a state assessment, 26489
prescribed under section 3301.0710 or 3301.0712 of the Revised 26490
Code, for the 2014-2015 school year and thereafter by the 26491
following dates: 26492

(A) Not later than December 31, 2015, for the 2014-2015 26493
school year; 26494

(B) Not later than July 1, 2016, for the 2015-2016 school 26495
year; 26496

(C) Not later than July 1, 2017, for the 2016-2017 school 26497
year, and for each school year thereafter. 26498

~~The superintendent shall not establish any performancee~~ 26499
~~indicator for passage of the third or fourth grade English~~ 26500
~~language arts assessment that is solely based on the assessment~~ 26501

~~given in the fall for the purpose of determining whether students 26502
have met the reading guarantee provisions of section 3313.608 of 26503
the Revised Code. 26504~~

Sec. 3302.03. Annually, not later than the fifteenth day of 26505
September or the preceding Friday when that day falls on a 26506
Saturday or Sunday, the department of education shall assign a 26507
letter grade for overall academic performance and for each 26508
separate performance measure for each school district, and each 26509
school building in a district, in accordance with this section. 26510
The state board shall adopt rules pursuant to Chapter 119. of the 26511
Revised Code to establish performance criteria for each letter 26512
grade and prescribe a method by which the department assigns each 26513
letter grade. For a school building to which any of the 26514
performance measures do not apply, due to grade levels served by 26515
the building, the state board shall designate the performance 26516
measures that are applicable to the building and that must be 26517
calculated separately and used to calculate the building's overall 26518
grade. The department shall issue annual report cards reflecting 26519
the performance of each school district, each building within each 26520
district, and for the state as a whole using the performance 26521
measures and letter grade system described in this section. The 26522
department shall include on the report card for each district and 26523
each building within each district the most recent two-year trend 26524
data in student achievement for each subject and each grade. 26525

(A)(1) For the 2012-2013 school year, the department shall 26526
issue grades as described in division (E) of this section for each 26527
of the following performance measures: 26528

(a) Annual measurable objectives; 26529

(b) Performance index score for a school district or 26530
building. Grades shall be awarded as a percentage of the total 26531
possible points on the performance index system as adopted by the 26532

state board. In adopting benchmarks for assigning letter grades 26533
under division (A)(1)(b) of this section, the state board of 26534
education shall designate ninety per cent or higher for an "A," at 26535
least seventy per cent but not more than eighty per cent for a 26536
"C," and less than fifty per cent for an "F." 26537

(c) The extent to which the school district or building meets 26538
each of the applicable performance indicators established by the 26539
state board under section 3302.02 of the Revised Code and the 26540
percentage of applicable performance indicators that have been 26541
achieved. In adopting benchmarks for assigning letter grades under 26542
division (A)(1)(c) of this section, the state board shall 26543
designate ninety per cent or higher for an "A." 26544

(d) The four- and five-year adjusted cohort graduation rates. 26545

In adopting benchmarks for assigning letter grades under 26546
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 26547
department shall designate a four-year adjusted cohort graduation 26548
rate of ninety-three per cent or higher for an "A" and a five-year 26549
cohort graduation rate of ninety-five per cent or higher for an 26550
"A." 26551

(e) The overall score under the value-added progress 26552
dimension of a school district or building, for which the 26553
department shall use up to three years of value-added data as 26554
available. The letter grade assigned for this growth measure shall 26555
be as follows: 26556

(i) A score that is at least two standard errors of measure 26557
above the mean score shall be designated as an "A." 26558

(ii) A score that is at least one standard error of measure 26559
but less than two standard errors of measure above the mean score 26560
shall be designated as a "B." 26561

(iii) A score that is less than one standard error of measure 26562
above the mean score but greater than or equal to one standard 26563

error of measure below the mean score shall be designated as a 26564
"C." 26565

(iv) A score that is not greater than one standard error of 26566
measure below the mean score but is greater than or equal to two 26567
standard errors of measure below the mean score shall be 26568
designated as a "D." 26569

(v) A score that is not greater than two standard errors of 26570
measure below the mean score shall be designated as an "F." 26571

Whenever the value-added progress dimension is used as a 26572
graded performance measure, whether as an overall measure or as a 26573
measure of separate subgroups, the grades for the measure shall be 26574
calculated in the same manner as prescribed in division (A)(1)(e) 26575
of this section. 26576

(f) The value-added progress dimension score for a school 26577
district or building disaggregated for each of the following 26578
subgroups: students identified as gifted, students with 26579
disabilities, and students whose performance places them in the 26580
lowest quintile for achievement on a statewide basis. Each 26581
subgroup shall be a separate graded measure. 26582

(2) Not later than April 30, 2013, the state board of 26583
education shall adopt a resolution describing the performance 26584
measures, benchmarks, and grading system for the 2012-2013 school 26585
year and, not later than June 30, 2013, shall adopt rules in 26586
accordance with Chapter 119. of the Revised Code that prescribe 26587
the methods by which the performance measures under division 26588
(A)(1) of this section shall be assessed and assigned a letter 26589
grade, including performance benchmarks for each letter grade. 26590

At least forty-five days prior to the state board's adoption 26591
of rules to prescribe the methods by which the performance 26592
measures under division (A)(1) of this section shall be assessed 26593
and assigned a letter grade, the department shall conduct a public 26594

presentation before the standing committees of the house of 26595
representatives and the senate that consider education legislation 26596
describing such methods, including performance benchmarks. 26597

(3) There shall not be an overall letter grade for a school 26598
district or building for the 2012-2013 school year. 26599

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 26600
department shall issue grades as described in division (E) of this 26601
section for each of the following performance measures: 26602

(a) Annual measurable objectives; 26603

(b) Performance index score for a school district or 26604
building. Grades shall be awarded as a percentage of the total 26605
possible points on the performance index system as created by the 26606
department. In adopting benchmarks for assigning letter grades 26607
under division (B)(1)(b) of this section, the state board shall 26608
designate ninety per cent or higher for an "A," at least seventy 26609
per cent but not more than eighty per cent for a "C," and less 26610
than fifty per cent for an "F." 26611

(c) The extent to which the school district or building meets 26612
each of the applicable performance indicators established by the 26613
state board under section 3302.03 of the Revised Code and the 26614
percentage of applicable performance indicators that have been 26615
achieved. In adopting benchmarks for assigning letter grades under 26616
division (B)(1)(c) of this section, the state board shall 26617
designate ninety per cent or higher for an "A." 26618

(d) The four- and five-year adjusted cohort graduation rates; 26619

(e) The overall score under the value-added progress 26620
dimension of a school district or building, for which the 26621
department shall use up to three years of value-added data as 26622
available. 26623

(f) The value-added progress dimension score for a school 26624

district or building disaggregated for each of the following 26625
subgroups: students identified as gifted in superior cognitive 26626
ability and specific academic ability fields under Chapter 3324. 26627
of the Revised Code, students with disabilities, and students 26628
whose performance places them in the lowest quintile for 26629
achievement on a statewide basis. Each subgroup shall be a 26630
separate graded measure. 26631

(g) Whether a school district or building is making progress 26632
in improving literacy in grades kindergarten through three, as 26633
determined using a method prescribed by the state board. The state 26634
board shall adopt rules to prescribe benchmarks and standards for 26635
assigning grades to districts and buildings for purposes of 26636
division (B)(1)(g) of this section. In adopting benchmarks for 26637
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 26638
this section, the state board shall determine progress made based 26639
on the reduction in the total percentage of students scoring below 26640
grade level, or below proficient, compared from year to year on 26641
the reading and writing diagnostic assessments administered under 26642
section 3301.0715 of the Revised Code and the third grade English 26643
language arts assessment under section 3301.0710 of the Revised 26644
Code, as applicable. The state board shall designate for a "C" 26645
grade a value that is not lower than the statewide average value 26646
for this measure. No grade shall be issued under divisions 26647
(B)(1)(g) and (C)(1)(g) of this section for a district or building 26648
in which less than five per cent of students have scored below 26649
grade level on the diagnostic assessment administered to students 26650
in kindergarten under division (B)(1) of section 3313.608 of the 26651
Revised Code. 26652

(h) For a high mobility school district or building, an 26653
additional value-added progress dimension score. For this measure, 26654
the department shall use value-added data from the most recent 26655
school year available and shall use assessment scores for only 26656

those students to whom the district or building has administered 26657
the assessments prescribed by section 3301.0710 of the Revised 26658
Code for each of the two most recent consecutive school years. 26659

As used in this division, "high mobility school district or 26660
building" means a school district or building where at least 26661
twenty-five per cent of its total enrollment is made up of 26662
students who have attended that school district or building for 26663
less than one year. 26664

(2) In addition to the graded measures in division (B)(1) of 26665
this section, the department shall include on a school district's 26666
or building's report card all of the following without an assigned 26667
letter grade: 26668

(a) The percentage of students enrolled in a district or 26669
building participating in advanced placement classes and the 26670
percentage of those students who received a score of three or 26671
better on advanced placement examinations; 26672

(b) The number of a district's or building's students who 26673
have earned at least three college credits through dual enrollment 26674
or advanced standing programs, such as the post-secondary 26675
enrollment options program under Chapter 3365. of the Revised Code 26676
and state-approved career-technical courses offered through dual 26677
enrollment or statewide articulation, that appear on a student's 26678
transcript or other official document, either of which is issued 26679
by the institution of higher education from which the student 26680
earned the college credit. The credits earned that are reported 26681
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 26682
include any that are remedial or developmental and shall include 26683
those that count toward the curriculum requirements established 26684
for completion of a degree. 26685

(c) The percentage of students enrolled in a district or 26686
building who have taken a national standardized test used for 26687

college admission determinations and the percentage of those 26688
students who are determined to be remediation-free in accordance 26689
with standards adopted under division (F) of section 3345.061 of 26690
the Revised Code; 26691

(d) The percentage of the district's or the building's 26692
students who receive industry-recognized credentials. The state 26693
board shall adopt criteria for acceptable industry-recognized 26694
credentials. 26695

(e) The percentage of students enrolled in a district or 26696
building who are participating in an international baccalaureate 26697
program and the percentage of those students who receive a score 26698
of four or better on the international baccalaureate examinations. 26699

(f) The percentage of the district's or building's students 26700
who receive an honors diploma under division (B) of section 26701
3313.61 of the Revised Code. 26702

(3) Not later than December 31, 2013, the state board shall 26703
adopt rules in accordance with Chapter 119. of the Revised Code 26704
that prescribe the methods by which the performance measures under 26705
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 26706
and assigned a letter grade, including performance benchmarks for 26707
each grade. 26708

At least forty-five days prior to the state board's adoption 26709
of rules to prescribe the methods by which the performance 26710
measures under division (B)(1) of this section shall be assessed 26711
and assigned a letter grade, the department shall conduct a public 26712
presentation before the standing committees of the house of 26713
representatives and the senate that consider education legislation 26714
describing such methods, including performance benchmarks. 26715

(4) There shall not be an overall letter grade for a school 26716
district or building for the 2013-2014, 2014-2015, and 2015-2016 26717
school ~~year~~ years. 26718

(C)(1) For the ~~2014-2015~~ 2016-2017 school year and each 26719
school year thereafter, the department shall issue grades as 26720
described in division (E) of this section for each of the 26721
performance measures prescribed in division (C)(1) of this section 26722
and an overall letter grade based on an aggregate of those 26723
measures, except for the performance measure set forth in division 26724
(C)(1)(h) of this section. The graded measures are as follows: 26725

(a) Annual measurable objectives; 26726

(b) Performance index score for a school district or 26727
building. Grades shall be awarded as a percentage of the total 26728
possible points on the performance index system as created by the 26729
department. In adopting benchmarks for assigning letter grades 26730
under division (C)(1)(b) of this section, the state board shall 26731
designate ninety per cent or higher for an "A," at least seventy 26732
per cent but not more than eighty per cent for a "C," and less 26733
than fifty per cent for an "F." 26734

(c) The extent to which the school district or building meets 26735
each of the applicable performance indicators established by the 26736
state board under section 3302.03 of the Revised Code and the 26737
percentage of applicable performance indicators that have been 26738
achieved. In adopting benchmarks for assigning letter grades under 26739
division (C)(1)(c) of this section, the state board shall 26740
designate ninety per cent or higher for an "A." 26741

(d) The four- and five-year adjusted cohort graduation rates; 26742

(e) The overall score under the value-added progress 26743
dimension, or another measure of student academic progress if 26744
adopted by the state board, of a school district or building, for 26745
which the department shall use up to three years of value-added 26746
data as available. 26747

In adopting benchmarks for assigning letter grades for 26748
overall score on value-added progress dimension under division 26749

(C)(1)(e) of this section, the state board shall prohibit the 26750
assigning of a grade of "A" for that measure unless the district's 26751
or building's grade assigned for value-added progress dimension 26752
for all subgroups under division (C)(1)(f) of this section is a 26753
"B" or higher. 26754

For the metric prescribed by division (C)(1)(e) of this 26755
section, the state board may adopt a student academic progress 26756
measure to be used instead of the value-added progress dimension. 26757
If the state board adopts such a measure, it also shall prescribe 26758
a method for assigning letter grades for the new measure that is 26759
comparable to the method prescribed in division (A)(1)(e) of this 26760
section. 26761

(f) The value-added progress dimension score of a school 26762
district or building disaggregated for each of the following 26763
subgroups: students identified as gifted in superior cognitive 26764
ability and specific academic ability fields under Chapter 3324. 26765
of the Revised Code, students with disabilities, and students 26766
whose performance places them in the lowest quintile for 26767
achievement on a statewide basis, as determined by a method 26768
prescribed by the state board. Each subgroup shall be a separate 26769
graded measure. 26770

The state board may adopt student academic progress measures 26771
to be used instead of the value-added progress dimension. If the 26772
state board adopts such measures, it also shall prescribe a method 26773
for assigning letter grades for the new measures that is 26774
comparable to the method prescribed in division (A)(1)(e) of this 26775
section. 26776

(g) Whether a school district or building is making progress 26777
in improving literacy in grades kindergarten through three, as 26778
determined using a method prescribed by the state board. The state 26779
board shall adopt rules to prescribe benchmarks and standards for 26780
assigning grades to a district or building for purposes of 26781

division (C)(1)(g) of this section. The state board shall 26782
designate for a "C" grade a value that is not lower than the 26783
statewide average value for this measure. No grade shall be issued 26784
under division (C)(1)(g) of this section for a district or 26785
building in which less than five per cent of students have scored 26786
below grade level on the kindergarten diagnostic assessment under 26787
division (B)(1) of section 3313.608 of the Revised Code. 26788

(h) For a high mobility school district or building, an 26789
additional value-added progress dimension score. For this measure, 26790
the department shall use value-added data from the most recent 26791
school year available and shall use assessment scores for only 26792
those students to whom the district or building has administered 26793
the assessments prescribed by section 3301.0710 of the Revised 26794
Code for each of the two most recent consecutive school years. 26795

As used in this division, "high mobility school district or 26796
building" means a school district or building where at least 26797
twenty-five per cent of its total enrollment is made up of 26798
students who have attended that school district or building for 26799
less than one year. 26800

(2) In addition to the graded measures in division (C)(1) of 26801
this section, the department shall include on a school district's 26802
or building's report card all of the following without an assigned 26803
letter grade: 26804

(a) The percentage of students enrolled in a district or 26805
building who have taken a national standardized test used for 26806
college admission determinations and the percentage of those 26807
students who are determined to be remediation-free in accordance 26808
with the standards adopted under division (F) of section 3345.061 26809
of the Revised Code; 26810

(b) The percentage of students enrolled in a district or 26811
building participating in advanced placement classes and the 26812

percentage of those students who received a score of three or better on advanced placement examinations; 26813
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(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 26815
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(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code; 26827
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(e) The percentage of the district's or building's students who receive industry-recognized credentials; 26830
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(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; 26832
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(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code. 26836
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(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) 26839
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of this section into the following components: 26844

(a) Gap closing, which shall include the performance measure 26845
in division (C)(1)(a) of this section; 26846

(b) Achievement, which shall include the performance measures 26847
in divisions (C)(1)(b) and (c) of this section; 26848

(c) Progress, which shall include the performance measures in 26849
divisions (C)(1)(e) and (f) of this section; 26850

(d) Graduation, which shall include the performance measure 26851
in division (C)(1)(d) of this section; 26852

(e) Kindergarten through third-grade literacy, which shall 26853
include the performance measure in division (C)(1)(g) of this 26854
section; 26855

(f) Prepared for success, which shall include the performance 26856
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 26857
this section. The state board shall develop a method to determine 26858
a grade for the component in division (C)(3)(f) of this section 26859
using the performance measures in divisions (C)(2)(a), (b), (c), 26860
(d), (e), and (f) of this section. When available, the state board 26861
may incorporate the performance measure under division (C)(2)(g) 26862
of this section into the component under division (C)(3)(f) of 26863
this section. When determining the overall grade for the prepared 26864
for success component prescribed by division (C)(3)(f) of this 26865
section, no individual student shall be counted in more than one 26866
performance measure. However, if a student qualifies for more than 26867
one performance measure in the component, the state board may, in 26868
its method to determine a grade for the component, specify an 26869
additional weight for such a student that is not greater than or 26870
equal to 1.0. In determining the overall score under division 26871
(C)(3)(f) of this section, the state board shall ensure that the 26872
pool of students included in the performance measures aggregated 26873
under that division are all of the students included in the four- 26874

and five-year adjusted graduation cohort. 26875

In the rules adopted under division (C)(3) of this section, 26876
the state board shall adopt a method for determining a grade for 26877
each component in divisions (C)(3)(a) to (f) of this section. The 26878
state board also shall establish a method to assign an overall 26879
grade of "A," "B," "C," "D," or "F" using the grades assigned for 26880
each component. The method the state board adopts for assigning an 26881
overall grade shall give equal weight to the components in 26882
divisions (C)(3)(b) and (c) of this section. 26883

At least forty-five days prior to the state board's adoption 26884
of rules to prescribe the methods for calculating the overall 26885
grade for the report card, as required by this division, the 26886
department shall conduct a public presentation before the standing 26887
committees of the house of representatives and the senate that 26888
consider education legislation describing the format for the 26889
report card, weights that will be assigned to the components of 26890
the overall grade, and the method for calculating the overall 26891
grade. 26892

(D) ~~Not later~~ On or after than July 1, 2015, the state board 26893
~~shall~~ may develop a measure of student academic progress for high 26894
school students using only data from assessments in English 26895
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 26896
~~department shall include this measure on a school district or~~ 26897
~~building's report card, as applicable, without an assigned letter~~ 26898
~~grade. Beginning with the report card for the 2015-2016 school~~ 26899
~~year~~ If the state board develops this measure, each school 26900
district and applicable school building shall be assigned a 26901
separate letter grade for ~~this measure and the~~ if not sooner than 26902
the 2017-2018 school year. The district's or building's grade for 26903
that measure shall not be included in determining the district's 26904
or building's overall letter grade. ~~This measure shall be included~~ 26905
~~within the measure prescribed in division (C)(3)(c) of this~~ 26906

section in the calculation for the overall letter grade.	26907
(E) The letter grades assigned to a school district or building under this section shall be as follows:	26908
(1) "A" for a district or school making excellent progress;	26910
(2) "B" for a district or school making above average progress;	26911
(3) "C" for a district or school making average progress;	26913
(4) "D" for a district or school making below average progress;	26914
(5) "F" for a district or school failing to meet minimum progress.	26916
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	26918
(1) Performance of students by grade-level;	26921
(2) Performance of students by race and ethnic group;	26922
(3) Performance of students by gender;	26923
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	26924
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	26926
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	26927
(7) Performance of students grouped by those who are economically disadvantaged;	26928
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314.	26930
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of the Revised Code;	26935
(9) Performance of students grouped by those who are classified as limited English proficient;	26936 26937
(10) Performance of students grouped by those who have disabilities;	26938 26939
(11) Performance of students grouped by those who are classified as migrants;	26940 26941
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	26942 26943 26944 26945 26946 26947 26948 26949 26950
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	26951 26952 26953
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	26954 26955 26956 26957 26958 26959
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that	26960 26961 26962 26963 26964 26965

contains less than ten students. If the department does not report 26966
student performance data for a group because it contains less than 26967
ten students, the department shall indicate on the report card 26968
that is why data was not reported. 26969

(G) The department may include with the report cards any 26970
additional education and fiscal performance data it deems 26971
valuable. 26972

(H) The department shall include on each report card a list 26973
of additional information collected by the department that is 26974
available regarding the district or building for which the report 26975
card is issued. When available, such additional information shall 26976
include student mobility data disaggregated by race and 26977
socioeconomic status, college enrollment data, and the reports 26978
prepared under section 3302.031 of the Revised Code. 26979

The department shall maintain a site on the world wide web. 26980
The report card shall include the address of the site and shall 26981
specify that such additional information is available to the 26982
public at that site. The department shall also provide a copy of 26983
each item on the list to the superintendent of each school 26984
district. The district superintendent shall provide a copy of any 26985
item on the list to anyone who requests it. 26986

(I) Division (I) of this section does not apply to conversion 26987
community schools that primarily enroll students between sixteen 26988
and twenty-two years of age who dropped out of high school or are 26989
at risk of dropping out of high school due to poor attendance, 26990
disciplinary problems, or suspensions. 26991

(1) For any district that sponsors a conversion community 26992
school under Chapter 3314. of the Revised Code, the department 26993
shall combine data regarding the academic performance of students 26994
enrolled in the community school with comparable data from the 26995
schools of the district for the purpose of determining the 26996

performance of the district as a whole on the report card issued 26997
for the district under this section or section 3302.033 of the 26998
Revised Code. 26999

(2) Any district that leases a building to a community school 27000
located in the district or that enters into an agreement with a 27001
community school located in the district whereby the district and 27002
the school endorse each other's programs may elect to have data 27003
regarding the academic performance of students enrolled in the 27004
community school combined with comparable data from the schools of 27005
the district for the purpose of determining the performance of the 27006
district as a whole on the district report card. Any district that 27007
so elects shall annually file a copy of the lease or agreement 27008
with the department. 27009

(3) Any municipal school district, as defined in section 27010
3311.71 of the Revised Code, that sponsors a community school 27011
located within the district's territory, or that enters into an 27012
agreement with a community school located within the district's 27013
territory whereby the district and the community school endorse 27014
each other's programs, may exercise either or both of the 27015
following elections: 27016

(a) To have data regarding the academic performance of 27017
students enrolled in that community school combined with 27018
comparable data from the schools of the district for the purpose 27019
of determining the performance of the district as a whole on the 27020
district's report card; 27021

(b) To have the number of students attending that community 27022
school noted separately on the district's report card. 27023

The election authorized under division (I)(3)(a) of this 27024
section is subject to approval by the governing authority of the 27025
community school. 27026

Any municipal school district that exercises an election to 27027

combine or include data under division (I)(3) of this section, by 27028
the first day of October of each year, shall file with the 27029
department documentation indicating eligibility for that election, 27030
as required by the department. 27031

(J) The department shall include on each report card the 27032
percentage of teachers in the district or building who are highly 27033
qualified, as defined by the No Child Left Behind Act of 2001, and 27034
a comparison of that percentage with the percentages of such 27035
teachers in similar districts and buildings. 27036

(K)(1) In calculating English language arts, mathematics, 27037
social studies, or science assessment passage rates used to 27038
determine school district or building performance under this 27039
section, the department shall include all students taking an 27040
assessment with accommodation or to whom an alternate assessment 27041
is administered pursuant to division (C)(1) or (3) of section 27042
3301.0711 of the Revised Code. 27043

(2) In calculating performance index scores, rates of 27044
achievement on the performance indicators established by the state 27045
board under section 3302.02 of the Revised Code, and annual 27046
measurable objectives for determining adequate yearly progress for 27047
school districts and buildings under this section, the department 27048
shall do all of the following: 27049

(a) Include for each district or building only those students 27050
who are included in the ADM certified for the first full school 27051
week of October and are continuously enrolled in the district or 27052
building through the time of the spring administration of any 27053
assessment prescribed by division (A)(1) or (B)(1) of section 27054
3301.0710 or division (B) of section 3301.0712 of the Revised Code 27055
that is administered to the student's grade level; 27056

(b) Include cumulative totals from both the fall and spring 27057
administrations of the third grade English language arts 27058

achievement assessment; 27059

(c) Except as required by the No Child Left Behind Act of 27060
2001, exclude for each district or building any limited English 27061
proficient student who has been enrolled in United States schools 27062
for less than one full school year. 27063

(L) Beginning with the 2015-2016 school year and at least 27064
once every three years thereafter, the state board of education 27065
shall review and may adjust the benchmarks for assigning letter 27066
grades to the performance measures and components prescribed under 27067
divisions (C)(3) and (D) of this section. 27068

Sec. 3302.036. (A) Notwithstanding anything in the Revised 27069
Code to the contrary, the department of education shall not assign 27070
an overall letter grade under division (C)(3) of section 3302.03 27071
of the Revised Code for any school district or building for the 27072
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years, may, at the 27073
discretion of the state board of education, not assign an 27074
individual grade to any component prescribed under division (C)(3) 27075
of section 3302.03 of the Revised Code, and shall not rank school 27076
districts, community schools established under Chapter 3314. of 27077
the Revised Code, or STEM schools established under Chapter 3326. 27078
of the Revised Code under section 3302.21 of the Revised Code for 27079
~~that~~ those school ~~year~~ years. The report card ratings issued for 27080
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall not 27081
be considered in determining whether a school district or a school 27082
is subject to sanctions or penalties. However, the report card 27083
ratings of any previous or subsequent years shall be considered in 27084
determining whether a school district or building is subject to 27085
sanctions or penalties. Accordingly, the report card ratings for 27086
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall 27087
have no effect in determining sanctions or penalties, but shall 27088
not create a new starting point for determinations that are based 27089

on ratings over multiple years.	27090
(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:	27091 27092
(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";	27093 27094 27095
(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;	27096 27097
(3) Provisions for academic distress commissions under section 3302.10 of the Revised Code;	27098 27099
(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;	27100 27101 27102
(5) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	27103 27104 27105
(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.	27106 27107 27108
(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school year as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015,	27109 27110 27111 27112 27113 27114 27115 27116 27117 27118 27119

2015-2016, or 2016-2017 school ~~year~~ years shall be released, 27120
except to a student's school district or school or to the student 27121
or the student's parent or guardian. 27122

Sec. 3302.05. The state board of education shall adopt rules 27123
freeing school districts from specified state mandates if one of 27124
the following applies: 27125

(A) For the 2011-2012 school year, the school district was 27126
declared to be excellent under section 3302.03 of the Revised 27127
Code, as that section existed prior to ~~the effective date of this~~ 27128
~~section~~ March 22, 2013, and had above expected growth in the 27129
overall value-added measure. 27130

(B) For the 2012-2013 school year, the school district 27131
received a grade of "A" for the number of performance indicators 27132
met under division (A)(1)(c) of section 3302.03 of the Revised 27133
Code and for the value-added dimension under division (A)(1)(e) of 27134
section 3302.03 of the Revised Code. 27135

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 27136
the school district received a grade of "A" for the number of 27137
performance indicators met under division (B)(1)(c) of section 27138
3302.03 of the Revised Code and for the value-added dimension 27139
under division (B)(1)(e) of section 3302.03 of the Revised Code. 27140

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 27141
school year thereafter, the school district received an overall 27142
grade of "A" under division (C)(3) of section 3302.03 of the 27143
Revised Code. 27144

Any mandates included in the rules shall be only those 27145
statutes or rules pertaining to state education requirements. The 27146
rules shall not exempt districts from any operating standard 27147
adopted under division (D)(3) of section 3301.07 of the Revised 27148
Code. 27149

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 27150
Chapter 3301. or 3302. of the Revised Code, the board of education 27151
of a school district, governing authority of a community school 27152
established under Chapter 3314. of the Revised Code, or governing 27153
body of a STEM school established under Chapter 3326. of the 27154
Revised Code may submit to the superintendent of public 27155
instruction, during the 2015-2016 school year, a request for a 27156
waiver for up to five school years from administering the state 27157
achievement assessments required under sections 3301.0710 and 27158
3301.0712 of the Revised Code and related requirements specified 27159
under division ~~(C)~~(B)(2) of this section. A district or school 27160
that obtains a waiver under this section shall use the alternative 27161
assessment system, as proposed by the district or school and as 27162
approved by the state superintendent, in place of the assessments 27163
required under sections 3301.0710 and 3301.0712 of the Revised 27164
Code. 27165

~~(B) To be eligible to submit a request for a waiver under 27166
this section, a school district shall be a member of the Ohio 27167
innovation lab network. 27168~~

~~(C)~~(1) A request for a waiver under this section shall 27169
contain the following: 27170

(a) A timeline to develop and implement an alternative 27171
assessment system for the ~~school~~ district or school; 27172

(b) An overview of the proposed innovative educational 27173
programs or strategies to be offered by the ~~school~~ district or 27174
school; 27175

(c) An overview of the proposed alternative assessment 27176
system, ~~including links to state accepted and nationally accepted~~ 27177
~~metrics, assessments, and evaluations~~; 27178

(d) An overview of planning details that have been 27179

implemented or proposed and any documented support from 27180
educational networks, established educational consultants, state 27181
institutions of higher education as defined under section 3345.011 27182
of the Revised Code, and employers or workforce development 27183
partners; 27184

(e) An overview of the capacity to implement the alternative 27185
assessments, conduct the evaluation of teachers with alternative 27186
assessments, and the reporting of student achievement data with 27187
alternative assessments for the purpose of the report card ratings 27188
prescribed under section 3302.03 of the Revised Code, all of which 27189
shall include any prior success in implementing innovative 27190
educational programs or strategies, teaching practices, or 27191
assessment practices; 27192

(f) An acknowledgement by the ~~school~~ district or school of 27193
federal funding that may be impacted by obtaining a waiver. 27194

(2) The request for a waiver shall indicate the extent to 27195
which exemptions from state or federal requirements regarding the 27196
administration of the assessments required under sections 27197
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 27198
from which a ~~school~~ district or school may be exempt are as 27199
follows: 27200

(a) The required administration of state assessments under 27201
sections 3301.0710 and 3301.0712 of the Revised Code; 27202

(b) The evaluation of teachers and administrators under 27203
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 27204
of the Revised Code; 27205

(c) The reporting of student achievement data for the purpose 27206
of the report card ratings prescribed under section 3302.03 of the 27207
Revised Code. 27208

~~(D)~~(C) Each request for a waiver shall include the signature 27209
of all of the following: 27210

(1) The superintendent of the school district or the equivalent for a community school or STEM school; 27211
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(2) The president of the district board or the equivalent for a community school or STEM school; 27213
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(3) The presiding officer of the labor organization representing the district's or school's teachers, if any; 27215
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(4) If the district's or school's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district or school. 27217
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~~(E) Not later than thirty days after receiving~~ (D) Upon receipt of a request for a waiver, the state superintendent shall approve or deny the waiver or may request additional information from the district or school. The state superintendent shall not grant waivers to more than a total of ten ~~school~~ districts, community schools, or STEM schools, based on requests for a waiver received during the 2015-2016 school year. A waiver granted to a ~~school~~ district or school shall be contingent on an ongoing review and evaluation by the state superintendent of the program for which the waiver was granted. 27220
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~~(F)~~(E)(1) For the purpose of this section, the department of education shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section. 27230
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(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division ~~(C)~~(B) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings. 27234
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(F) For purposes of this section, "innovative educational program or strategy" means a program or strategy using a new idea 27240
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or method aimed at increasing student engagement and preparing 27242
students to be college or career ready. 27243

Sec. 3302.16. (A) As used in this section, "high-performing 27244
school district" means a city, local, or exempted village school 27245
district, including a municipal school district as defined in 27246
section 3311.71 of the Revised Code, or a joint vocational school 27247
district that meets all of the following performance criteria for 27248
the two most recent school years for which data is available: 27249

(1) The district received a grade of "A" for the overall 27250
value-added progress dimension under division (C)(1)(e) of section 27251
3302.03 of the Revised Code. 27252

(2) Not less than ninety-five per cent of third grade 27253
students enrolled in the district scored proficient or higher on 27254
the third grade English language arts assessment prescribed by 27255
division (A)(1)(a) of section 3301.0710 of the Revised Code. 27256

(3) The district had a four-year cohort graduation rate of 27257
ninety-three per cent or higher. 27258

For the purpose of determining whether a joint vocational 27259
school district is considered a high-performing school district 27260
under this division, the department of education shall develop 27261
performance criteria that are equivalent to those described in 27262
divisions (A)(1) to (3) of this section for joint vocational 27263
school districts, based on report cards issued under section 27264
3302.033 of Revised Code. 27265

(B) Beginning with the 2017-2018 school year, in addition to 27266
the conditions prescribed in division (A) of this section, to be 27267
qualified as a "high-performing school district," for purposes of 27268
this section, not less than seventy-five per cent of students 27269
enrolled in the district included in the four-year adjusted cohort 27270
graduation rate shall be remediation-free in accordance with 27271

standards adopted under division (F) of section 3345.061 of the 27272
Revised Code on the nationally standardized assessments prescribed 27273
by division (B)(1) of section 3301.0712 of the Revised Code. 27274

(C) A school district that meets the requirements prescribed 27275
by division (A), and division (B) when applicable, of this section 27276
shall be considered high-performing for three years unless the 27277
district fails to meet the requirement in division (A)(2) of this 27278
section. Failure to meet that measure shall result in an immediate 27279
loss of high-performing status for the district. 27280

(D) Notwithstanding anything to the contrary in the Revised 27281
Code, beginning in the 2016-2017 school year, the board of 27282
education of a high-performing school district shall be exempt 27283
from both of the following: 27284

(1) The teacher credential qualification requirements under 27285
the third-grade reading guarantee, as prescribed under divisions 27286
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 27287
exemption does not relieve a teacher from holding a valid Ohio 27288
license, as defined in section 3319.31 of the Revised Code, in a 27289
subject area and grade level determined appropriate by the board 27290
of education of that district. 27291

(2) Any provision of the Revised Code or rule or standard of 27292
the state board of education prescribing a minimum or maximum 27293
class size. 27294

(E) A high-performing school district may permit qualified 27295
individuals who do not have a valid Ohio license, as defined in 27296
section 3319.31 of the Revised Code, to teach classes for not more 27297
than a total of forty hours a week in accordance with section 27298
3319.301 of the Revised Code. 27299

In order to qualify for an exemption from the provisions 27300
listed in divisions (D) and (E) of this section, the board of 27301
education of a high-performing school district must elect to do so 27302

by resolution. 27303

(F) Beginning in the 2016-2017 school year, a high-performing school district may apply for, and the superintendent of public instruction may issue, a waiver that exempts a high-performing school district from provisions of the Revised Code or rules or standards of the state board not specified in this section. The state superintendent shall consider every application for a waiver and determine whether to grant or deny a waiver on a case-by-case basis. 27304
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(G) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (D) and (E) of this section shall not disqualify a high-performing school district from receiving funds under Chapter 3317. of the Revised Code. 27312
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Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code. 27317
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(B) Beginning January 1, 2016, each recipient of vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with OhioMeansJobs upon initiation of a job search as a part of receiving those services. 27319
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(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available. 27323
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Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies 27328
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one of the conditions in division (A), (B), (C), or (D) of this 27333
section: 27334

(A)(1) The student is enrolled in a school building operated 27335
by the student's resident district that, on the report card issued 27336
under section 3302.03 of the Revised Code published prior to the 27337
first day of July of the school year for which a scholarship is 27338
sought, did not receive a rating as described in division (H) of 27339
this section, and to which any or a combination of any of the 27340
following apply for two of the three most recent report cards 27341
published prior to the first day of July of the school year for 27342
which a scholarship is sought: 27343

(a) The building was declared to be in a state of academic 27344
emergency or academic watch under section 3302.03 of the Revised 27345
Code as that section existed prior to March 22, 2013. 27346

(b) The building received a grade of "D" or "F" for the 27347
performance index score under division (A)(1)(b) or (B)(1)(b) of 27348
section 3302.03 of the Revised Code and for the value-added 27349
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27350
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 27351
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 27352
building serves only grades ten through twelve, the building 27353
received a grade of "D" or "F" for the performance index score 27354
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 27355
Revised Code and had a four-year adjusted cohort graduation rate 27356
of less than seventy-five per cent. 27357

(c) The building received an overall grade of "D" or "F" 27358
under division (C)(3) of section 3302.03 of the Revised Code or a 27359
grade of "F" for the value-added progress dimension under division 27360
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 27361
2016-2017 school year or any school year thereafter. 27362

(2) The student will be enrolling in any of grades 27363

kindergarten through twelve in this state for the first time in 27364
the school year for which a scholarship is sought, will be at 27365
least five years of age by the first day of January of the school 27366
year for which a scholarship is sought, and otherwise would be 27367
assigned under section 3319.01 of the Revised Code in the school 27368
year for which a scholarship is sought, to a school building 27369
described in division (A)(1) of this section. 27370

(3) The student is enrolled in a community school established 27371
under Chapter 3314. of the Revised Code but otherwise would be 27372
assigned under section 3319.01 of the Revised Code to a building 27373
described in division (A)(1) of this section. 27374

(4) The student is enrolled in a school building operated by 27375
the student's resident district or in a community school 27376
established under Chapter 3314. of the Revised Code and otherwise 27377
would be assigned under section 3319.01 of the Revised Code to a 27378
school building described in division (A)(1) of this section in 27379
the school year for which the scholarship is sought. 27380

(5) The student will be both enrolling in any of grades 27381
kindergarten through twelve in this state for the first time and 27382
at least five years of age by the first day of January of the 27383
school year for which a scholarship is sought, or is enrolled in a 27384
community school established under Chapter 3314. of the Revised 27385
Code, and all of the following apply to the student's resident 27386
district: 27387

(a) The district has in force an intradistrict open 27388
enrollment policy under which no student in the student's grade 27389
level is automatically assigned to a particular school building; 27390

(b) In the most recent rating published prior to the first 27391
day of July of the school year for which scholarship is sought, 27392
the district did not receive a rating described in division (H) of 27393
this section, and in at least two of the three most recent report 27394

cards published prior to the first day of July of that school 27395
year, any or a combination of the following apply to the district: 27396

(i) The district was declared to be in a state of academic 27397
emergency under section 3302.03 of the Revised Code as it existed 27398
prior to March 22, 2013. 27399

(ii) The district received a grade of "D" or "F" for the 27400
performance index score under division (A)(1)(b) or (B)(1)(b) of 27401
section 3302.03 of the Revised Code and for the value-added 27402
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27403
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 27404
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~ 27405

(c) The district received an overall grade of "D" or "F" 27406
under division (C)(3) of section 3302.03 of the Revised Code or a 27407
grade of "F" for the value-added progress dimension under division 27408
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 27409
2016-2017 school year or any school year thereafter. 27410

(6) Beginning in the 2016-2017 school year, the student is 27411
enrolled in or will be enrolling in a building in the school year 27412
for which the scholarship is sought that serves any of grades nine 27413
through twelve and that received a grade of "D" or "F" for the 27414
four-year adjusted cohort graduation rate under division 27415
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 27416
Revised Code in two of the three most recent report cards 27417
published prior to the first day of July of the school year for 27418
which a scholarship is sought. 27419

(B)(1) The student is enrolled in a school building operated 27420
by the student's resident district and to which both of the 27421
following apply: 27422

(a) The building was ranked, for at least two of the three 27423
most recent rankings ~~published under section 3302.21 of the~~ 27424
~~Revised Code~~ prior to the first day of July of the school year for 27425

which a scholarship is sought, in the lowest ten per cent of all 27426
~~public school~~ buildings operated by city, local, and exempted 27427
village school districts according to performance index score 27428
~~under section 3302.21 of the Revised Code~~ as determined by the 27429
department of education. 27430

(b) The building was not declared to be excellent or 27431
effective, or the equivalent of such ratings as determined by the 27432
department ~~of education~~, under section 3302.03 of the Revised Code 27433
in the most recent rating published prior to the first day of July 27434
of the school year for which a scholarship is sought. 27435

(2) The student will be enrolling in any of grades 27436
kindergarten through twelve in this state for the first time in 27437
the school year for which a scholarship is sought, will be at 27438
least five years of age, as defined in section 3321.01 of the 27439
Revised Code, by the first day of January of the school year for 27440
which a scholarship is sought, and otherwise would be assigned 27441
under section 3319.01 of the Revised Code in the school year for 27442
which a scholarship is sought, to a school building described in 27443
division (B)(1) of this section. 27444

(3) The student is enrolled in a community school established 27445
under Chapter 3314. of the Revised Code but otherwise would be 27446
assigned under section 3319.01 of the Revised Code to a building 27447
described in division (B)(1) of this section. 27448

(4) The student is enrolled in a school building operated by 27449
the student's resident district or in a community school 27450
established under Chapter 3314. of the Revised Code and otherwise 27451
would be assigned under section 3319.01 of the Revised Code to a 27452
school building described in division (B)(1) of this section in 27453
the school year for which the scholarship is sought. 27454

(C) The student is enrolled in a nonpublic school at the time 27455
the school is granted a charter by the state board of education 27456

under section 3301.16 of the Revised Code and the student meets 27457
the standards of division (B) of section 3310.031 of the Revised 27458
Code. 27459

(D) For the 2016-2017 school year and each school year 27460
thereafter, the student is in any of grades kindergarten through 27461
three, is enrolled in a school building that is operated by the 27462
student's resident district or will be enrolling in any of grades 27463
kindergarten through twelve in this state for the first time in 27464
the school year for which a scholarship is sought, and to which 27465
both of the following apply: 27466

(1) The building, in at least two of the three most recent 27467
ratings of school buildings published prior to the first day of 27468
July of the school year for which a scholarship is sought, 27469
received a grade of "D" or "F" for making progress in improving 27470
literacy in grades kindergarten through three under division 27471
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 27472

(2) The building did not receive a grade of "A" for making 27473
progress in improving literacy in grades kindergarten through 27474
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 27475
the Revised Code in the most recent rating published prior to the 27476
first day of July of the school year for which a scholarship is 27477
sought. 27478

(E) A student who receives a scholarship under the 27479
educational choice scholarship pilot program remains an eligible 27480
student and may continue to receive scholarships in subsequent 27481
school years until the student completes grade twelve, so long as 27482
all of the following apply: 27483

(1) The student's resident district remains the same, or the 27484
student transfers to a new resident district and otherwise would 27485
be assigned in the new resident district to a school building 27486
described in division (A)(1), (B)(1), or (D) of this section; 27487

(2) The student takes each assessment prescribed for the 27488
student's grade level under section 3301.0710 or 3301.0712 of the 27489
Revised Code while enrolled in a chartered nonpublic school; 27490

(3) In each school year that the student is enrolled in a 27491
chartered nonpublic school, the student is absent from school for 27492
not more than twenty days that the school is open for instruction, 27493
not including excused absences. 27494

(F)(1) The department shall cease awarding first-time 27495
scholarships pursuant to divisions (A)(1) to (4) of this section 27496
with respect to a school building that, in the most recent ratings 27497
of school buildings published under section 3302.03 of the Revised 27498
Code prior to the first day of July of the school year, ceases to 27499
meet the criteria in division (A)(1) of this section. The 27500
department shall cease awarding first-time scholarships pursuant 27501
to division (A)(5) of this section with respect to a school 27502
district that, in the most recent ratings of school districts 27503
published under section 3302.03 of the Revised Code prior to the 27504
first day of July of the school year, ceases to meet the criteria 27505
in division (A)(5) of this section. 27506

(2) The department shall cease awarding first-time 27507
scholarships pursuant to divisions (B)(1) to (4) of this section 27508
with respect to a school building that, in the most recent ratings 27509
of school buildings under section 3302.03 of the Revised Code 27510
prior to the first day of July of the school year, ceases to meet 27511
the criteria in division (B)(1) of this section. 27512

(3) The department shall cease awarding first-time 27513
scholarships pursuant to division (D) of this section with respect 27514
to a school building that, in the most recent ratings of school 27515
buildings under section 3302.03 of the Revised Code prior to the 27516
first day of July of the school year, ceases to meet the criteria 27517
in division (D) of this section. 27518

(4) However, students who have received scholarships in the 27519
prior school year remain eligible students pursuant to division 27520
(E) of this section. 27521

(G) The state board of education shall adopt rules defining 27522
excused absences for purposes of division (E)(3) of this section. 27523

(H)(1) A student who satisfies only the conditions prescribed 27524
in divisions (A)(1) to (4) of this section shall not be eligible 27525
for a scholarship if the student's resident building meets any of 27526
the following in the most recent rating under section 3302.03 of 27527
the Revised Code published prior to the first day of July of the 27528
school year for which a scholarship is sought: 27529

(a) The building has an overall designation of excellent or 27530
effective under section 3302.03 of the Revised Code as it existed 27531
prior to March 22, 2013. 27532

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 27533
school year ~~or both~~, the building has a grade of "A" or "B" for 27534
the performance index score under division (A)(1)(b) or (B)(1)(b) 27535
of section 3302.03 of the Revised Code and for the value-added 27536
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27537
section 3302.03 of the Revised Code; or if the building serves 27538
only grades ten through twelve, the building received a grade of 27539
"A" or "B" for the performance index score under division 27540
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 27541
had a four-year adjusted cohort graduation rate of greater than or 27542
equal to seventy-five per cent. 27543

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 27544
year thereafter, the building has a grade of "A" or "B" under 27545
division (C)(3) of section 3302.03 of the Revised Code and a grade 27546
of "A" for the value-added progress dimension under division 27547
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 27548
building serves only grades ten through twelve, the building 27549

received a grade of "A" or "B" for the performance index score 27550
under division (C)(1)(b) of section 3302.03 of the Revised Code 27551
and had a four-year adjusted cohort graduation rate of greater 27552
than or equal to seventy-five per cent. 27553

(2) A student who satisfies only the conditions prescribed in 27554
division (A)(5) of this section shall not be eligible for a 27555
scholarship if the student's resident district meets any of the 27556
following in the most recent rating under section 3302.03 of the 27557
Revised Code published prior to the first day of July of the 27558
school year for which a scholarship is sought: 27559

(a) The district has an overall designation of excellent or 27560
effective under section 3302.03 of the Revised Code as it existed 27561
prior to March 22, 2013. 27562

(b) The district has a grade of "A" or "B" for the 27563
performance index score under division (A)(1)(b) or (B)(1)(b) of 27564
section 3302.03 of the Revised Code and for the value-added 27565
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27566
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 27567
2013-2014, 2014-2015, and 2015-2016 school years. 27568

(c) The district has an overall grade of "A" or "B" under 27569
division (C)(3) of section 3302.03 of the Revised Code and a grade 27570
of "A" for the value-added progress dimension under division 27571
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 27572
2016-2017 school year or any school year thereafter. 27573

Sec. 3310.09. The maximum amount awarded to an eligible 27574
student under the educational choice scholarship pilot program 27575
shall be as follows: 27576

(A) For grades kindergarten through eight, four thousand two 27577
hundred fifty dollars; 27578

(B) For grades nine through twelve, five thousand seven 27579

hundred dollars. 27580

Sec. 3311.19. (A) The management and control of a joint 27581
vocational school district shall be vested in the joint vocational 27582
school district board of education which, beginning on ~~the~~ 27583
~~effective date of this amendment~~ September 29, 2013, shall be 27584
appointed under division (C) of this section. 27585

All members of a joint vocational school district board 27586
serving unexpired terms on ~~the effective date of this amendment~~ 27587
September 29, 2013, may continue in office until the expiration of 27588
their terms. If a member leaves office for any reason prior to the 27589
expiration of that member's term, the vacancy shall be filled only 27590
in the manner provided in division (C) of this section. 27591

(B) ~~Members~~ Except as provided in section 3311.191 of the 27592
Revised Code, members of the joint vocational school district 27593
board appointed on or after ~~the effective date of this amendment~~ 27594
September 29, 2013, shall serve for three-year terms of office. No 27595
member shall hold office for a period of longer than two 27596
consecutive terms. Terms shall be considered consecutive unless 27597
separated by three or more years. 27598

Members of the board shall be selected based on the diversity 27599
of the employers from the geographical region of the state in 27600
which the territory of the joint vocational school district is 27601
located represented by the members. Not less than three-fifths of 27602
the members of the board shall reside in or be employed within the 27603
territory of the joint vocational school district board upon which 27604
the member serves. 27605

(C) The manner of appointment and the total number of members 27606
appointed to the joint vocational school district board shall be 27607
in accordance with the most recent plan for the joint vocational 27608
school district on file with the department of education. An 27609
individual shall not be a member of an appointing board, unless 27610

the individual meets the criteria in division (C)(2) of this section. 27611
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(1) Appointments under this section shall be made as the terms of members of each joint vocational school district board who are serving unexpired terms on ~~the effective date of this amendment~~ September 29, 2013, expire or as those offices are otherwise vacated prior to the expiration date. 27613
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(2) Members of the joint vocational board shall have experience as chief financial officers, chief executive officers, human resources managers, or other business, industry, or career counseling professionals who are qualified to discuss the labor needs of the region with respect to the regional economy. The appointing board shall appoint individuals who represent employers in the region served by the joint vocational school district who are qualified to consider the state's workforce needs with an understanding of the skills, training, and education needed for current and future employment opportunities in the state. The appointing board may give preference to individuals who have served as members on a joint vocational school business advisory committee who meet the qualifications in division (C)(2) of this section. 27618
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(D) The vocational schools in the joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city 27632
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school district, except such provisions in this chapter and 27643
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 27644

(E) The superintendent of schools of a joint vocational 27645
school district shall exercise the duties and authority vested by 27646
law in a superintendent of schools pertaining to the operation of 27647
a school district and the employment and supervision of its 27648
personnel. The joint vocational school district board of education 27649
shall appoint a treasurer of the joint vocational school district 27650
who shall be the fiscal officer for such district and who shall 27651
have all the powers, duties, and authority vested by law in a 27652
treasurer of a board of education. 27653

(F) Each member of a joint vocational school district board 27654
of education may be paid such compensation as the board provides 27655
by resolution, but it shall not exceed one hundred twenty-five 27656
dollars per member for each meeting attended plus mileage, at the 27657
rate per mile provided by resolution of the board, to and from 27658
meetings of the board. 27659

The board may provide by resolution for the deduction of 27660
amounts payable for benefits under section 3313.202 of the Revised 27661
Code. 27662

Each member of a joint vocational school district board may 27663
be paid such compensation as the board provides by resolution for 27664
attendance at an approved training program, provided that such 27665
compensation shall not exceed sixty dollars per day for attendance 27666
at a training program three hours or fewer in length and one 27667
hundred twenty-five dollars a day for attendance at a training 27668
program longer than three hours in length. However, no board 27669
member shall be compensated for the same training program under 27670
this section and section 3313.12 of the Revised Code. 27671

Sec. 3311.191. (A) Subject to division (B) of this section, 27672
if a joint vocational school district has an even number of member 27673

districts each appointing a member to the joint vocational school 27674
district board of education and the joint vocational school 27675
district's plan on file with the department of education provides 27676
for one additional board member to be appointed on a rotating 27677
basis by one of the appointing boards, the term of that additional 27678
member shall be for one year. The additional member shall 27679
otherwise meet the requirements for joint vocational school board 27680
members prescribed by section 3311.19 of the Revised Code. 27681

(B) If an additional member of a joint vocational school 27682
district board appointed on a rotating basis, as described in 27683
division (A) of this section, was appointed on or after September 27684
29, 2013, but prior to the effective date of this section, that 27685
member may continue in office until the expiration of the member's 27686
current term of office. If such member vacates that office for any 27687
reason prior to the expiration of that member's term, a new 27688
additional member shall be appointed according to the rotational 27689
basis prescribed by the district's plan, and that member shall 27690
serve for the remainder of the vacating member's term. Thereafter, 27691
the term of office of the additional member shall be as prescribed 27692
by division (A) of this section. 27693

Sec. 3313.411. (A) As used in this section: 27694

(1) "College-preparatory boarding school" means a 27695
college-preparatory boarding school established under Chapter 27696
3328. of the Revised Code. 27697

(2) "Community school" means a community school established 27698
under Chapter 3314. of the Revised Code. 27699

(3) "Unused school facilities" means any real property that 27700
has been used by a school district for school operations, 27701
including, but not limited to, academic instruction or 27702
administration, since July 1, 1998, but has not been used in that 27703

capacity for two years. 27704

(B)(1) Except as provided in section 3313.412 of the Revised 27705
Code, on and after June 30, 2011, any school district board of 27706
education shall offer any unused school facilities it owns in its 27707
corporate capacity for lease or sale to the governing authorities 27708
of community schools, and the board of trustees of any 27709
college-preparatory boarding school, that are located within the 27710
territory of the district. 27711

(2) At the same time that a district board makes the offer 27712
required under division (B)(1) of this section, the board also 27713
may, but shall not be required to, offer that property for sale or 27714
lease to the governing authorities of community schools with 27715
plans, stipulated in their contracts entered into under section 27716
3314.03 of the Revised Code, either to relocate their operations 27717
to the territory of the district or to add facilities, as 27718
authorized by division (B)(3) or (4) of section 3314.05 of the 27719
Revised Code, to be located within the territory of the district. 27720

(C)(1) If, not later than sixty days after the district board 27721
makes the offer, only one qualified party offered the property 27722
under division (B) of this section notifies the district treasurer 27723
in writing of the intention to purchase the property, the district 27724
board shall sell the property to that party for the appraised fair 27725
market value of the property as determined in an appraisal of the 27726
property that is not more than one year old. 27727

(2) If, not later than sixty days after the district board 27728
makes the offer, more than one qualified party offered the 27729
property under division (B) of this section notifies the district 27730
treasurer in writing of the intention to purchase the property, 27731
the board shall conduct a public auction in the manner required 27732
for auctions of district property under division (A) of section 27733
3313.41 of the Revised Code. Only the parties offered the property 27734
under division (B) of this section that notify the district 27735

treasurer of the intention to purchase the property are eligible 27736
to bid at the auction. The district board is not obligated to 27737
accept any bid for the property that is lower than the appraised 27738
fair market value of the property as determined in an appraisal 27739
that is not more than one year old. 27740

(3) If more than one qualified party offered the property 27741
under division (B) of this section notifies the district treasurer 27742
in writing of the intention to lease the property, the district 27743
board shall conduct a lottery to select from among those parties 27744
the one qualified party to which the district board shall lease 27745
the property. 27746

(4) The lease price offered by a district board to a 27747
community school or college-preparatory boarding school under this 27748
section shall not be higher than the fair market value for such a 27749
leasehold as determined in an appraisal that is not more than one 27750
year old. 27751

(5) If no qualified party offered the property under division 27752
(B) of this section accepts the offer to lease or buy the property 27753
within sixty days after the offer is made, the district board may 27754
offer the property to any other entity in accordance with 27755
divisions (A) to (F) of section 3313.41 of the Revised Code. 27756

(D) Notwithstanding division (B) of this section, a school 27757
district board may renew any agreement it originally entered into 27758
prior to June 30, 2011, to lease real property to an entity other 27759
than a community school or college-preparatory boarding school. 27760
Nothing in this section shall affect the leasehold arrangements 27761
between the district board and that other entity. 27762

(E)(1) Except as provided in division (E)(2) of this section, 27763
the governing authority of a community school or the board of 27764
trustees of a college-preparatory boarding school shall not sell 27765
any property purchased under division (B) of this section within 27766

five years of purchasing that property. 27767

(2) The governing authority or board of trustees may sell a 27768
property purchased under division (B) of this section within five 27769
years of the purchase, only if the governing authority or board of 27770
trustees sells or transfers that property to another entity 27771
described in that division. 27772

Sec. 3313.46. (A) In addition to any other law governing the 27773
bidding for contracts by the board of education of any school 27774
district, when any such board determines to build, repair, 27775
enlarge, improve, or demolish any school building, the cost of 27776
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 27777
cases of urgent necessity, or for the security and protection of 27778
school property, and except as otherwise provided in division (D) 27779
of section 713.23 and in section 125.04 of the Revised Code, all 27780
of the following shall apply: 27781

(1) The board shall cause to be prepared the plans, 27782
specifications, and related information as required in divisions 27783
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 27784
the board determines that other information is sufficient to 27785
inform any bidders of the board's requirements. However, if the 27786
board determines that such other information is sufficient for 27787
bidding a project, the board shall not engage in the construction 27788
of any such project involving the practice of professional 27789
engineering, professional surveying, or architecture, for which 27790
plans, specifications, and estimates have not been made by, and 27791
the construction thereof inspected by, a licensed professional 27792
engineer, licensed professional surveyor, or registered architect. 27793

(2) The board shall advertise for bids once each week for a 27794
period of not less than two consecutive weeks, or as provided in 27795
section 7.16 of the Revised Code, in a newspaper of general 27796
circulation in the district before the date specified by the board 27797

for receiving bids. The board may also cause notice to be inserted 27798
in trade papers or other publications designated by it or to be 27799
distributed by electronic means, including posting the notice on 27800
the board's internet web site. If the board posts the notice on 27801
its web site, it may eliminate the second notice otherwise 27802
required to be published in a newspaper of general circulation 27803
within the school district, provided that the first notice 27804
published in such newspaper meets all of the following 27805
requirements: 27806

(a) It is published at least two weeks before the opening of 27807
bids. 27808

(b) It includes a statement that the notice is posted on the 27809
board of education's internet web site. 27810

(c) It includes the internet address of the board's internet 27811
web site. 27812

(d) It includes instructions describing how the notice may be 27813
accessed on the board's internet web site. 27814

(3) Unless the board extends the time for the opening of bids 27815
they shall be opened at the time and place specified by the board 27816
in the advertisement for the bids. 27817

(4) Each bid shall contain the name of every person 27818
interested therein. Each bid shall meet the requirements of 27819
section 153.54 of the Revised Code. 27820

(5) When both labor and materials are embraced in the work 27821
bid for, the board may require that each be separately stated in 27822
the bid, with the price thereof, or may require that bids be 27823
submitted without such separation. 27824

(6) None but the lowest responsible bid shall be accepted. 27825
The board may reject all the bids, or accept any bid for both 27826
labor and material for such improvement or repair, which is the 27827

lowest in the aggregate. In all other respects, the award of 27828
contracts for improvement or repair, but not for purchases made 27829
under section 3327.08 of the Revised Code, shall be pursuant to 27830
section 153.12 of the Revised Code. 27831

(7) The contract shall be between the board and the bidders. 27832
The board shall pay the contract price for the work pursuant to 27833
sections 153.13 and 153.14 of the Revised Code. The board shall 27834
approve and retain the estimates referred to in section 153.13 of 27835
the Revised Code and make them available to the auditor of state 27836
upon request. 27837

(8) When two or more bids are equal, in the whole, or in any 27838
part thereof, and are lower than any others, either may be 27839
accepted, but in no case shall the work be divided between such 27840
bidders. 27841

(9) When there is reason to believe there is collusion or 27842
combination among the bidders, or any number of them, the bids of 27843
those concerned therein shall be rejected. 27844

(B) Division (A) of this section does not apply to the board 27845
of education of any school district in any of the following 27846
situations: 27847

(1) The acquisition of educational materials used in 27848
teaching. 27849

(2) If the board determines and declares by resolution 27850
adopted by two-thirds of all its members that any item is 27851
available and can be acquired only from a single source. 27852

(3) If the board declares by resolution adopted by two-thirds 27853
of all its members that division (A) of this section does not 27854
apply to any installation, modification, or remodeling involved in 27855
any energy conservation measure undertaken through an installment 27856
payment contract under section 3313.372 of the Revised Code or 27857
undertaken pursuant to division (G) of section 133.06 of the 27858

Revised Code.	27859
(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.	27860 27861 27862
(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.	27863 27864 27865 27866
Sec. 3313.536. (A) As used in this section:	27867
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	27868 27869 27870
(a) A city, exempted village, local, or joint vocational school district;	27871 27872
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;	27873 27874 27875
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	27876 27877 27878
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	27879 27880
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	27881 27882 27883
(f) A chartered nonpublic school;	27884
(g) An educational service center;	27885
(h) A preschool program or school-age child care program licensed by the department of education;	27886 27887

(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education. 27888
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(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section. 27891
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(3) "Building" means any school, school building, facility, program, or center. 27894
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(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred. 27896
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(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following: 27911
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(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators; 27914
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(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited 27916
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to, all of the following: 27919

(i) A floor plan that is unique to each floor of the building; 27920
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(ii) A site plan that includes all building property and surrounding property; 27922
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(iii) An emergency contact information sheet. 27924

The administrator also may incorporate protocols for any of the situations listed in division (D)(1)(a) of section 3737.73 of the Revised Code or for any emergency event that requires students either to be secured in the building or rapidly evacuated in response to a threat. 27925
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(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. 27930
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Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol. 27937
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(4) Notwithstanding anything to the contrary in the Revised Code in the state fire code, or in rules or standards of the state board, as part of the plan adopted under this section, an administrator may approve the installation of security devices, including devices that prevent both ingress and egress through a door in a building, in buildings under the administrator's control. If an administrator approves the installation of such devices in the plan, the devices may be installed only if approved by the police chief, or equivalent, of the law enforcement agency 27941
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that has jurisdiction over the school building and the fire chief, 27950
or equivalent, of the fire department that serves the political 27951
subdivision in which the building is located. 27952

(5) Each administrator shall keep a copy of the emergency 27953
management plan adopted pursuant to this section in a secure 27954
place. 27955

(C)(1) The administrator shall submit to the department of 27956
education, in accordance with rules adopted by the state board of 27957
education pursuant to division (F) of this section, an electronic 27958
copy of the emergency management plan prescribed by division (B) 27959
of this section not less than once every three years, whenever a 27960
major modification to the building requires changes in the 27961
procedures outlined in the plan, and whenever information on the 27962
emergency contact information sheet changes. 27963

(2) The administrator also shall file a copy of the plan with 27964
each law enforcement agency that has jurisdiction over the school 27965
building and, upon request, to any of the following: 27966

(a) The fire department that serves the political subdivision 27967
in which the building is located; 27968

(b) The emergency medical service organization that serves 27969
the political subdivision in which the building is located; 27970

(c) The county emergency management agency for the county in 27971
which the building is located. 27972

(3) Upon receipt of an emergency management plan, the 27973
department of education shall submit the information in accordance 27974
with rules adopted by the state board of education pursuant to 27975
division (F) of this section, to both of the following: 27976

(a) The attorney general, who shall post that information on 27977
the Ohio law enforcement gateway or its successor; 27978

(b) The director of public safety, who shall post the 27979

information on the contact and information management system. 27980

(4) Any department or entity to which copies of an emergency 27981
management plan are filed under this section shall keep the copies 27982
in a secure place. 27983

(D)(1) Not later than the first day of July of each year, 27984
each administrator shall review the emergency management plan and 27985
certify to the department of education that the plan is current 27986
and accurate. 27987

(2) Anytime that an administrator updates the emergency 27988
management plan pursuant to division (C)(1) of this section, the 27989
administrator shall file copies, not later than the tenth day 27990
after the revision is adopted and in accordance with rules adopted 27991
by the state board pursuant to division (F) of this section, to 27992
the department of education and to any entity with which the 27993
administrator filed a copy under division (C)(2) of this section. 27994

(E) Each administrator shall do both of the following: 27995

(1) Prepare and conduct at least one annual emergency 27996
management test, as defined in division (A)(2) of this section, in 27997
accordance with rules adopted by the state board pursuant to 27998
division (F) of this section; 27999

(2) Grant access to each building under the control of the 28000
administrator to law enforcement personnel and to entities 28001
described in division (C)(2) of this section, to enable the 28002
personnel and entities to hold training sessions for responding to 28003
threats and emergency events affecting the building, provided that 28004
the access occurs outside of student instructional hours and the 28005
administrator, or the administrator's designee, is present in the 28006
building during the training sessions. 28007

(F) The state board of education, in accordance with Chapter 28008
119. of the Revised Code, shall adopt rules regarding emergency 28009
management plans under this section, including the content of the 28010

plans and procedures for filing the plans. The rules shall specify 28011
that plans and information required under division (B) of this 28012
section be submitted on standardized forms developed by the 28013
department of education for such purpose. The rules shall also 28014
specify the requirements and procedures for emergency management 28015
tests conducted pursuant to division (E)(1) of this section. 28016
Failure to comply with the rules may result in discipline pursuant 28017
to section 3319.31 of the Revised Code or any other action against 28018
the administrator as prescribed by rule. 28019

(G) Division (B) of section 3319.31 of the Revised Code 28020
applies to any administrator who is subject to the requirements of 28021
this section and is not exempt under division (H) of this section 28022
and who is an applicant for a license or holds a license from the 28023
state board pursuant to section 3319.22 of the Revised Code. 28024

(H) The superintendent of public instruction may exempt any 28025
administrator from the requirements of this section, if the 28026
superintendent determines that the requirements do not otherwise 28027
apply to a building or buildings under the control of that 28028
administrator. 28029

(I) Copies of the emergency management plan and information 28030
required under division (B) of this section are security records 28031
and are not public records pursuant to section 149.433 of the 28032
Revised Code. In addition, the information posted to the contact 28033
and information management system, pursuant to division (C)(3)(b) 28034
of this section, is exempt from public disclosure or release in 28035
accordance with sections 149.43, 149.433, and 5502.03 of the 28036
Revised Code. 28037

Notwithstanding section 149.433 of the Revised Code, a floor 28038
plan filed with the attorney general pursuant to this section is 28039
not a public record to the extent it is a record kept by the 28040
attorney general. 28041

Sec. 3313.603. (A) As used in this section:	28042
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	28043 28044 28045 28046
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	28047 28048 28049 28050
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	28051 28052 28053 28054 28055
(1) English language arts, four units;	28056
(2) Health, one-half unit;	28057
(3) Mathematics, three units;	28058
(4) Physical education, one-half unit;	28059
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	28060 28061 28062
(a) Biological sciences, one unit;	28063
(b) Physical sciences, one unit.	28064
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	28065 28066 28067
(a) American history, one-half unit;	28068
(b) American government, one-half unit.	28069

(7) Social studies, two units.	28070
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	28071 28072 28073 28074 28075
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	28076 28077
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	28078 28079 28080
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	28081 28082 28083 28084 28085 28086 28087
(1) English language arts, four units;	28088
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	28089 28090 28091
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II + . <u>However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course as an alternative.</u>	28092 28093 28094 28095 28096 28097
(4) Physical education, one-half unit;	28098
(5) Science, three units with inquiry-based laboratory	28099

experience that engages students in asking valid scientific	28100
questions and gathering and analyzing information, which shall	28101
include the following, or their equivalent:	28102
(a) Physical sciences, one unit;	28103
(b) Life sciences, one unit;	28104
(c) Advanced study in one or more of the following sciences,	28105
one unit:	28106
(i) Chemistry, physics, or other physical science;	28107
(ii) Advanced biology or other life science;	28108
(iii) Astronomy, physical geology, or other earth or space	28109
science.	28110
(6) History and government, one unit, which shall comply with	28111
division (M) of this section and shall include both of the	28112
following:	28113
(a) American history, one-half unit;	28114
(b) American government, one-half unit.	28115
(7) Social studies, two units.	28116
Each school shall integrate the study of economics and	28117
financial literacy, as expressed in the social studies academic	28118
content standards adopted by the state board of education under	28119
division (A)(1) of section 3301.079 of the Revised Code and the	28120
academic content standards for financial literacy and	28121
entrepreneurship adopted under division (A)(2) of that section,	28122
into one or more existing social studies credits required under	28123
division (C)(7) of this section, or into the content of another	28124
class, so that every high school student receives instruction in	28125
those concepts. In developing the curriculum required by this	28126
paragraph, schools shall use available public-private partnerships	28127
and resources and materials that exist in business, industry, and	28128
through the centers for economics education at institutions of	28129

higher education in the state. 28130

Beginning with students who enter ninth grade for the first 28131
time on or after July 1, 2017, the two units of instruction 28132
prescribed by division (C)(7) of this section shall include at 28133
least one-half unit of instruction in the study of world history 28134
and civilizations. 28135

(8) Five units consisting of one or any combination of 28136
foreign language, fine arts, business, career-technical education, 28137
family and consumer sciences, technology, agricultural education, 28138
a junior reserve officer training corps (JROTC) program approved 28139
by the congress of the United States under title 10 of the United 28140
States Code, or English language arts, mathematics, science, or 28141
social studies courses not otherwise required under division (C) 28142
of this section. 28143

Ohioans must be prepared to apply increased knowledge and 28144
skills in the workplace and to adapt their knowledge and skills 28145
quickly to meet the rapidly changing conditions of the 28146
twenty-first century. National studies indicate that all high 28147
school graduates need the same academic foundation, regardless of 28148
the opportunities they pursue after graduation. The goal of Ohio's 28149
system of elementary and secondary education is to prepare all 28150
students for and seamlessly connect all students to success in 28151
life beyond high school graduation, regardless of whether the next 28152
step is entering the workforce, beginning an apprenticeship, 28153
engaging in post-secondary training, serving in the military, or 28154
pursuing a college degree. 28155

The requirements for graduation prescribed in division (C) of 28156
this section are the standard expectation for all students 28157
entering ninth grade for the first time at a public or chartered 28158
nonpublic high school on or after July 1, 2010. A student may 28159
satisfy this expectation through a variety of methods, including, 28160
but not limited to, integrated, applied, career-technical, and 28161

traditional coursework. 28162

Whereas teacher quality is essential for student success when 28163
completing the requirements for graduation, the general assembly 28164
shall appropriate funds for strategic initiatives designed to 28165
strengthen schools' capacities to hire and retain highly qualified 28166
teachers in the subject areas required by the curriculum. Such 28167
initiatives are expected to require an investment of \$120,000,000 28168
over five years. 28169

Stronger coordination between high schools and institutions 28170
of higher education is necessary to prepare students for more 28171
challenging academic endeavors and to lessen the need for academic 28172
remediation in college, thereby reducing the costs of higher 28173
education for Ohio's students, families, and the state. The state 28174
board and the ~~chancellor of the Ohio board of regents~~ director of 28175
higher education shall develop policies to ensure that only in 28176
rare instances will students who complete the requirements for 28177
graduation prescribed in division (C) of this section require 28178
academic remediation after high school. 28179

School districts, community schools, and chartered nonpublic 28180
schools shall integrate technology into learning experiences 28181
across the curriculum in order to maximize efficiency, enhance 28182
learning, and prepare students for success in the 28183
technology-driven twenty-first century. Districts and schools 28184
shall use distance and web-based course delivery as a method of 28185
providing or augmenting all instruction required under this 28186
division, including laboratory experience in science. Districts 28187
and schools shall utilize technology access and electronic 28188
learning opportunities provided by the broadcast educational media 28189
commission, ~~chancellor~~ director of higher education, the Ohio 28190
learning network, education technology centers, public television 28191
stations, and other public and private providers. 28192

(D) Except as provided in division (E) of this section, a 28193

student who enters ninth grade on or after July 1, 2010, and 28194
before July 1, 2016, may qualify for graduation from a public or 28195
chartered nonpublic high school even though the student has not 28196
completed the requirements for graduation prescribed in division 28197
(C) of this section if all of the following conditions are 28198
satisfied: 28199

(1) During the student's third year of attending high school, 28200
as determined by the school, the student and the student's parent, 28201
guardian, or custodian sign and file with the school a written 28202
statement asserting the parent's, guardian's, or custodian's 28203
consent to the student's graduating without completing the 28204
requirements for graduation prescribed in division (C) of this 28205
section and acknowledging that one consequence of not completing 28206
those requirements is ineligibility to enroll in most state 28207
universities in Ohio without further coursework. 28208

(2) The student and parent, guardian, or custodian fulfill 28209
any procedural requirements the school stipulates to ensure the 28210
student's and parent's, guardian's, or custodian's informed 28211
consent and to facilitate orderly filing of statements under 28212
division (D)(1) of this section. Annually, each district or school 28213
shall notify the department of education of the number of students 28214
who choose to qualify for graduation under division (D) of this 28215
section and the number of students who complete the student's 28216
success plan and graduate from high school. 28217

(3) The student and the student's parent, guardian, or 28218
custodian and a representative of the student's high school 28219
jointly develop a student success plan for the student in the 28220
manner described in division (C)(1) of section 3313.6020 of the 28221
Revised Code that specifies the student matriculating to a 28222
two-year degree program, acquiring a business and 28223
industry-recognized credential, or entering an apprenticeship. 28224

(4) The student's high school provides counseling and support 28225

for the student related to the plan developed under division 28226
(D)(3) of this section during the remainder of the student's high 28227
school experience. 28228

(5)(a) Except as provided in division (D)(5)(b) of this 28229
section, the student successfully completes, at a minimum, the 28230
curriculum prescribed in division (B) of this section. 28231

(b) Beginning with students who enter ninth grade for the 28232
first time on or after July 1, 2014, a student shall be required 28233
to complete successfully, at the minimum, the curriculum 28234
prescribed in division (B) of this section, except as follows: 28235

(i) Mathematics, four units, one unit which shall be one of 28236
the following: 28237

(I) Probability and statistics; 28238

(II) Computer programming; 28239

(III) Applied mathematics or quantitative reasoning; 28240

(IV) Any other course approved by the department using 28241
standards established by the superintendent not later than October 28242
1, 2014. 28243

(ii) Elective units, five units; 28244

(iii) Science, three units as prescribed by division (B) of 28245
this section which shall include inquiry-based laboratory 28246
experience that engages students in asking valid scientific 28247
questions and gathering and analyzing information. 28248

The department, in collaboration with the ~~chancellor~~ director 28249
of higher education, shall analyze student performance data to 28250
determine if there are mitigating factors that warrant extending 28251
the exception permitted by division (D) of this section to high 28252
school classes beyond those entering ninth grade before July 1, 28253
2016. The department shall submit its findings and any 28254
recommendations not later than December 1, 2015, to the speaker 28255

and minority leader of the house of representatives, the president 28256
and minority leader of the senate, the chairpersons and ranking 28257
minority members of the standing committees of the house of 28258
representatives and the senate that consider education 28259
legislation, the state board of education, and the superintendent 28260
of public instruction. 28261

(E) Each school district and chartered nonpublic school 28262
retains the authority to require an even more challenging minimum 28263
curriculum for high school graduation than specified in division 28264
(B) or (C) of this section. A school district board of education, 28265
through the adoption of a resolution, or the governing authority 28266
of a chartered nonpublic school may stipulate any of the 28267
following: 28268

(1) A minimum high school curriculum that requires more than 28269
twenty units of academic credit to graduate; 28270

(2) An exception to the district's or school's minimum high 28271
school curriculum that is comparable to the exception provided in 28272
division (D) of this section but with additional requirements, 28273
which may include a requirement that the student successfully 28274
complete more than the minimum curriculum prescribed in division 28275
(B) of this section; 28276

(3) That no exception comparable to that provided in division 28277
(D) of this section is available. 28278

(F) A student enrolled in a dropout prevention and recovery 28279
program, which program has received a waiver from the department, 28280
may qualify for graduation from high school by successfully 28281
completing a competency-based instructional program administered 28282
by the dropout prevention and recovery program in lieu of 28283
completing the requirements for graduation prescribed in division 28284
(C) of this section. The department shall grant a waiver to a 28285
dropout prevention and recovery program, within sixty days after 28286

the program applies for the waiver, if the program meets all of 28287
the following conditions: 28288

(1) The program serves only students not younger than sixteen 28289
years of age and not older than twenty-one years of age. 28290

(2) The program enrolls students who, at the time of their 28291
initial enrollment, either, or both, are at least one grade level 28292
behind their cohort age groups or experience crises that 28293
significantly interfere with their academic progress such that 28294
they are prevented from continuing their traditional programs. 28295

(3) The program requires students to attain at least the 28296
applicable score designated for each of the assessments prescribed 28297
under division (B)(1) of section 3301.0710 of the Revised Code or, 28298
to the extent prescribed by rule of the state board under division 28299
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 28300
of that section. 28301

(4) The program develops a student success plan for the 28302
student in the manner described in division (C)(1) of section 28303
3313.6020 of the Revised Code that specifies the student's 28304
matriculating to a two-year degree program, acquiring a business 28305
and industry-recognized credential, or entering an apprenticeship. 28306

(5) The program provides counseling and support for the 28307
student related to the plan developed under division (F)(4) of 28308
this section during the remainder of the student's high school 28309
experience. 28310

(6) The program requires the student and the student's 28311
parent, guardian, or custodian to sign and file, in accordance 28312
with procedural requirements stipulated by the program, a written 28313
statement asserting the parent's, guardian's, or custodian's 28314
consent to the student's graduating without completing the 28315
requirements for graduation prescribed in division (C) of this 28316
section and acknowledging that one consequence of not completing 28317

those requirements is ineligibility to enroll in most state 28318
universities in Ohio without further coursework. 28319

(7) Prior to receiving the waiver, the program has submitted 28320
to the department an instructional plan that demonstrates how the 28321
academic content standards adopted by the state board under 28322
section 3301.079 of the Revised Code will be taught and assessed. 28323

(8) Prior to receiving the waiver, the program has submitted 28324
to the department a policy on career advising that satisfies the 28325
requirements of section 3313.6020 of the Revised Code, with an 28326
emphasis on how every student will receive career advising. 28327

(9) Prior to receiving the waiver, the program has submitted 28328
to the department a written agreement outlining the future 28329
cooperation between the program and any combination of local job 28330
training, postsecondary education, nonprofit, and health and 28331
social service organizations to provide services for students in 28332
the program and their families. 28333

Divisions (F)(8) and (9) of this section apply only to 28334
waivers granted on or after July 1, 2015. 28335

If the department does not act either to grant the waiver or 28336
to reject the program application for the waiver within sixty days 28337
as required under this section, the waiver shall be considered to 28338
be granted. 28339

(G) Every high school may permit students below the ninth 28340
grade to take advanced work. If a high school so permits, it shall 28341
award high school credit for successful completion of the advanced 28342
work and shall count such advanced work toward the graduation 28343
requirements of division (B) or (C) of this section if the 28344
advanced work was both: 28345

(1) Taught by a person who possesses a license or certificate 28346
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 28347
Code that is valid for teaching high school; 28348

(2) Designated by the board of education of the city, local, 28349
or exempted village school district, the board of the cooperative 28350
education school district, or the governing authority of the 28351
chartered nonpublic school as meeting the high school curriculum 28352
requirements. 28353

Each high school shall record on the student's high school 28354
transcript all high school credit awarded under division (G) of 28355
this section. In addition, if the student completed a seventh- or 28356
eighth-grade fine arts course described in division (K) of this 28357
section and the course qualified for high school credit under that 28358
division, the high school shall record that course on the 28359
student's high school transcript. 28360

(H) The department shall make its individual academic career 28361
plan available through its Ohio career information system web site 28362
for districts and schools to use as a tool for communicating with 28363
and providing guidance to students and families in selecting high 28364
school courses. 28365

(I) Units earned in English language arts, mathematics, 28366
science, and social studies that are delivered through integrated 28367
academic and career-technical instruction are eligible to meet the 28368
graduation requirements of division (B) or (C) of this section. 28369

(J)(1) The state board, in consultation with the ~~chancellor~~ 28370
director of higher education, shall adopt a statewide plan 28371
implementing methods for students to earn units of high school 28372
credit based on a demonstration of subject area competency, 28373
instead of or in combination with completing hours of classroom 28374
instruction. The state board shall adopt the plan not later than 28375
March 31, 2009, and commence phasing in the plan during the 28376
2009-2010 school year. The plan shall include a standard method 28377
for recording demonstrated proficiency on high school transcripts. 28378
Each school district and community school shall comply with the 28379
state board's plan adopted under this division and award units of 28380

high school credit in accordance with the plan. The state board 28381
may adopt existing methods for earning high school credit based on 28382
a demonstration of subject area competency as necessary prior to 28383
the 2009-2010 school year. 28384

(2) Not later than December 31, 2015, the state board shall 28385
update the statewide plan adopted pursuant to division (J)(1) of 28386
this section to also include methods for students enrolled in 28387
seventh and eighth grade to meet curriculum requirements based on 28388
a demonstration of subject area competency, instead of or in 28389
combination with completing hours of classroom instruction. 28390
Beginning with the 2017-2018 school year, each school district and 28391
community school also shall comply with the updated plan adopted 28392
pursuant to this division and permit students enrolled in seventh 28393
and eighth grade to meet curriculum requirements based on subject 28394
area competency in accordance with the plan. 28395

(K) This division does not apply to students who qualify for 28396
graduation from high school under division (D) or (F) of this 28397
section, or to students pursuing a career-technical instructional 28398
track as determined by the school district board of education or 28399
the chartered nonpublic school's governing authority. 28400
Nevertheless, the general assembly encourages such students to 28401
consider enrolling in a fine arts course as an elective. 28402

Beginning with students who enter ninth grade for the first 28403
time on or after July 1, 2010, each student enrolled in a public 28404
or chartered nonpublic high school shall complete two semesters or 28405
the equivalent of fine arts to graduate from high school. The 28406
coursework may be completed in any of grades seven to twelve. Each 28407
student who completes a fine arts course in grade seven or eight 28408
may elect to count that course toward the five units of electives 28409
required for graduation under division (C)(8) of this section, if 28410
the course satisfied the requirements of division (G) of this 28411
section. In that case, the high school shall award the student 28412

high school credit for the course and count the course toward the 28413
five units required under division (C)(8) of this section. If the 28414
course in grade seven or eight did not satisfy the requirements of 28415
division (G) of this section, the high school shall not award the 28416
student high school credit for the course but shall count the 28417
course toward the two semesters or the equivalent of fine arts 28418
required by this division. 28419

(L) Notwithstanding anything to the contrary in this section, 28420
the board of education of each school district and the governing 28421
authority of each chartered nonpublic school may adopt a policy to 28422
excuse from the high school physical education requirement each 28423
student who, during high school, has participated in 28424
interscholastic athletics, marching band, or cheerleading for at 28425
least two full seasons or in the junior reserve officer training 28426
corps for at least two full school years. If the board or 28427
authority adopts such a policy, the board or authority shall not 28428
require the student to complete any physical education course as a 28429
condition to graduate. However, the student shall be required to 28430
complete one-half unit, consisting of at least sixty hours of 28431
instruction, in another course of study. In the case of a student 28432
who has participated in the junior reserve officer training corps 28433
for at least two full school years, credit received for that 28434
participation may be used to satisfy the requirement to complete 28435
one-half unit in another course of study. 28436

(M) It is important that high school students learn and 28437
understand United States history and the governments of both the 28438
United States and the state of Ohio. Therefore, beginning with 28439
students who enter ninth grade for the first time on or after July 28440
1, 2012, the study of American history and American government 28441
required by divisions (B)(6) and (C)(6) of this section shall 28442
include the study of all of the following documents: 28443

(1) The Declaration of Independence; 28444

(2) The Northwest Ordinance;	28445
(3) The Constitution of the United States with emphasis on the Bill of Rights;	28446 28447
(4) The Ohio Constitution.	28448
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	28449 28450 28451
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	28452 28453 28454 28455 28456 28457
Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:	28458 28459 28460 28461 28462 28463 28464 28465 28466 28467 28468 28469
(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;	28470 28471 28472 28473
(b) Promote the student to fourth grade but provide the	28474

student with intensive intervention services in fourth grade;	28475
(c) Retain the student in third grade.	28476
(2) Beginning with students who enter third grade in the	28477
2013-2014 school year, unless the student is excused under	28478
division (C) of section 3301.0711 of the Revised Code from taking	28479
the assessment described in this section, no school district shall	28480
promote to fourth grade any student who does not attain at least	28481
the equivalent level of achievement designated under division	28482
(A)(3) of section 3301.0710 of the Revised Code on the assessment	28483
prescribed under that section to measure skill in English language	28484
arts expected at the end of third grade, unless one of the	28485
following applies:	28486
(a) The student is a limited English proficient student who	28487
has been enrolled in United States schools for less than three	28488
full school years and has had less than three years of instruction	28489
in an English as a second language program.	28490
(b) The student is a child with a disability entitled to	28491
special education and related services under Chapter 3323. of the	28492
Revised Code and the student's individualized education program	28493
exempts the student from retention under this division.	28494
(c) The student demonstrates an acceptable level of	28495
performance on an alternative standardized reading assessment as	28496
determined by the department of education.	28497
(d) All of the following apply:	28498
(i) The student is a child with a disability entitled to	28499
special education and related services under Chapter 3323. of the	28500
Revised Code.	28501
(ii) The student has taken the third grade English language	28502
arts achievement assessment prescribed under section 3301.0710 of	28503
the Revised Code.	28504

(iii) The student's individualized education program or plan 28505
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 28506
355, 29 U.S.C. 794, as amended, shows that the student has 28507
received intensive remediation in reading for two school years but 28508
still demonstrates a deficiency in reading. 28509

(iv) The student previously was retained in any of grades 28510
kindergarten to three. 28511

(e)(i) The student received intensive remediation for reading 28512
for two school years but still demonstrates a deficiency in 28513
reading and was previously retained in any of grades kindergarten 28514
to three. 28515

(ii) A student who is promoted under division (A)(2)(e)(i) of 28516
this section shall continue to receive intensive reading 28517
instruction in grade four. The instruction shall include an 28518
altered instructional day that includes specialized diagnostic 28519
information and specific research-based reading strategies for the 28520
student that have been successful in improving reading among 28521
low-performing readers. 28522

(B)(1) Beginning in the 2012-2013 school year, to assist 28523
students in meeting the third grade guarantee established by this 28524
section, each school district board of education shall adopt 28525
policies and procedures with which it annually shall assess the 28526
reading skills of each student, except those students with 28527
significant cognitive disabilities or other disabilities as 28528
authorized by the department on a case-by-case basis, enrolled in 28529
kindergarten to third grade and shall identify students who are 28530
reading below their grade level. The reading skills assessment 28531
shall be completed by the thirtieth day of September for students 28532
in grades one to three, and by the first day of November for 28533
students in kindergarten. Each district shall use the diagnostic 28534
assessment to measure reading ability for the appropriate grade 28535
level adopted under section 3301.079 of the Revised Code, or a 28536

comparable tool approved by the department of education, to 28537
identify such students. The policies and procedures shall require 28538
the students' classroom teachers to be involved in the assessment 28539
and the identification of students reading below grade level. The 28540
assessment may be administered electronically using live, two-way 28541
video and audio connections whereby the teacher administering the 28542
assessment may be in a separate location from the student. 28543

(2) For each student identified by the diagnostic assessment 28544
prescribed under this section as having reading skills below grade 28545
level, the district shall do both of the following: 28546

(a) Provide to the student's parent or guardian, in writing, 28547
all of the following: 28548

(i) Notification that the student has been identified as 28549
having a substantial deficiency in reading; 28550

(ii) A description of the current services that are provided 28551
to the student; 28552

(iii) A description of the proposed supplemental 28553
instructional services and supports that will be provided to the 28554
student that are designed to remediate the identified areas of 28555
reading deficiency; 28556

(iv) Notification that if the student attains a score in the 28557
range designated under division (A)(3) of section 3301.0710 of the 28558
Revised Code on the assessment prescribed under that section to 28559
measure skill in English language arts expected at the end of 28560
third grade, the student shall be retained unless the student is 28561
exempt under division (A) of this section. The notification shall 28562
specify that the assessment under section 3301.0710 of the Revised 28563
Code is not the sole determinant of promotion and that additional 28564
evaluations and assessments are available to the student to assist 28565
parents and the district in knowing when a student is reading at 28566
or above grade level and ready for promotion. 28567

(b) Provide intensive reading instruction services and 28568
regular diagnostic assessments to the student immediately 28569
following identification of a reading deficiency until the 28570
development of the reading improvement and monitoring plan 28571
required by division (C) of this section. These intervention 28572
services shall include research-based reading strategies that have 28573
been shown to be successful in improving reading among 28574
low-performing readers and instruction targeted at the student's 28575
identified reading deficiencies. 28576

(3) For each student retained under division (A) of this 28577
section, the district shall do all of the following: 28578

(a) Provide intense remediation services until the student is 28579
able to read at grade level. The remediation services shall 28580
include intensive interventions in reading that address the areas 28581
of deficiencies identified under this section including, but not 28582
limited to, not less than ninety minutes of reading instruction 28583
per day, and may include any of the following: 28584

(i) Small group instruction; 28585

(ii) Reduced teacher-student ratios; 28586

(iii) More frequent progress monitoring; 28587

(iv) Tutoring or mentoring; 28588

(v) Transition classes containing third and fourth grade 28589
students; 28590

(vi) Extended school day, week, or year; 28591

(vii) Summer reading camps. 28592

(b) Establish a policy for the mid-year promotion of a 28593
student retained under division (A) of this section who 28594
demonstrates that the student is reading at or above grade level; 28595

(c) ~~Provide~~ Except as provided in section 3302.16 of the 28596
Revised Code, provide each student with a teacher who satisfies 28597

one or more of the criteria set forth in division (H) of this section. 28598
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The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade. 28600
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(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field. 28608
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As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 28613
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(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 28615
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(1) Identification of the student's specific reading deficiencies; 28623
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 28625
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(3) Opportunities for the student's parent or guardian to be 28628

involved in the instructional services and support described in	28629
division (C)(2) of this section;	28630
(4) A process for monitoring the extent to which the student	28631
receives the instructional services and support described in	28632
division (C)(2) of this section;	28633
(5) A reading curriculum during regular school hours that	28634
does all of the following:	28635
(a) Assists students to read at grade level;	28636
(b) Provides scientifically based and reliable assessment;	28637
(c) Provides initial and ongoing analysis of each student's	28638
reading progress.	28639
(6) A statement that if the student does not attain at least	28640
the equivalent level of achievement designated under division	28641
(A)(3) of section 3301.0710 of the Revised Code on the assessment	28642
prescribed under that section to measure skill in English language	28643
arts expected by the end of third grade, the student may be	28644
retained in third grade.	28645
Each student with a reading improvement and monitoring plan	28646
under this division who enters third grade after July 1, 2013,	28647
shall be assigned to a teacher who satisfies one or more of the	28648
criteria set forth in division (H) of this section.	28649
The district shall report any information requested by the	28650
department about the reading improvement monitoring plans	28651
developed under this division in the manner required by the	28652
department.	28653
(D) Each school district shall report annually to the	28654
department on its implementation and compliance with this section	28655
using guidelines prescribed by the superintendent of public	28656
instruction. The superintendent of public instruction annually	28657
shall report to the governor and general assembly the number and	28658

percentage of students in grades kindergarten through four reading 28659
below grade level based on the diagnostic assessments administered 28660
under division (B) of this section and the achievement assessments 28661
administered under divisions (A)(1)(a) and (b) of section 28662
3301.0710 of the Revised Code in English language arts, aggregated 28663
by school district and building; the types of intervention 28664
services provided to students; and, if available, an evaluation of 28665
the efficacy of the intervention services provided. 28666

(E) Any summer remediation services funded in whole or in 28667
part by the state and offered by school districts to students 28668
under this section shall meet the following conditions: 28669

(1) The remediation methods are based on reliable educational 28670
research. 28671

(2) The school districts conduct assessment before and after 28672
students participate in the program to facilitate monitoring 28673
results of the remediation services. 28674

(3) The parents of participating students are involved in 28675
programming decisions. 28676

(F) Any intervention or remediation services required by this 28677
section shall include intensive, explicit, and systematic 28678
instruction. 28679

(G) This section does not create a new cause of action or a 28680
substantive legal right for any person. 28681

(H)(1) Except as provided under divisions (H)(2), (3), and 28682
(4) of this section, and except as provided in section 3302.16 of 28683
the Revised Code, each student described in division (B)(3) or (C) 28684
of this section who enters third grade for the first time on or 28685
after July 1, 2013, shall be assigned a teacher who has at least 28686
one year of teaching experience and who satisfies one or more of 28687
the following criteria: 28688

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,

but prior to July 1, 2016, may be assigned to a teacher who holds 28720
an alternative credential approved by the department or who has 28721
successfully completed training that is based on principles of 28722
scientifically research-based reading instruction that has been 28723
approved by the department. Beginning on July 1, 2014, the 28724
alternative credentials and training described in division (H)(3) 28725
of this section shall be aligned with the reading competencies 28726
adopted by the state board of education under section 3301.077 of 28727
the Revised Code. 28728

(4) Notwithstanding division (H)(1) of this section, a 28729
student described in division (B)(3) or (C) of this section who 28730
enters third grade for the first time on or after July 1, 2013, 28731
may receive reading intervention or remediation services under 28732
this section from an individual employed as a speech-language 28733
pathologist who holds a license issued by the board of 28734
speech-language pathology and audiology under Chapter 4753. of the 28735
Revised Code and a professional pupil services license as a school 28736
speech-language pathologist issued by the state board of 28737
education. 28738

(5) A teacher, other than a student's teacher of record, may 28739
provide any services required under this section, so long as that 28740
other teacher meets the requirements of division (H) of this 28741
section and the teacher of record and the school principal agree 28742
to the assignment. Any such assignment shall be documented in the 28743
student's reading improvement and monitoring plan. 28744

As used in this division, "teacher of record" means the 28745
classroom teacher to whom a student is assigned. 28746

(I) Notwithstanding division (H) of this section, a teacher 28747
may teach reading to any student who is an English language 28748
learner, and has been in the United States for three years or 28749
less, or to a student who has an individualized education program 28750
developed under Chapter 3323. of the Revised Code if that teacher 28751

holds an alternative credential approved by the department or has 28752
successfully completed training that is based on principles of 28753
scientifically research-based reading instruction that has been 28754
approved by the department. Beginning on July 1, 2014, the 28755
alternative credentials and training described in this division 28756
shall be aligned with the reading competencies adopted by the 28757
state board of education under section 3301.077 of the Revised 28758
Code. 28759

(J) If, on or after June 4, 2013, a school district or 28760
community school cannot furnish the number of teachers needed who 28761
satisfy one or more of the criteria set forth in division (H) of 28762
this section for the 2013-2014 school year, the school district or 28763
community school shall develop and submit a staffing plan by June 28764
30, 2013. The staffing plan shall include criteria that will be 28765
used to assign a student described in division (B)(3) or (C) of 28766
this section to a teacher, credentials or training held by 28767
teachers currently teaching at the school, and how the school 28768
district or community school will meet the requirements of this 28769
section. The school district or community school shall post the 28770
staffing plan on its web site for the applicable school year. 28771

Not later than March 1, 2014, and on the first day of March 28772
in each year thereafter, a school district or community school 28773
that has submitted a plan under this division shall submit to the 28774
department a detailed report of the progress the district or 28775
school has made in meeting the requirements under this section. 28776

A school district or community school may request an 28777
extension of a staffing plan beyond the 2013-2014 school year. 28778
Extension requests must be submitted to the department not later 28779
than the thirtieth day of April prior to the start of the 28780
applicable school year. The department may grant extensions valid 28781
through the 2015-2016 school year. 28782

Until June 30, 2015, the department annually shall review all 28783

staffing plans and report to the state board not later than the 28784
thirtieth day of June of each year the progress of school 28785
districts and community schools in meeting the requirements of 28786
this section. 28787

(K) The department of education shall designate one or more 28788
staff members to provide guidance and assistance to school 28789
districts and community schools in implementing the third grade 28790
guarantee established by this section, including any standards or 28791
requirements adopted to implement the guarantee and to provide 28792
information and support for reading instruction and achievement. 28793

Sec. 3313.6010. The ~~state~~ board of education ~~shall adopt~~ 28794
~~rules permitting~~ of a school districts to district may contract 28795
with public and private providers of academic remediation and 28796
intervention in mathematics, science, reading, writing, and social 28797
studies for the purpose of assisting pupils in ~~grades one through~~ 28798
~~six~~ any grade outside of regular school hours. 28799

Sec. 3313.612. (A) No nonpublic school chartered by the state 28800
board of education shall grant a high school diploma to any person 28801
unless, subject to section 3313.614 of the Revised Code, the 28802
person has met the assessment requirements of division (A)(1) or 28803
(2) of this section, as applicable. 28804

(1) If the person entered the ninth grade prior to July 1, 28805
2014, the person has attained at least the applicable scores 28806
designated under division (B)(1) of section 3301.0710 of the 28807
Revised Code on all the assessments required by that division, or 28808
has satisfied the alternative conditions prescribed in section 28809
3313.615 of the Revised Code. 28810

(2) If the person entered the ninth grade on or after July 1, 28811
2014, the person has met the requirement prescribed by section 28812
3313.618 of the Revised Code. 28813

(B) This section does not apply to any of the following:	28814
(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;	28815 28816 28817
(2) Any person that <u>who</u> attends a nonpublic school acting in accordance with division (D) of this section with regard to any end-of-course examination required <u>prescribed</u> under divisions <u>division</u> (B) (2) and (3) of section 3301.0712 of the Revised Code, <u>except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;</u>	28818 28819 28820 28821 28822 28823 28824
(3) <u>Any person who attends a nonpublic school accredited through the independent school association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.</u>	28825 28826 28827 28828 28829
<u>(4)</u> Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:	28830 28831 28832 28833 28834 28835 28836 28837 28838 28839
(a) The person is not a citizen of the United States;	28840
(b) The person is not a permanent resident of the United States;	28841 28842
(c) The person indicates no intention to reside in the United States after completion of high school.	28843 28844

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 28845
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section. 28848
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(D) A nonpublic school chartered by the state board that is not accredited through the independent school association of the central states may forgo the end-of-course examinations ~~required by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, if that school publishes the results of the standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code for each graduating class. The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment. 28855
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(E) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 28865
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(F) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 28868
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~~(G) The exemption provided for in divisions (B)(2) and (D) of this section shall be effective on and after October 1, 2015, but only if the general assembly does not enact different requirements regarding end-of-course examinations for chartered nonpublic schools that are effective by that date.~~ 28871
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Sec. 3313.614. (A) As used in this section, a person 28876
"fulfills the curriculum requirement for a diploma" at the time 28877
one of the following conditions is satisfied: 28878

(1) The person successfully completes the high school 28879
curriculum of a school district, a community school, a chartered 28880
nonpublic school, or a correctional institution. 28881

(2) The person successfully completes the individualized 28882
education program developed for the person under section 3323.08 28883
of the Revised Code. 28884

(3) A board of education issues its determination under 28885
section 3313.611 of the Revised Code that the person qualifies as 28886
having successfully completed the curriculum required by the 28887
district. 28888

(B) This division specifies the assessment requirements that 28889
must be fulfilled as a condition toward granting high school 28890
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 28891
of the Revised Code. 28892

(1) A person who fulfills the curriculum requirement for a 28893
diploma before September 15, 2000, is not required to pass any 28894
proficiency test or achievement test in science as a condition to 28895
receiving a diploma. 28896

(2) A person who began ninth grade for the first time prior 28897
to July 1, 2003, is not required to pass the Ohio graduation test 28898
prescribed under division (B)(1) of section 3301.0710 or any 28899
assessment prescribed under division (B)(2) of that section in any 28900
subject as a condition to receiving a diploma once the person has 28901
passed the ninth grade proficiency test in the same subject, so 28902
long as the person passed the ninth grade proficiency test prior 28903
to September 15, 2008. However, any such person who passes the 28904
Ohio graduation test in any subject prior to passing the ninth 28905

grade proficiency test in the same subject shall be deemed to have 28906
passed the ninth grade proficiency test in that subject as a 28907
condition to receiving a diploma. For this purpose, the ninth 28908
grade proficiency test in citizenship substitutes for the Ohio 28909
graduation test in social studies. If a person began ninth grade 28910
prior to July 1, 2003, but does not pass a ninth grade proficiency 28911
test or the Ohio graduation test in a particular subject before 28912
September 15, 2008, and passage of a test in that subject is a 28913
condition for the person to receive a diploma, the person must 28914
pass the Ohio graduation test instead of the ninth grade 28915
proficiency test in that subject to receive a diploma. 28916

(3) A (a) Except as provided in division (B)(3)(b) of this 28917
section, a person who begins ninth grade for the first time on or 28918
after July 1, 2003, in a school district, community school, or 28919
chartered nonpublic school is not eligible to receive a diploma 28920
based on passage of ninth grade proficiency tests. Each such 28921
person who begins ninth grade prior to July 1, 2014, must pass 28922
Ohio graduation tests to meet the assessment requirements 28923
applicable to that person as a condition to receiving a diploma or 28924
satisfy one of the conditions prescribed in division (B)(3)(b) of 28925
this section. 28926

(b) A person who began ninth grade for the first time prior 28927
to July 1, 2014, shall be eligible to receive a diploma if the 28928
person meets the requirement prescribed by section 3313.618 of the 28929
Revised Code. 28930

(c) A person who began ninth grade for the first time prior 28931
to July 1, 2014, and who has not attained at least the applicable 28932
scores designated under division (B)(1) of section 3301.0710 of 28933
the Revised Code on all the assessments required by that division 28934
shall be eligible to receive a diploma if the person meets the 28935
requirement prescribed by rule of the state board of education as 28936
prescribed under division (B)(3)(d) of this section. 28937

(d) Not later than December 31, 2015, the state board of education shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code. The rules shall include the following:

(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section;

(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code;

(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 of the Revised Code.

(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must meet the requirement prescribed by section 3313.618 of the Revised Code.

(C) This division specifies the curriculum requirement that shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall

complete the curriculum required by the school district or school 28969
issuing the diploma for the first year that the person originally 28970
enrolled in high school, except for a person who qualifies for 28971
graduation from high school under either division (D) or (F) of 28972
section 3313.603 of the Revised Code. 28973

(2) Once a person fulfills the curriculum requirement for a 28974
diploma, the person is never required, as a condition of receiving 28975
a diploma, to meet any different curriculum requirements that take 28976
effect pending the person's passage of proficiency tests or 28977
achievement tests or assessments, including changes mandated by 28978
section 3313.603 of the Revised Code, the state board, a school 28979
district board of education, or a governing authority of a 28980
community school or chartered nonpublic school. 28981

Sec. 3313.615. This section shall apply to diplomas awarded 28982
after September 15, 2006, to students who are required to take the 28983
five Ohio graduation tests prescribed by division (B)(1) of 28984
section 3301.0710 of the Revised Code. This section does not apply 28985
to any student who enters ninth grade for the first time on or 28986
after July 1, 2014. 28987

(A) As an alternative to the requirement that a person attain 28988
the scores designated under division (B)(1) of section 3301.0710 28989
of the Revised Code on all the assessments required under that 28990
division in order to be eligible for a high school diploma or an 28991
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 28992
Revised Code or for a diploma of adult education under section 28993
3313.611 of the Revised Code, a person who has attained at least 28994
the applicable scores designated under division (B)(1) of section 28995
3301.0710 of the Revised Code on all but one of the assessments 28996
required by that division and from which the person was not 28997
excused or exempted, pursuant to division (L) of section 3313.61, 28998
division (B)(1) of section 3313.612, or section 3313.532 of the 28999

Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;

(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules 29031
designating grade point averages equivalent to the average 29032
specified in division (A)(4) of this section for use by school 29033
districts and schools with different grading systems. 29034

(C) Any student who is exempt from attaining the applicable 29035
score designated under division (B)(1) of section 3301.0710 of the 29036
Revised Code on the Ohio graduation test in social studies 29037
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 29038
of section 3313.612 of the Revised Code shall not qualify for a 29039
high school diploma under this section, unless, notwithstanding 29040
the exemption, the student attains the applicable score on that 29041
assessment. If the student attains the applicable score on that 29042
assessment, the student may qualify for a diploma under this 29043
section in the same manner as any other student who is required to 29044
take the five Ohio graduation tests prescribed by division (B)(1) 29045
of section 3301.0710 of the Revised Code. 29046

Sec. 3313.617. (A) A person who meets all of the following 29047
criteria shall be permitted to take the tests of general 29048
educational development: 29049

(1) The person is at least ~~eighteen~~ nineteen years of age. 29050

(2) The person is officially withdrawn from school. 29051

(3) The person has not received a high school diploma or 29052
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 29053
or 3325.08 of the Revised Code. 29054

(B) ~~When a (1)~~ A person who is at least sixteen years of age 29055
but less than ~~eighteen~~ nineteen years of age ~~applies~~ may apply to 29056
the department of education to take the tests of general 29057
educational development, so long as the person has not received a 29058
high school diploma or honors diploma awarded under section 29059
3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code. 29060

In order to apply, the person shall submit, along with the 29061
application written, both of the following: 29062

(a) If the person is less than eighteen years of age, written 29063
approval from the person's parent or guardian or a court official; 29064

(b) The person's official high school transcript. The 29065
transcript shall include, at a minimum, the previous twelve months 29066
of the person's enrollment in a program approved to grant a high 29067
school diploma. 29068

(2) The department shall determine whether to approve or deny 29069
applications submitted under division (B)(1) of this section. The 29070
department shall approve a person's application only if the person 29071
meets both of the following criteria: 29072

(a) The person has been continuously enrolled in a program 29073
approved to grant a high school diploma for at least one semester 29074
and attained an attendance rate of at least seventy-five per cent 29075
during that semester. 29076

(b) The person shows good cause, as determined by rules 29077
adopted by the department pursuant to division (B)(3) of this 29078
section. 29079

(3) The state board of education shall adopt rules, in 29080
accordance with Chapter 119. of the Revised Code, for the 29081
administration of division (B) of this section. The rules shall 29082
include what qualifies as good cause for purposes of that 29083
division. 29084

(C) If a person's application is approved under division (B) 29085
of this section, and the person is less than eighteen years of 29086
age, that person shall remain enrolled in school and maintain an 29087
attendance rate of at least seventy-five per cent until either: 29088

(1) The person passes all required sections of the tests of 29089
general educational development; or 29090

(2) The person is eighteen years of age. 29091

~~(C)(D)~~ For the purpose of calculating graduation rates for 29092
the school district and building report cards under section 29093
3302.03 of the Revised Code, the department shall count any person 29094
~~for whom approval is obtained from the person's parent or guardian~~ 29095
~~or a court official who officially withdraws from school to take~~ 29096
~~the tests of general educational development under division (B) of~~ 29097
this section as a dropout from the district or school in which the 29098
person was last enrolled ~~prior to obtaining the approval.~~ 29099

Sec. 3313.68. (A) The board of education of each city, 29100
exempted village, or local school district may appoint one or more 29101
school physicians and one or more school dentists. Two or more 29102
school districts may unite and employ one such physician and at 29103
least one such dentist whose duties shall be such as are 29104
prescribed by law. Said school physician shall hold a license to 29105
practice medicine in Ohio, and each school dentist shall be 29106
licensed to practice in this state. School physicians and dentists 29107
may be discharged at any time by the board of education. School 29108
physicians and dentists shall serve one year and until their 29109
successors are appointed and shall receive such compensation as 29110
the board of education determines. The board of education may also 29111
employ registered nurses, as defined by section 4723.01 and 29112
licensed as school nurses under section 3319.221 of the Revised 29113
Code, to aid in such inspection in such ways as are prescribed by 29114
it, and to aid in the conduct and coordination of the school 29115
health service program. The school dentists shall make such 29116
examinations and diagnoses and render such remedial or corrective 29117
treatment for the school children as is prescribed by the board of 29118
education; provided that all such remedial or corrective treatment 29119
shall be limited to the children whose parents cannot otherwise 29120
provide for same, and then only with the written consent of the 29121
parents or guardians of such children. School dentists may also 29122

conduct such oral hygiene educational work as is authorized by the 29123
board of education. 29124

The board of education may delegate the duties and powers 29125
provided for in this section to the board of health or officer 29126
performing the functions of a board of health within the school 29127
district, if such board or officer is willing to assume the same. 29128
Boards of education shall co-operate with boards of health in the 29129
prevention and control of epidemics. 29130

(B) Notwithstanding any provision of the Revised Code to the 29131
contrary, the board of education of each city, exempted village, 29132
or local school district may contract with an educational service 29133
center for the services of a school nurse, licensed under section 29134
3319.221 of the Revised Code, or of a registered nurse or licensed 29135
practical nurse, licensed under Chapter 4723. of the Revised Code, 29136
to provide services to students in the district pursuant to 29137
section 3313.7112 of the Revised Code. 29138

(C) In lieu of appointing or employing a school physician or 29139
dentist pursuant to division (A) of this section or entering into 29140
a contract for the services of a school nurse pursuant to division 29141
(B) of this section, the board of education of each city, exempted 29142
village, or local school district may enter into a contract under 29143
section 3313.721 of the Revised Code for the purpose of providing 29144
health care services to students. 29145

Sec. 3313.72. The board of education of a city, exempted 29146
village, or local school district may enter into a contract with a 29147
health district for the purpose of providing the services of a 29148
school physician, dentist, or nurse. The board may also enter into 29149
a contract under section 3313.721 of the Revised Code for the 29150
purpose of providing health care services to students. 29151

Sec. 3313.721. (A) Notwithstanding anything to the contrary 29152

in the Revised Code, the board of education of a school district 29153
may enter into a contract with a hospital registered under section 29154
3701.07 of the Revised Code or an appropriately licensed health 29155
care provider for the purpose of providing health care services 29156
specifically authorized by the Revised Code to students. 29157

(B) If the board enters into a contract with a hospital or 29158
health care provider under division (A) of this section, the 29159
requirement to obtain a school nurse license or school nurse 29160
wellness coordinator license under section 3319.221 of the Revised 29161
Code, or any rules related to this requirement, shall not apply to 29162
an employee of the hospital or health care provider who is 29163
providing the services of a nurse under that contract. However, at 29164
a minimum, the employee shall hold a credential that is equivalent 29165
to being licensed as a registered nurse or licensed practical 29166
nurse under Chapter 4723. of the Revised Code. 29167

Sec. 3313.751. (A) As used in this section: 29168

(1) "School district" means a city, local, exempted village, 29169
or joint vocational school district. 29170

(2) "Smoke" means to burn any substance containing tobacco, 29171
including a lighted cigarette, cigar, or pipe, or to burn a clove 29172
cigarette. 29173

(3) "Use tobacco" means to chew or maintain any substance 29174
containing tobacco, including smokeless tobacco, or any substance 29175
derived from tobacco, in the mouth to derive the effects of 29176
tobacco. 29177

(4) "Use nicotine" means to maintain any substance containing 29178
nicotine or a similar substance intended for human consumption or 29179
consume nicotine or similar substance, whether by means of 29180
smoking, heating, chewing, absorbing, dissolving, or ingesting by 29181
any other means. "Use nicotine" does not include the use of 29182

nicotine replacement therapy products. 29183

(5) "Nicotine replacement therapy product" means a smoking or nicotine cessation product that has been approved by the United States food and drug administration as a nicotine replacement therapy product. 29184
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(B)(1) No pupil shall smoke or use tobacco or nicotine or possess any substance containing tobacco or nicotine in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 29188
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(2) No person shall smoke or use tobacco in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 29194
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(C) The board of education of each school district and the governing board of each educational service center shall adopt a policy providing for the enforcement of division (B) of this section and against all persons. 29199
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(D) The board of education of each school district and the governing board of each educational service center shall adopt a policy establishing disciplinary measures for a violation of division (B) of this section. 29203
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Sec. 3313.902. (A) As used in this section: 29207

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the ~~ehancellor of the Ohio board of regents~~ director of higher education. 29208
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot 29211
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<u>program under this section.</u>	29213
<u>(3) "Approved program of study" means a program of study</u>	29214
<u>offered by an approved institution that satisfies the requirements</u>	29215
<u>of division (B) of this section.</u>	29216
<u>(4) An eligible student's "career pathway training program</u>	29217
<u>amount" means the following:</u>	29218
<u>(a) If the student is enrolled in a tier one career pathway</u>	29219
<u>training program, \$4,800;</u>	29220
<u>(b) If the student is enrolled in a tier two career pathway</u>	29221
<u>training program, \$3,200;</u>	29222
<u>(c) If the student is enrolled in a tier three career pathway</u>	29223
<u>training program, \$1,600.</u>	29224
<u>(5) "Eligible institution" means any of the following:</u>	29225
<u>(a) A community college established under Chapter 3354. of</u>	29226
<u>the Revised Code;</u>	29227
<u>(b) A technical college established under Chapter 3357. of</u>	29228
<u>the Revised Code;</u>	29229
<u>(c) A state community college established under Chapter 3358.</u>	29230
<u>of the Revised Code;</u>	29231
<u>(d) An Ohio technical center recognized by the chancellor</u>	29232
<u>director that provides post-secondary workforce education.</u>	29233
(3) <u>(6) "Eligible student" means an individual who is at least</u>	29234
<u>twenty-two years of age and has not received a high school diploma</u>	29235
<u>or a certificate of high school equivalence, as defined in section</u>	29236
<u>4109.06 of the Revised Code.</u>	29237
<u>(7) A "tier one career pathway training program" is a career</u>	29238
<u>pathway training program that requires more than six hundred hours</u>	29239
<u>of technical training, as determined by the department of</u>	29240
<u>education.</u>	29241

(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.

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(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.

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(10) An eligible student's "work readiness training amount" means the following:

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(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.

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(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750.

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~~(B) The adult career opportunity diploma pilot program is hereby established to permit an eligible institution to obtain approval from the state board of education superintendent of public instruction and the chancellor director of higher education to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:~~

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(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate.

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(2) The program includes career advising and outreach.

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(3) The program includes opportunities for students to receive a competency-based education. 29273
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, and 3313.618 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section. 29275
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(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study: 29282
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(The student's career pathway training program amount + the student's work readiness training amount) X 1.2 29285
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(2) The department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner: 29287
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(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department; 29291
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(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department; 29296
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(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the 29301
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approved program of study, as determined by the department. 29304

(3) Of the amount paid to an approved institution under 29305
division (D)(2) of this section, the institution may use the 29306
amount that is in addition to the student's career pathway 29307
training amount and the student's work readiness training amount 29308
for the associated services of the approved program of study. 29309
These services include counseling, advising, assessment, and other 29310
services as determined or required by the department. 29311

(E) The superintendent of ~~public instruction~~, in consultation 29312
with the ~~chancellor~~ director, shall adopt rules for the 29313
implementation of the adult ~~career opportunity~~ diploma pilot 29314
program, including ~~the~~ all of the following: 29315

(1) The requirements for applying for program approval; 29316

(2) The requirements for obtaining a high school diploma 29317
through the program, including the requirement to obtain a passing 29318
score on an assessment that is appropriate for the career pathway 29319
training program that is being completed by the eligible student, 29320
and the date on which these requirements take effect; 29321

(3) The assessment or assessments that may be used to 29322
complete the assessment requirement for each career pathway 29323
training program under division (E)(2) of this section and the 29324
score that must be obtained on each assessment in order to pass 29325
the assessment; 29326

(4) Guidelines regarding the funding of the program under 29327
division (D) of this section, including a method of funding for 29328
students who transfer from one approved institution to another 29329
approved institution prior to completing an approved program of 29330
study; 29331

(5) Circumstances under which an eligible student may be 29332
charged for tuition, supplies, or associated fees while enrolled 29333
in an approved institution's approved program of study; 29334

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section; 29335
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(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 29339
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Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements: 29341
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(1) The school either: 29347

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district; 29348
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(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both: 29351
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(i) Located in a municipal corporation with a population of ~~fifty~~ fifteen thousand or more; 29354
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(ii) ~~Adjacent to~~ Located within five miles of the border of the pilot project school district. 29356
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(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 29358
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(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that 29363
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the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) If the school is not subject to division (K)(1)(a) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to

provide. 29428

Sec. 3313.981. (A) The state board of education shall adopt 29429
rules requiring all of the following: 29430

(1) The board of education of each city, exempted village, 29431
and local school district to annually report to the department of 29432
education all of the following: 29433

(a) The number of adjacent district or other district 29434
students in grades kindergarten through twelve, as applicable, the 29435
number of adjacent district or other district students who are 29436
preschool children with disabilities, as applicable, and the 29437
number of adjacent district or other district joint vocational 29438
students, as applicable, enrolled in the district and the, in 29439
accordance with a policy adopted under division (B) of section 29440
3313.98 of the Revised Code; 29441

(b) The number of native students in grades kindergarten 29442
through twelve enrolled in adjacent or other districts and the 29443
number of native students who are preschool children with 29444
disabilities enrolled in adjacent or other districts, in 29445
accordance with a policy adopted under division (B) of section 29446
3313.98 of the Revised Code; 29447

~~(b)~~(c) Each adjacent district or other district student's or 29448
adjacent district or other district joint vocational student's 29449
date of enrollment in the district; 29450

~~(e)~~(d) The full-time equivalent number of adjacent district 29451
or other district students enrolled in each of the categories of 29452
career-technical education programs or classes described in 29453
section 3317.014 of the Revised Code; 29454

~~(d)~~(e) Each native student's date of enrollment in an 29455
adjacent or other district. 29456

(2) The board of education of each joint vocational school 29457

district to annually report to the department all of the 29458
following: 29459

(a) The number of adjacent district or other district joint 29460
vocational students, as applicable, enrolled in the district; 29461

(b) The full-time equivalent number of adjacent district or 29462
other district joint vocational students enrolled in each category 29463
of career-technical education programs or classes described in 29464
section 3317.014 of the Revised Code; 29465

(c) For each adjacent district or other district joint 29466
vocational student, the city, exempted village, or local school 29467
district in which the student is also enrolled. 29468

(3) Prior to the end of each reporting period specified in 29469
section 3317.03 of the Revised Code, the superintendent of each 29470
city, local, or exempted village school district that admits 29471
adjacent district or other district students who are in grades 29472
kindergarten through twelve, adjacent district or other district 29473
students who are preschool children with disabilities, or adjacent 29474
district or other district joint vocational students in accordance 29475
with a policy adopted under division (B) of section 3313.98 of the 29476
Revised Code to report to the department of education each 29477
adjacent or other district's students and where those students who 29478
are enrolled in the superintendent's district under the policy are 29479
entitled to attend school under section 3313.64 or 3313.65 of the 29480
Revised Code. 29481

The rules shall provide for the method of counting students 29482
who are enrolled for part of a school year in an adjacent or other 29483
district or as an adjacent district or other district joint 29484
vocational student. 29485

(B) From the payments made to a city, exempted village, or 29486
local school district under Chapter 3317. of the Revised Code and, 29487
if necessary, from the payments made to the district under 29488

sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~both~~ all of the following:

(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades

kindergarten through twelve enrolled in the district, as reported 29520
under division (A)(1) of this section; 29521

(2) The excess costs computed in accordance with division (E) 29522
of this section for any adjacent district or other district 29523
students in grades kindergarten through twelve, except for any 29524
adjacent or other district joint vocational students, receiving 29525
special education and related services in the district; 29526

(3) For ~~the~~ each of the adjacent or other district students 29527
who are not adjacent district or other district joint vocational 29528
students and are reported under division (A)(1)~~(e)~~(d) of this 29529
section as enrolled in career-technical education programs or 29530
classes described in section 3317.014 of the Revised Code, the per 29531
pupil amount prescribed by that section for the student's 29532
respective career-technical category, on a full-time equivalency 29533
basis; 29534

(4) An amount equal to the number of adjacent district or 29535
other district joint vocational students reported under division 29536
(A)(1) of this section multiplied by an amount equal to twenty per 29537
cent of the formula amount; 29538

(5) For each adjacent district or other district student who 29539
is a preschool child with a disability reported under division 29540
(A)(1) of this section who is enrolled in the district, \$4,000. 29541

(D) To the payments made to a joint vocational school 29542
district under Chapter 3317. of the Revised Code, the department 29543
of education shall add, for each adjacent district or other 29544
district joint vocational student reported under division (A)(2) 29545
of this section, both of the following: 29546

(1) The formula amount; 29547

(2) The per pupil amount for each of the students reported 29548
pursuant to division (A)(2)(b) of this section prescribed by 29549
section 3317.014 of the Revised Code for the student's respective 29550

career-technical category, on a full-time equivalency basis. 29551

(E)(1) A city, exempted village, or local school board 29552
providing special education and related services to an adjacent or 29553
other district student in grades kindergarten through twelve in 29554
accordance with an IEP shall, pursuant to rules of the state 29555
board, compute the excess costs to educate such student as 29556
follows: 29557

(a) Subtract the formula amount from the actual costs to 29558
educate the student; 29559

(b) From the amount computed under division (E)(1)(a) of this 29560
section subtract the amount of any funds received by the district 29561
under Chapter 3317. of the Revised Code to provide special 29562
education and related services to the student. 29563

(2) The board shall report the excess costs computed under 29564
this division to the department of education. 29565

(3) If any student for whom excess costs are computed under 29566
division (E)(1) of this section is an adjacent or other district 29567
joint vocational student, the department of education shall add 29568
the amount of such excess costs to the payments made under Chapter 29569
3317. of the Revised Code to the joint vocational school district 29570
enrolling the student. 29571

(F) As provided in division (D)(1)(b) of section 3317.03 of 29572
the Revised Code, no joint vocational school district shall count 29573
any adjacent or other district joint vocational student enrolled 29574
in the district in its enrollment certified under section 3317.03 29575
of the Revised Code. 29576

(G) No city, exempted village, or local school district shall 29577
receive a payment under division (C) of this section for a 29578
student, and no joint vocational school district shall receive a 29579
payment under division (D) of this section for a student, if for 29580
the same school year that student is counted in the district's 29581

enrollment certified under section 3317.03 of the Revised Code. 29582

(H) Upon request of a parent, and provided the board offers 29583
transportation to native students of the same grade level and 29584
distance from school under section 3327.01 of the Revised Code, a 29585
city, exempted village, or local school board enrolling an 29586
adjacent or other district student shall provide transportation 29587
for the student within the boundaries of the board's district, 29588
except that the board shall be required to pick up and drop off a 29589
nonhandicapped student only at a regular school bus stop 29590
designated in accordance with the board's transportation policy. 29591
Pursuant to rules of the state board of education, such board may 29592
reimburse the parent from funds received for pupil transportation 29593
under section 3317.0212 of the Revised Code, or other provisions 29594
of law, for the reasonable cost of transportation from the 29595
student's home to the designated school bus stop if the student's 29596
family has an income below the federal poverty line. 29597

Sec. 3314.02. (A) As used in this chapter: 29598

(1) "Sponsor" means the board of education of a school 29599
district or the governing board of an educational service center 29600
that agrees to the conversion of all or part of a school or 29601
building under division (B) of this section, or an entity listed 29602
in division (C)(1) of this section, which ~~either~~ has been approved 29603
by the department of education to sponsor community schools or is 29604
exempted by section 3314.021 or 3314.027 of the Revised Code from 29605
obtaining approval, and with which the governing authority of a 29606
community school enters into a contract under section 3314.03 of 29607
the Revised Code. 29608

(2) "Pilot project area" means the school districts included 29609
in the territory of the former community school pilot project 29610
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 29611
the 122nd general assembly. 29612

- (3) "Challenged school district" means any of the following: 29613
- (a) A school district that is part of the pilot project area; 29614
- (b) A school district that meets one of the following 29615
conditions: 29616
- (i) On March 22, 2013, the district was in a state of 29617
academic emergency or in a state of academic watch under section 29618
3302.03 of the Revised Code, as that section existed prior to 29619
March 22, 2013; 29620
- (ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 29621
2015-2016 school years, the district received a grade of "D" or 29622
"F" for the performance index score and a grade of "F" for the 29623
value-added progress dimension under section 3302.03 of the 29624
Revised Code; 29625
- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any 29626
school year thereafter, the district has received an overall grade 29627
of "D" or "F" under division (C)(3) of section 3302.03 of the 29628
Revised Code, or, for at least two of the three most recent school 29629
years, the district received a grade of "F" for the value-added 29630
progress dimension under division (C)(1)(e) of that section. 29631
- (c) A big eight school district; 29632
- (d) A school district ranked in the lowest five per cent of 29633
school districts according to performance index score under 29634
section 3302.21 of the Revised Code. 29635
- (4) "Big eight school district" means a school district that 29636
for fiscal year 1997 had both of the following: 29637
- (a) A percentage of children residing in the district and 29638
participating in the predecessor of Ohio works first greater than 29639
thirty per cent, as reported pursuant to section 3317.10 of the 29640
Revised Code; 29641
- (b) An average daily membership greater than twelve thousand, 29642

as reported pursuant to former division (A) of section 3317.03 of 29643
the Revised Code. 29644

(5) "New start-up school" means a community school other than 29645
one created by converting all or part of an existing public school 29646
or educational service center building, as designated in the 29647
school's contract pursuant to division (A)(17) of section 3314.03 29648
of the Revised Code. 29649

(6) "Urban school district" means one of the state's 29650
twenty-one urban school districts as defined in division (O) of 29651
section 3317.02 of the Revised Code as that section existed prior 29652
to July 1, 1998. 29653

(7) "Internet- or computer-based community school" means a 29654
community school established under this chapter in which the 29655
enrolled students work primarily from their residences on 29656
assignments in nonclassroom-based learning opportunities provided 29657
via an internet- or other computer-based instructional method that 29658
does not rely on regular classroom instruction or via 29659
comprehensive instructional methods that include internet-based, 29660
other computer-based, and noncomputer-based learning opportunities 29661
unless a student receives career-technical education under section 29662
3314.086 of the Revised Code. 29663

A community school that operates mainly as an internet- or 29664
computer-based community school and provides career-technical 29665
education under section 3314.086 of the Revised Code shall be 29666
considered an internet- or computer-based community school, even 29667
if it provides some classroom-based instruction, so long as it 29668
provides instruction via the methods described in this division. 29669

(8) "Operator" means either of the following: 29670

(a) An individual or organization that manages the daily 29671
operations of a community school pursuant to a contract between 29672
the operator and the school's governing authority; 29673

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an~~

~~educational service center that sponsors community schools and 29705
that is exempted under section 3314.021 or 3314.027 of the Revised 29706
Code from the requirement to be approved for sponsorship under 29707
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29708
Code. 29709~~

An educational service center that sponsors a community 29710
school in accordance with this division shall be approved by and 29711
enter into a written agreement with the department as described in 29712
section 3314.015 of the Revised Code. 29713

(3) Upon receipt of a proposal, a board may enter into a 29714
preliminary agreement with the person or group proposing the 29715
conversion of the public school or service center building, 29716
indicating the intention of the board to support the conversion to 29717
a community school. A proposing person or group that has a 29718
preliminary agreement under this division may proceed to finalize 29719
plans for the school, establish a governing authority for the 29720
school, and negotiate a contract with the board. Provided the 29721
proposing person or group adheres to the preliminary agreement and 29722
all provisions of this chapter, the board shall negotiate in good 29723
faith to enter into a contract in accordance with section 3314.03 29724
of the Revised Code and division (C) of this section. 29725

(4) The sponsor of a conversion community school proposed to 29726
open in an alliance municipal school district shall be subject to 29727
approval by the department of education for sponsorship of that 29728
school using the criteria established under division (A) of 29729
section 3311.87 of the Revised Code. 29730

Division (B)(4) of this section does not apply to a sponsor 29731
that ~~is, on or before the effective date of this amendment, was 29732
exempted under section 3314.021 or 3314.027 of the Revised Code 29733
from the requirement to be approved for sponsorship under 29734
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29735
Code. 29736~~

(C)(1) Any person or group of individuals may propose under 29737
this division the establishment of a new start-up school to be 29738
located in a challenged school district. The proposal may be made 29739
to any of the following entities: 29740

(a) The board of education of the district in which the 29741
school is proposed to be located; 29742

(b) The board of education of any joint vocational school 29743
district with territory in the county in which is located the 29744
majority of the territory of the district in which the school is 29745
proposed to be located; 29746

(c) The board of education of any other city, local, or 29747
exempted village school district having territory in the same 29748
county where the district in which the school is proposed to be 29749
located has the major portion of its territory; 29750

(d) The governing board of any educational service center, 29751
regardless of the location of the proposed school, may sponsor a 29752
new start-up school in any challenged school district in the state 29753
if all of the following are satisfied: 29754

(i) If applicable, it satisfies the requirements of division 29755
(E) of section 3311.86 of the Revised Code; 29756

(ii) It is approved to do so by the department; 29757

(iii) It enters into an agreement with the department under 29758
section 3314.015 of the Revised Code. 29759

(e) A sponsoring authority designated by the board of 29760
trustees of any of the thirteen state universities listed in 29761
section 3345.011 of the Revised Code or the board of trustees 29762
itself as long as a mission of the proposed school to be specified 29763
in the contract under division (A)(2) of section 3314.03 of the 29764
Revised Code and as approved by the department under division 29765
(B)(2) of section 3314.015 of the Revised Code will be the 29766

practical demonstration of teaching methods, educational 29767
technology, or other teaching practices that are included in the 29768
curriculum of the university's teacher preparation program 29769
approved by the state board of education; 29770

(f) Any qualified tax-exempt entity under section 501(c)(3) 29771
of the Internal Revenue Code as long as all of the following 29772
conditions are satisfied: 29773

(i) The entity has been in operation for at least five years 29774
prior to applying to be a community school sponsor. 29775

(ii) The entity has assets of at least five hundred thousand 29776
dollars and a demonstrated record of financial responsibility. 29777

(iii) The department has determined that the entity is an 29778
education-oriented entity under division (B)(3) of section 29779
3314.015 of the Revised Code and the entity has a demonstrated 29780
record of successful implementation of educational programs. 29781

(iv) The entity is not a community school. 29782

(g) The mayor of a city in which the majority of the 29783
territory of a school district to which section 3311.60 of the 29784
Revised Code applies is located, regardless of whether that 29785
district has created the position of independent auditor as 29786
prescribed by that section. The mayor's sponsorship authority 29787
under this division is limited to community schools that are 29788
located in that school district. Such mayor may sponsor community 29789
schools only with the approval of the city council of that city, 29790
after establishing standards with which community schools 29791
sponsored by the mayor must comply, and after entering into a 29792
sponsor agreement with the department as prescribed under section 29793
3314.015 of the Revised Code. The mayor shall establish the 29794
standards for community schools sponsored by the mayor not later 29795
than one hundred eighty days after July 15, 2013, and shall submit 29796
them to the department upon their establishment. The department 29797

shall approve the mayor to sponsor community schools in the 29798
district, upon receipt of an application by the mayor to do so. 29799
Not later than ninety days after the department's approval of the 29800
mayor as a community school sponsor, the department shall enter 29801
into the sponsor agreement with the mayor. 29802

Any entity described in division (C)(1) of this section may 29803
enter into a preliminary agreement pursuant to division (C)(2) of 29804
this section with the proposing person or group. 29805

(2) A preliminary agreement indicates the intention of an 29806
entity described in division (C)(1) of this section to sponsor the 29807
community school. A proposing person or group that has such a 29808
preliminary agreement may proceed to finalize plans for the 29809
school, establish a governing authority as described in division 29810
(E) of this section for the school, and negotiate a contract with 29811
the entity. Provided the proposing person or group adheres to the 29812
preliminary agreement and all provisions of this chapter, the 29813
entity shall negotiate in good faith to enter into a contract in 29814
accordance with section 3314.03 of the Revised Code. 29815

(3) A new start-up school that is established in a school 29816
district described in either division (A)(3)(b) or (d) of this 29817
section may continue in existence once the school district no 29818
longer meets the conditions described in either division, provided 29819
there is a valid contract between the school and a sponsor. 29820

(4) A copy of every preliminary agreement entered into under 29821
this division shall be filed with the superintendent of public 29822
instruction. 29823

(D) A majority vote of the board of a sponsoring entity and a 29824
majority vote of the members of the governing authority of a 29825
community school shall be required to adopt a contract and convert 29826
the public school or educational service center building to a 29827
community school or establish the new start-up school. Beginning 29828

September 29, 2005, adoption of the contract shall occur not later 29829
than the fifteenth day of March, and signing of the contract shall 29830
occur not later than the fifteenth day of May, prior to the school 29831
year in which the school will open. The governing authority shall 29832
notify the department of education when the contract has been 29833
signed. Subject to sections 3314.013 and 3314.016 of the Revised 29834
Code, an unlimited number of community schools may be established 29835
in any school district provided that a contract is entered into 29836
for each community school pursuant to this chapter. 29837

(E)(1) As used in this division, "immediate relatives" are 29838
limited to spouses, children, parents, grandparents, siblings, and 29839
in-laws. 29840

Each new start-up community school established under this 29841
chapter shall be under the direction of a governing authority 29842
which shall consist of a board of not less than five individuals. 29843

No person shall serve on the governing authority or operate 29844
the community school under contract with the governing authority 29845
so long as the person owes the state any money or is in a dispute 29846
over whether the person owes the state any money concerning the 29847
operation of a community school that has closed. 29848

(2) No person shall serve on the governing authorities of 29849
more than five start-up community schools at the same time. 29850

(3) No present or former member, or immediate relative of a 29851
present or former member, of the governing authority of any 29852
community school established under this chapter shall be an owner, 29853
employee, or consultant of any sponsor or operator of a community 29854
school, unless at least one year has elapsed since the conclusion 29855
of the person's membership. 29856

(4) The governing authority of a start-up community school 29857
may provide by resolution for the compensation of its members. 29858
However, no individual who serves on the governing authority of a 29859

start-up community school shall be compensated more than four 29860
hundred twenty-five dollars per meeting of that governing 29861
authority and no such individual shall be compensated more than a 29862
total amount of five thousand dollars per year for all governing 29863
authorities upon which the individual serves. 29864

(F)(1) A new start-up school that is established prior to 29865
August 15, 2003, in an urban school district that is not also a 29866
big-eight school district may continue to operate after that date 29867
and the contract between the school's governing authority and the 29868
school's sponsor may be renewed, as provided under this chapter, 29869
after that date, but no additional new start-up schools may be 29870
established in such a district unless the district is a challenged 29871
school district as defined in this section as it exists on and 29872
after that date. 29873

(2) A community school that was established prior to June 29, 29874
1999, and is located in a county contiguous to the pilot project 29875
area and in a school district that is not a challenged school 29876
district may continue to operate after that date, provided the 29877
school complies with all provisions of this chapter. The contract 29878
between the school's governing authority and the school's sponsor 29879
may be renewed, but no additional start-up community school may be 29880
established in that district unless the district is a challenged 29881
school district. 29882

(3) Any educational service center that, on June 30, 2007, 29883
sponsors a community school that is not located in a county within 29884
the territory of the service center or in a county contiguous to 29885
such county may continue to sponsor that community school on and 29886
after June 30, 2007, and may renew its contract with the school. 29887
However, the educational service center shall not enter into a 29888
contract with any additional community school, ~~unless the school~~ 29889
~~is located in a county within the territory of the service center~~ 29890
~~or in a county contiguous to such county, or unless the governing~~ 29891

board of the service center has entered into an agreement with the 29892
department authorizing the service center to sponsor a community 29893
school in any challenged school district in the state. 29894

Sec. 3314.03. A copy of every contract entered into under 29895
this section shall be filed with the superintendent of public 29896
instruction. The department of education shall make available on 29897
its web site a copy of every approved, executed contract filed 29898
with the superintendent under this section. 29899

(A) Each contract entered into between a sponsor and the 29900
governing authority of a community school shall specify the 29901
following: 29902

(1) That the school shall be established as either of the 29903
following: 29904

(a) A nonprofit corporation established under Chapter 1702. 29905
of the Revised Code, if established prior to April 8, 2003; 29906

(b) A public benefit corporation established under Chapter 29907
1702. of the Revised Code, if established after April 8, 2003. 29908

(2) The education program of the school, including the 29909
school's mission, the characteristics of the students the school 29910
is expected to attract, the ages and grades of students, and the 29911
focus of the curriculum; 29912

(3) The academic goals to be achieved and the method of 29913
measurement that will be used to determine progress toward those 29914
goals, which shall include the statewide achievement assessments; 29915

(4) Performance standards by which the success of the school 29916
will be evaluated by the sponsor; 29917

(5) The admission standards of section 3314.06 of the Revised 29918
Code and, if applicable, section 3314.061 of the Revised Code; 29919

(6)(a) Dismissal procedures; 29920

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 29921
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 29927
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(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 29929
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(9) The facilities to be used and their locations; 29935

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 29936
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(11) That the school will comply with the following requirements: 29942
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 29944
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 29947
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(c) The school will be nonsectarian in its programs, 29950

admission policies, employment practices, and all other 29951
operations, and will not be operated by a sectarian school or 29952
religious institution. 29953

(d) The school will comply with sections 9.90, 9.91, 109.65, 29954
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 29955
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 29956
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 29957
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 29958
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 29959
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 29960
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 29961
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 29962
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 29963
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 29964
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 29965
4123., 4141., and 4167. of the Revised Code as if it were a school 29966
district and will comply with section 3301.0714 of the Revised 29967
Code in the manner specified in section 3314.17 of the Revised 29968
Code. 29969

(e) The school shall comply with Chapter 102. and section 29970
2921.42 of the Revised Code. 29971

(f) The school will comply with sections 3313.61, 3313.611, 29972
and 3313.614 of the Revised Code, except that for students who 29973
enter ninth grade for the first time before July 1, 2010, the 29974
requirement in sections 3313.61 and 3313.611 of the Revised Code 29975
that a person must successfully complete the curriculum in any 29976
high school prior to receiving a high school diploma may be met by 29977
completing the curriculum adopted by the governing authority of 29978
the community school rather than the curriculum specified in Title 29979
XXXIII of the Revised Code or any rules of the state board of 29980
education. Beginning with students who enter ninth grade for the 29981
first time on or after July 1, 2010, the requirement in sections 29982

3313.61 and 3313.611 of the Revised Code that a person must 29983
successfully complete the curriculum of a high school prior to 29984
receiving a high school diploma shall be met by completing the 29985
requirements prescribed in division (C) of section 3313.603 of the 29986
Revised Code, unless the person qualifies under division (D) or 29987
(F) of that section. Each school shall comply with the plan for 29988
awarding high school credit based on demonstration of subject area 29989
competency, and beginning with the 2016-2017 school year, with the 29990
updated plan that permits students enrolled in seventh and eighth 29991
grade to meet curriculum requirements based on subject area 29992
competency adopted by the state board of education under ~~division~~ 29993
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 29994

(g) The school governing authority will submit within four 29995
months after the end of each school year a report of its 29996
activities and progress in meeting the goals and standards of 29997
divisions (A)(3) and (4) of this section and its financial status 29998
to the sponsor and the parents of all students enrolled in the 29999
school. 30000

(h) The school, unless it is an internet- or computer-based 30001
community school, will comply with section 3313.801 of the Revised 30002
Code as if it were a school district. 30003

(i) If the school is the recipient of moneys from a grant 30004
awarded under the federal race to the top program, Division (A), 30005
Title XIV, Sections 14005 and 14006 of the "American Recovery and 30006
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 30007
school will pay teachers based upon performance in accordance with 30008
section 3317.141 and will comply with section 3319.111 of the 30009
Revised Code as if it were a school district. 30010

(j) If the school operates a preschool program that is 30011
licensed by the department of education under sections 3301.52 to 30012
3301.59 of the Revised Code, the school shall comply with sections 30013
3301.50 to 3301.59 of the Revised Code and the minimum standards 30014

<u>for preschool programs prescribed in rules adopted by the state</u>	30015
<u>board under section 3301.53 of the Revised Code.</u>	30016
(12) Arrangements for providing health and other benefits to employees;	30017 30018
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	30019 30020 30021 30022
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	30023 30024
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	30025 30026 30027
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	30028 30029 30030
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	30031 30032 30033 30034 30035 30036 30037 30038 30039 30040 30041
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	30042 30043 30044

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 30075

(23) A description of the learning opportunities that will be 30076
offered to students including both classroom-based and 30077
non-classroom-based learning opportunities that is in compliance 30078
with criteria for student participation established by the 30079
department under division (H)(2) of section 3314.08 of the Revised 30080
Code; 30081

(24) The school will comply with sections 3302.04 and 30082
3302.041 of the Revised Code, except that any action required to 30083
be taken by a school district pursuant to those sections shall be 30084
taken by the sponsor of the school. However, the sponsor shall not 30085
be required to take any action described in division (F) of 30086
section 3302.04 of the Revised Code. 30087

(25) Beginning in the 2006-2007 school year, the school will 30088
open for operation not later than the thirtieth day of September 30089
each school year, unless the mission of the school as specified 30090
under division (A)(2) of this section is solely to serve dropouts. 30091
In its initial year of operation, if the school fails to open by 30092
the thirtieth day of September, or within one year after the 30093
adoption of the contract pursuant to division (D) of section 30094
3314.02 of the Revised Code if the mission of the school is solely 30095
to serve dropouts, the contract shall be void. 30096

(26) Whether the school's governing authority is planning to 30097
seek designation for the school as a STEM school equivalent under 30098
section 3326.032 of the Revised Code. 30099

(B) The community school shall also submit to the sponsor a 30100
comprehensive plan for the school. The plan shall specify the 30101
following: 30102

(1) The process by which the governing authority of the 30103
school will be selected in the future; 30104

(2) The management and administration of the school; 30105

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.05. (A) The contract between the community school 30169
and the sponsor shall specify the facilities to be used for the 30170
community school and the method of acquisition. Except as provided 30171
in divisions (B)(3) and (4) of this section, no community school 30172
shall be established in more than one school district under the 30173
same contract. 30174

(B) Division (B) of this section shall not apply to internet- 30175
or computer-based community schools. 30176

(1) A community school may be located in multiple facilities 30177
under the same contract only if the limitations on availability of 30178
space prohibit serving all the grade levels specified in the 30179
contract in a single facility or division (B)(2), (3), or (4) of 30180
this section applies to the school. The school shall not offer the 30181
same grade level classrooms in more than one facility. 30182

(2) A community school may be located in multiple facilities 30183
under the same contract and, notwithstanding division (B)(1) of 30184
this section, may assign students in the same grade level to 30185
multiple facilities, as long as all of the following apply: 30186

(a) The governing authority has entered into and maintains a 30187
contract with an operator of the type described in division 30188
(A)(8)(b) of section 3314.02 of the Revised Code. 30189

(b) The contract with that operator qualified the school to 30190
be established pursuant to division (A) of former section 3314.016 30191
of the Revised Code. 30192

(c) The school's rating under section 3302.03 of the Revised 30193
Code does not fall below a combination of any of the following for 30194
two or more consecutive years: 30195

(i) A rating of "in need of continuous improvement" under 30196
section 3302.03 of the Revised Code, as that section existed prior 30197
to March 22, 2013; 30198

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and
2015-2016 school years, a rating of "C" for both the performance
index score under division (A)(1)(b) or (B)(1)(b) and the
value-added dimension under division (A)(1)(e) or (B)(1)(e) of
section 3302.03 of the Revised Code; or if the building serves
only grades ten through twelve, the building received a grade of
"C" for the performance index score under division (A)(1)(b) or
(B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any
school year thereafter, an overall grade of "C" under division
(C)(3) of section 3302.03 of the Revised Code or an overall
performance designation of "meets standards" under division
(E)(3)(e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two
school districts under the same contract if all of the following
apply:

(a) At least one of the school districts in which the school
is established is a challenged school district;

(b) The school operates not more than one facility in each
school district and, in accordance with division (B)(1) of this
section, the school does not offer the same grade level classrooms
in both facilities; and

(c) Transportation between the two facilities does not
require more than thirty minutes of direct travel time as measured
by school bus.

In the case of a community school to which division (B)(3) of
this section applies, if only one of the school districts in which
the school is established is a challenged school district, that
district shall be considered the school's primary location and the
district in which the school is located for the purposes of
division (A)(19) of section 3314.03 and divisions (C) and (H) of

section 3314.06 of the Revised Code and for all other purposes of 30230
this chapter. If both of the school districts in which the school 30231
is established are challenged school districts, the school's 30232
governing authority shall designate one of those districts to be 30233
considered the school's primary location and the district in which 30234
the school is located for the purposes of those divisions and all 30235
other purposes of this chapter and shall notify the department of 30236
education of that designation. 30237

(4) A community school may be located in multiple facilities 30238
under the same contract and, notwithstanding division (B)(1) of 30239
this section, may assign students in the same grade level to 30240
multiple facilities, as long as both of the following apply: 30241

(a) The facilities are all located in the same county. 30242

(b) Either of the following conditions are satisfied: 30243

(i) The community school is sponsored by a board of education 30244
of a city, local, or exempted village school district having 30245
territory in the same county where the facilities of the community 30246
school are located; 30247

(ii) The community school is managed by an operator. 30248

In the case of a community school to which division (B)(4) of 30249
this section applies and that maintains facilities in more than 30250
one school district, the school's governing authority shall 30251
designate one of those districts to be considered the school's 30252
primary location and the district in which the school is located 30253
for the purposes of division (A)(19) of section 3314.03 and 30254
divisions (C) and (H) of section 3314.06 of the Revised Code and 30255
for all other purposes of this chapter and shall notify the 30256
department of that designation. 30257

(5) Any facility used for a community school shall meet all 30258
health and safety standards established by law for school 30259
buildings. 30260

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 30292
3314.08 of the Revised Code for any student who is not a resident 30293
of this state. 30294

An individual younger than five years of age may be admitted 30295
to the school in accordance with division (A)(2) of section 30296
3321.01 of the Revised Code. The school shall receive funds for an 30297
individual admitted under that division in the manner provided 30298
under section 3314.08 of the Revised Code. 30299

If the school operates a program that uses the Montessori 30300
method endorsed by the American Montessori society, the Montessori 30301
accreditation council for teacher education, or the association 30302
Montessori internationale as its primary method of instruction, 30303
admission to the school may be open to individuals younger than 30304
five years of age, but the school shall not receive funds under 30305
this chapter for those individuals. Notwithstanding anything to 30306
the contrary in this chapter, individuals younger than five years 30307
of age who are enrolled in a Montessori program shall be offered 30308
at least four hundred fifty-five hours of learning opportunities 30309
per school year. 30310

If the school operates a preschool program that is licensed 30311
by the department of education under sections 3301.52 to 3301.59 30312
of the Revised Code, admission to the school may be open to 30313
individuals who are younger than five years of age, but the school 30314
shall not receive funds under this chapter for those individuals. 30315

(B)(1) That admission to the school may be limited to 30316
students who have attained a specific grade level or are within a 30317
specific age group; to students that meet a definition of 30318
"at-risk," as defined in the contract; to residents of a specific 30319
geographic area within the district, as defined in the contract; 30320
or to separate groups of autistic students and nondisabled 30321
students, as authorized in section 3314.061 of the Revised Code 30322
and as defined in the contract. 30323

(2) For purposes of division (B)(1) of this section, 30324
"at-risk" students may include those students identified as gifted 30325
students under section 3324.03 of the Revised Code. 30326

(C) Whether enrollment is limited to students who reside in 30327
the district in which the school is located or is open to 30328
residents of other districts, as provided in the policy adopted 30329
pursuant to the contract. 30330

(D)(1) That there will be no discrimination in the admission 30331
of students to the school on the basis of race, creed, color, 30332
disability, or sex except that: 30333

(a) The governing authority may do either of the following 30334
for the purpose described in division (G) of this section: 30335

(i) Establish a single-gender school for either sex; 30336

(ii) Establish single-gender schools for each sex under the 30337
same contract, provided substantially equal facilities and 30338
learning opportunities are offered for both boys and girls. Such 30339
facilities and opportunities may be offered for each sex at 30340
separate locations. 30341

(b) The governing authority may establish a school that 30342
simultaneously serves a group of students identified as autistic 30343
and a group of students who are not disabled, as authorized in 30344
section 3314.061 of the Revised Code. However, unless the total 30345
capacity established for the school has been filled, no student 30346
with any disability shall be denied admission on the basis of that 30347
disability. 30348

(2) That upon admission of any student with a disability, the 30349
community school will comply with all federal and state laws 30350
regarding the education of students with disabilities. 30351

(E) That the school may not limit admission to students on 30352
the basis of intellectual ability, measures of achievement or 30353

aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section. 30354
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 30357
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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 30360
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. 30365
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order. 30374
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Sec. 3314.08. (A) As used in this section: 30379

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code. 30380
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(b) "Category two career-technical student" means a student	30384
who is receiving the career-technical education services described	30385
in division (B) of section 3317.014 of the Revised Code.	30386
(c) "Category three career-technical student" means a student	30387
who is receiving the career-technical education services described	30388
in division (C) of section 3317.014 of the Revised Code.	30389
(d) "Category four career-technical student" means a student	30390
who is receiving the career-technical education services described	30391
in division (D) of section 3317.014 of the Revised Code.	30392
(e) "Category five career-technical education student" means	30393
a student who is receiving the career-technical education services	30394
described in division (E) of section 3317.014 of the Revised Code.	30395
(2)(a) "Category one limited English proficient student"	30396
means a limited English proficient student described in division	30397
(A) of section 3317.016 of the Revised Code.	30398
(b) "Category two limited English proficient student" means a	30399
limited English proficient student described in division (B) of	30400
section 3317.016 of the Revised Code.	30401
(c) "Category three limited English proficient student" means	30402
a limited English proficient student described in division (C) of	30403
section 3317.016 of the Revised Code.	30404
(3)(a) "Category one special education student" means a	30405
student who is receiving special education services for a	30406
disability specified in division (A) of section 3317.013 of the	30407
Revised Code.	30408
(b) "Category two special education student" means a student	30409
who is receiving special education services for a disability	30410
specified in division (B) of section 3317.013 of the Revised Code.	30411
(c) "Category three special education student" means a	30412
student who is receiving special education services for a	30413

disability specified in division (C) of section 3317.013 of the Revised Code. 30414
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 30416
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 30419
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 30422
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 30425
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 30427
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 30429
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(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 30432
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(B) The state board of education shall adopt rules requiring both of the following: 30434
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 30436
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(2) The governing authority of each community school established under this chapter to annually report all of the 30442
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following:	30444
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	30445 30446 30447 30448
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	30449 30450 30451 30452
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	30453 30454 30455 30456
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	30457 30458 30459 30460 30461
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	30462 30463 30464 30465 30466 30467 30468 30469
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	30470 30471 30472 30473
(g) The number of students reported under divisions (B)(2)(a)	30474

and (b) who are economically disadvantaged, as defined by the 30475
department. A student shall not be categorically excluded from the 30476
number reported under division (B)(2)(g) of this section based on 30477
anything other than family income. 30478

(h) For each student, the city, exempted village, or local 30479
school district in which the student is entitled to attend school 30480
under section 3313.64 or 3313.65 of the Revised Code. 30481

(i) The number of students enrolled in a preschool program 30482
operated by the school that is licensed by the department of 30483
education under sections 3301.52 to 3301.59 of the Revised Code 30484
who are not receiving special education and related services 30485
pursuant to an IEP. 30486

A school district board and a community school governing 30487
authority shall include in their respective reports under division 30488
(B) of this section any child admitted in accordance with division 30489
(A)(2) of section 3321.01 of the Revised Code. 30490

A governing authority of a community school shall not include 30491
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 30492
this section any student for whom tuition is charged under 30493
division (F) of this section. 30494

(C)(1) Except as provided in division (C)(2) of this section, 30495
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 30496
section, on a full-time equivalency basis, for each student 30497
enrolled in a community school established under this chapter, the 30498
department of education annually shall deduct from the state 30499
education aid of a student's resident district and, if necessary, 30500
from the payment made to the district under sections 321.24 and 30501
323.156 of the Revised Code and pay to the community school the 30502
sum of the following: 30503

(a) An opportunity grant in an amount equal to the formula 30504
amount; 30505

(b) The per pupil amount of targeted assistance funds	30506
calculated under division (A) of section 3317.0217 of the Revised	30507
Code for the student's resident district, as determined by the	30508
department, X 0.25;	30509
(c) Additional state aid for special education and related	30510
services provided under Chapter 3323. of the Revised Code as	30511
follows:	30512
(i) If the student is a category one special education	30513
student, the amount specified in division (A) of section 3317.013	30514
of the Revised Code;	30515
(ii) If the student is a category two special education	30516
student, the amount specified in division (B) of section 3317.013	30517
of the Revised Code;	30518
(iii) If the student is a category three special education	30519
student, the amount specified in division (C) of section 3317.013	30520
of the Revised Code;	30521
(iv) If the student is a category four special education	30522
student, the amount specified in division (D) of section 3317.013	30523
of the Revised Code;	30524
(v) If the student is a category five special education	30525
student, the amount specified in division (E) of section 3317.013	30526
of the Revised Code;	30527
(vi) If the student is a category six special education	30528
student, the amount specified in division (F) of section 3317.013	30529
of the Revised Code.	30530
(d) If the student is in kindergarten through third grade, an	30531
additional amount of \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , and \$290	30532
<u>\$320</u> , in fiscal year 2015 <u>2017</u> ;	30533
(e) If the student is economically disadvantaged, an	30534
additional amount equal to the following:	30535

(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X	30536
(the resident district's economically disadvantaged index)	30537
(f) Limited English proficiency funds as follows:	30538
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	30539 30540 30541
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	30542 30543 30544
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	30545 30546 30547
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	30548 30549
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	30550 30551 30552
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	30553 30554 30555
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	30556 30557 30558
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	30559 30560 30561
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	30562 30563 30564
Deduction and payment of funds under division (C)(1)(g) of	30565

this section is subject to approval by the lead district of a 30566
career-technical planning district or the department of education 30567
under section 3317.161 of the Revised Code. 30568

(2) When deducting from the state education aid of a 30569
student's resident district for students enrolled in an internet- 30570
or computer-based community school and making payments to such 30571
school under this section, the department shall make the 30572
deductions and payments described in only divisions (C)(1)(a), 30573
(c), and (g) of this section. 30574

No deductions or payments shall be made for a student 30575
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 30576
of this section. 30577

(3)(a) If a community school's costs for a fiscal year for a 30578
student receiving special education and related services pursuant 30579
to an IEP for a disability described in divisions (B) to (F) of 30580
section 3317.013 of the Revised Code exceed the threshold 30581
catastrophic cost for serving the student as specified in division 30582
(B) of section 3317.0214 of the Revised Code, the school may 30583
submit to the superintendent of public instruction documentation, 30584
as prescribed by the superintendent, of all its costs for that 30585
student. Upon submission of documentation for a student of the 30586
type and in the manner prescribed, the department shall pay to the 30587
community school an amount equal to the school's costs for the 30588
student in excess of the threshold catastrophic costs. 30589

(b) The community school shall report under division 30590
(C)(3)(a) of this section, and the department shall pay for, only 30591
the costs of educational expenses and the related services 30592
provided to the student in accordance with the student's 30593
individualized education program. Any legal fees, court costs, or 30594
other costs associated with any cause of action relating to the 30595
student may not be included in the amount. 30596

(4) In any fiscal year, a community school receiving funds 30597
under division (C)(1)(g) of this section shall spend those funds 30598
only for the purposes that the department designates as approved 30599
for career-technical education expenses. Career-technical 30600
education expenses approved by the department shall include only 30601
expenses connected to the delivery of career-technical programming 30602
to career-technical students. The department shall require the 30603
school to report data annually so that the department may monitor 30604
the school's compliance with the requirements regarding the manner 30605
in which funding received under division (C)(1)(g) of this section 30606
may be spent. 30607

(5) All funds received under division (C)(1)(g) of this 30608
section shall be spent in the following manner: 30609

(a) At least seventy-five per cent of the funds shall be 30610
spent on curriculum development, purchase, and implementation; 30611
instructional resources and supplies; industry-based program 30612
certification; student assessment, credentialing, and placement; 30613
curriculum specific equipment purchases and leases; 30614
career-technical student organization fees and expenses; home and 30615
agency linkages; work-based learning experiences; professional 30616
development; and other costs directly associated with 30617
career-technical education programs including development of new 30618
programs. 30619

(b) Not more than twenty-five per cent of the funds shall be 30620
used for personnel expenditures. 30621

(6) A community school shall spend the funds it receives 30622
under division (C)(1)(e) of this section in accordance with 30623
section 3317.25 of the Revised Code. 30624

(7) If the sum of the payments computed under divisions 30625
(C)(1) and (8)(a) of this section for the students entitled to 30626
attend school in a particular school district under sections 30627

3313.64 and 3313.65 of the Revised Code exceeds the sum of that 30628
district's state education aid and its payment under sections 30629
321.24 and 323.156 of the Revised Code, the department shall 30630
calculate and apply a proration factor to the payments to all 30631
community schools under that division for the students entitled to 30632
attend school in that district. 30633

(8)(a) Subject to division (C)(7) of this section, the 30634
department annually shall pay to each community school, including 30635
each internet- or computer-based community school, an amount equal 30636
to the following: 30637

(The number of students reported by the community school 30638
under division (B)(2)(e) of this section X the formula amount X 30639
.20) 30640

(b) For each payment made to a community school under 30641
division (C)(8)(a) of this section, the department shall deduct 30642
from the state education aid of each city, local, and exempted 30643
village school district and, if necessary, from the payment made 30644
to the district under sections 321.24 and 323.156 of the Revised 30645
Code an amount equal to the following: 30646

(The number of the district's students reported by the 30647
community school under division (B)(2)(e) of this section X the 30648
formula amount X .20) 30649

(D) A board of education sponsoring a community school may 30650
utilize local funds to make enhancement grants to the school or 30651
may agree, either as part of the contract or separately, to 30652
provide any specific services to the community school at no cost 30653
to the school. 30654

(E) A community school may not levy taxes or issue bonds 30655
secured by tax revenues. 30656

(F) No community school shall charge tuition for the 30657
enrollment of any student who is a resident of this state. A 30658

community school may charge tuition for the enrollment of any student who is not a resident of this state. 30659
30660

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 30661
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 30668
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 30670
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(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section: 30673
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(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code. 30684
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(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of 30688
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the date on which the school both has received documentation of 30690
the student's enrollment from a parent and the student has 30691
commenced participation in learning opportunities as defined in 30692
the contract with the sponsor, or thirty days prior to the date on 30693
which the student is entered into the education management 30694
information system established under section 3301.0714 of the 30695
Revised Code. For purposes of applying this division and divisions 30696
(H)(3) and (4) of this section to a community school student, 30697
"learning opportunities" shall be defined in the contract, which 30698
shall describe both classroom-based and non-classroom-based 30699
learning opportunities and shall be in compliance with criteria 30700
and documentation requirements for student participation which 30701
shall be established by the department. Any student's instruction 30702
time in non-classroom-based learning opportunities shall be 30703
certified by an employee of the community school. A student's 30704
enrollment shall be considered to cease on the date on which any 30705
of the following occur: 30706

(a) The community school receives documentation from a parent 30707
terminating enrollment of the student. 30708

(b) The community school is provided documentation of a 30709
student's enrollment in another public or private school. 30710

(c) The community school ceases to offer learning 30711
opportunities to the student pursuant to the terms of the contract 30712
with the sponsor or the operation of any provision of this 30713
chapter. 30714

Except as otherwise specified in this paragraph, beginning in 30715
the 2011-2012 school year, any student who completed the prior 30716
school year in an internet- or computer-based community school 30717
shall be considered to be enrolled in the same school in the 30718
subsequent school year until the student's enrollment has ceased 30719
as specified in division (H)(2) of this section. The department 30720
shall continue subtracting and paying amounts for the student 30721

under division (C) of this section without interruption at the 30722
start of the subsequent school year. However, if the student 30723
without a legitimate excuse fails to participate in the first one 30724
hundred five consecutive hours of learning opportunities offered 30725
to the student in that subsequent school year, the student shall 30726
be considered not to have re-enrolled in the school for that 30727
school year and the department shall recalculate the payments to 30728
the school for that school year to account for the fact that the 30729
student is not enrolled. 30730

(3) The department shall determine each community school 30731
student's percentage of full-time equivalency based on the 30732
percentage of learning opportunities offered by the community 30733
school to that student, reported either as number of hours or 30734
number of days, is of the total learning opportunities offered by 30735
the community school to a student who attends for the school's 30736
entire school year. However, no internet- or computer-based 30737
community school shall be credited for any time a student spends 30738
participating in learning opportunities beyond ten hours within 30739
any period of twenty-four consecutive hours. Whether it reports 30740
hours or days of learning opportunities, each community school 30741
shall offer not less than nine hundred twenty hours of learning 30742
opportunities during the school year. 30743

(4) With respect to the calculation of full-time equivalency 30744
under division (H)(3) of this section, the department shall waive 30745
the number of hours or days of learning opportunities not offered 30746
to a student because the community school was closed during the 30747
school year due to disease epidemic, hazardous weather conditions, 30748
law enforcement emergencies, inoperability of school buses or 30749
other equipment necessary to the school's operation, damage to a 30750
school building, or other temporary circumstances due to utility 30751
failure rendering the school building unfit for school use, so 30752
long as the school was actually open for instruction with students 30753

in attendance during that school year for not less than the 30754
minimum number of hours required by this chapter. The department 30755
shall treat the school as if it were open for instruction with 30756
students in attendance during the hours or days waived under this 30757
division. 30758

(I) The department of education shall reduce the amounts paid 30759
under this section to reflect payments made to colleges under 30760
section 3365.07 of the Revised Code. 30761

(J)(1) No student shall be considered enrolled in any 30762
internet- or computer-based community school or, if applicable to 30763
the student, in any community school that is required to provide 30764
the student with a computer pursuant to division (C) of section 30765
3314.22 of the Revised Code, unless both of the following 30766
conditions are satisfied: 30767

(a) The student possesses or has been provided with all 30768
required hardware and software materials and all such materials 30769
are operational so that the student is capable of fully 30770
participating in the learning opportunities specified in the 30771
contract between the school and the school's sponsor as required 30772
by division (A)(23) of section 3314.03 of the Revised Code; 30773

(b) The school is in compliance with division (A) of section 30774
3314.22 of the Revised Code, relative to such student. 30775

(2) In accordance with policies adopted jointly by the 30776
superintendent of public instruction and the auditor of state, the 30777
department shall reduce the amounts otherwise payable under 30778
division (C) of this section to any community school that includes 30779
in its program the provision of computer hardware and software 30780
materials to any student, if such hardware and software materials 30781
have not been delivered, installed, and activated for each such 30782
student in a timely manner or other educational materials or 30783
services have not been provided according to the contract between 30784

the individual community school and its sponsor. 30785

The superintendent of public instruction and the auditor of 30786
state shall jointly establish a method for auditing any community 30787
school to which this division pertains to ensure compliance with 30788
this section. 30789

The superintendent, auditor of state, and the governor shall 30790
jointly make recommendations to the general assembly for 30791
legislative changes that may be required to assure fiscal and 30792
academic accountability for such schools. 30793

(K)(1) If the department determines that a review of a 30794
community school's enrollment is necessary, such review shall be 30795
completed and written notice of the findings shall be provided to 30796
the governing authority of the community school and its sponsor 30797
within ninety days of the end of the community school's fiscal 30798
year, unless extended for a period not to exceed thirty additional 30799
days for one of the following reasons: 30800

(a) The department and the community school mutually agree to 30801
the extension. 30802

(b) Delays in data submission caused by either a community 30803
school or its sponsor. 30804

(2) If the review results in a finding that additional 30805
funding is owed to the school, such payment shall be made within 30806
thirty days of the written notice. If the review results in a 30807
finding that the community school owes moneys to the state, the 30808
following procedure shall apply: 30809

(a) Within ten business days of the receipt of the notice of 30810
findings, the community school may appeal the department's 30811
determination to the state board of education or its designee. 30812

(b) The board or its designee shall conduct an informal 30813
hearing on the matter within thirty days of receipt of such an 30814

appeal and shall issue a decision within fifteen days of the 30815
conclusion of the hearing. 30816

(c) If the board has enlisted a designee to conduct the 30817
hearing, the designee shall certify its decision to the board. The 30818
board may accept the decision of the designee or may reject the 30819
decision of the designee and issue its own decision on the matter. 30820

(d) Any decision made by the board under this division is 30821
final. 30822

(3) If it is decided that the community school owes moneys to 30823
the state, the department shall deduct such amount from the 30824
school's future payments in accordance with guidelines issued by 30825
the superintendent of public instruction. 30826

(L) The department shall not subtract from a school 30827
district's state aid account and shall not pay to a community 30828
school under division (C) of this section any amount for any of 30829
the following: 30830

(1) Any student who has graduated from the twelfth grade of a 30831
public or nonpublic high school; 30832

(2) Any student who is not a resident of the state; 30833

(3) Any student who was enrolled in the community school 30834
during the previous school year when assessments were administered 30835
under section 3301.0711 of the Revised Code but did not take one 30836
or more of the assessments required by that section and was not 30837
excused pursuant to division (C)(1) or (3) of that section, unless 30838
the superintendent of public instruction grants the student a 30839
waiver from the requirement to take the assessment and a parent is 30840
not paying tuition for the student pursuant to section 3314.26 of 30841
the Revised Code. The superintendent may grant a waiver only for 30842
good cause in accordance with rules adopted by the state board of 30843
education. 30844

(4) Any student who has attained the age of twenty-two years, 30845
except for veterans of the armed services whose attendance was 30846
interrupted before completing the recognized twelve-year course of 30847
the public schools by reason of induction or enlistment in the 30848
armed forces and who apply for enrollment in a community school 30849
not later than four years after termination of war or their 30850
honorable discharge. If, however, any such veteran elects to 30851
enroll in special courses organized for veterans for whom tuition 30852
is paid under federal law, or otherwise, the department shall not 30853
subtract from a school district's state aid account and shall not 30854
pay to a community school under division (C) of this section any 30855
amount for that veteran. 30856

Sec. 3314.091. (A) A school district is not required to 30857
provide transportation for any native student enrolled in a 30858
community school if the district board of education has entered 30859
into an agreement with the community school's governing authority 30860
that designates the community school as responsible for providing 30861
or arranging for the transportation of the district's native 30862
students to and from the community school. For any such agreement 30863
to be effective, it must be certified by the superintendent of 30864
public instruction as having met all of the following 30865
requirements: 30866

(1) It is submitted to the department of education by a 30867
deadline which shall be established by the department. 30868

(2) In accordance with divisions (C)(1) and (2) of this 30869
section, it specifies qualifications, such as residing a minimum 30870
distance from the school, for students to have their 30871
transportation provided or arranged. 30872

(3) The transportation provided by the community school is 30873
subject to all provisions of the Revised Code and all rules 30874
adopted under the Revised Code pertaining to pupil transportation. 30875

(4) The sponsor of the community school also has signed the agreement. 30876
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(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. 30878
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(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the thirty-first day of January of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this 30893
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section, the governing authority shall not accept that 30908
responsibility again unless the district board consents to the 30909
governing authority's acceptance of that responsibility. 30910

(3) A governing authority's acceptance of responsibility 30911
under division (B)(1) or (2) of this section shall cover an entire 30912
school year, and shall remain in effect for subsequent school 30913
years unless the governing authority submits written notification 30914
to the district board that the governing authority is 30915
relinquishing the responsibility. However, a governing authority 30916
shall not relinquish responsibility for transportation before the 30917
end of a school year, and shall submit the notice relinquishing 30918
responsibility by the thirty-first day of January, in order to 30919
allow the school district reasonable time to prepare 30920
transportation for its native students enrolled in the school. 30921

(4)(a) For any school year that begins on or after July 1, 30922
2014, a school district is not required to provide transportation 30923
for any native student enrolled in a community school scheduled to 30924
open for operation in the current school year, if the governing 30925
authority of the community school, by the fifteenth day of April 30926
of the previous school year, submits written notification to the 30927
district board of education stating that the governing authority 30928
is accepting responsibility for providing or arranging for the 30929
transportation of the district's native students to and from the 30930
community school. 30931

(b) The governing authority of a community school that 30932
accepts responsibility for transporting its students under 30933
division (B)(4)(a) of this section shall comply with divisions 30934
(B)(2) and (3) of this section to renew or relinquish that 30935
authority for subsequent school years. 30936

(C)(1) A community school governing authority that enters 30937
into an agreement under division (A) of this section, or that 30938
accepts responsibility under division (B) of this section, shall 30939

provide or arrange transportation free of any charge for each of 30940
its enrolled students who is required to be transported under 30941
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 30942
~~transported by the school district under the district's~~ 30943
~~transportation policy.~~ The governing authority shall report to the 30944
department of education the number of students transported or for 30945
whom transportation is arranged under this section in accordance 30946
with rules adopted by the state board of education. 30947

(2) The governing authority may provide or arrange 30948
transportation for any other enrolled student who is not eligible 30949
for transportation in accordance with division (C)(1) of this 30950
section and may charge a fee for such service up to the actual 30951
cost of the service. 30952

(3) Notwithstanding anything to the contrary in division 30953
(C)(1) or (2) of this section, a community school governing 30954
authority shall provide or arrange transportation free of any 30955
charge for any disabled student enrolled in the school for whom 30956
the student's individualized education program developed under 30957
Chapter 3323. of the Revised Code specifies transportation. 30958

(D)(1) If a school district board and a community school 30959
governing authority elect to enter into an agreement under 30960
division (A) of this section, the department of education shall 30961
make payments to the community school according to the terms of 30962
the agreement for each student actually transported under division 30963
(C)(1) of this section. 30964

If a community school governing authority accepts 30965
transportation responsibility under division (B) of this section, 30966
the department shall make payments to the community school for 30967
each student actually transported or for whom transportation is 30968
arranged by the community school under division (C)(1) of this 30969
section, calculated as follows: 30970

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in

that section for fiscal year 2011. 31003

As used in this division "entitled to attend school" means 31004
entitled to attend school under section 3313.64 or 3313.65 of the 31005
Revised Code. 31006

(2) The department shall deduct the payment under division 31007
(D)(1) of this section from the state education aid, as defined in 31008
section 3314.08 of the Revised Code, and, if necessary, the 31009
payment under sections 321.14 and 323.156 of the Revised Code, 31010
that is otherwise paid to the school district in which the student 31011
enrolled in the community school is entitled to attend school. The 31012
department shall include the number of the district's native 31013
students for whom payment is made to a community school under 31014
division (D)(1) of this section in the calculation of the 31015
district's transportation payment under section 3317.0212 of the 31016
Revised Code and the operating appropriations act. 31017

(3) A community school shall be paid under division (D)(1) of 31018
this section only for students who are eligible as specified in 31019
section 3327.01 of the Revised Code and division (C)(1) of this 31020
section, and whose transportation to and from school is actually 31021
provided, who actually utilized transportation arranged, or for 31022
whom a payment in lieu of transportation is made by the community 31023
school's governing authority. To qualify for the payments, the 31024
community school shall report to the department, in the form and 31025
manner required by the department, data on the number of students 31026
transported or whose transportation is arranged, the number of 31027
miles traveled, cost to transport, and any other information 31028
requested by the department. 31029

(4) A community school shall use payments received under this 31030
section solely to pay the costs of providing or arranging for the 31031
transportation of students who are eligible as specified in 31032
section 3327.01 of the Revised Code and division (C)(1) of this 31033
section, which may include payments to a parent, guardian, or 31034

other person in charge of a child in lieu of transportation. 31035

(E) Except when arranged through payment to a parent, 31036
guardian, or person in charge of a child, transportation provided 31037
or arranged for by a community school pursuant to an agreement 31038
under this section is subject to all provisions of the Revised 31039
Code, and all rules adopted under the Revised Code, pertaining to 31040
the construction, design, equipment, and operation of school buses 31041
and other vehicles transporting students to and from school. The 31042
drivers and mechanics of the vehicles are subject to all 31043
provisions of the Revised Code, and all rules adopted under the 31044
Revised Code, pertaining to drivers and mechanics of such 31045
vehicles. The community school also shall comply with sections 31046
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 31047
of section 3327.16 of the Revised Code and, subject to division 31048
(C)(1) of this section, sections 3327.01 and 3327.02 of the 31049
Revised Code, as if it were a school district. 31050

Sec. 3314.38. (A) An individual who is at least twenty-two 31051
years of age and who is an eligible individual as defined in 31052
section 3317.23 of the Revised Code may enroll for up to two 31053
~~cumulative~~ consecutive school years in a dropout prevention and 31054
recovery program operated by a community school that is designed 31055
to allow enrollees to earn a high school diploma. An individual 31056
enrolled under this division may elect to satisfy the requirements 31057
to earn a high school diploma by successfully completing a 31058
competency-based ~~instructional~~ educational program, as defined in 31059
section 3317.23 of the Revised Code, that complies with the 31060
standards adopted by the ~~state board~~ department of education under 31061
section 3317.231 of the Revised Code. The community school shall 31062
report that individual's enrollment on a full-time equivalency 31063
basis to the department ~~of education~~. This report shall be in 31064
addition to the report required under division (B) of section 31065
3314.08 of the Revised Code. An individual enrolled under this 31066

division shall not be assigned to classes or settings with 31067
students who are younger than eighteen years of age. 31068

(B)(1) For each community school that enrolls individuals 31069
under division (A) of this section, the department ~~of education~~ 31070
annually shall certify the enrollment and attendance, on a 31071
full-time equivalency basis, of each individual reported by the 31072
school under that division. 31073

(2) For each individual enrolled in a community school under 31074
division (A) of this section, the department annually shall pay ~~to~~ 31075
the community school ~~an amount equal to the following:~~ 31076

~~\$5,000 X the individual's enrollment on a full-time 31077
equivalency basis as certified under division (B)(1) of this 31078
section X the portion of the school year in which the individual 31079
is enrolled in the school expressed as a percentage up to \$5,000, 31080
as determined by the department based on the extent of the 31081
individual's successful completion of the graduation requirements 31082
prescribed under division (A)(11)(f) of section 3314.03 of the 31083
Revised Code. 31084~~

(C) A community school that enrolls individuals under 31085
division (A) of this section shall be subject to the program 31086
administration standards adopted by the ~~state board~~ department 31087
under section 3317.231 of the Revised Code, as applicable. 31088

Sec. 3317.01. As used in this section, "school district," 31089
unless otherwise specified, means any city, local, exempted 31090
village, joint vocational, or cooperative education school 31091
district and any educational service center. 31092

This chapter shall be administered by the state board of 31093
education. The superintendent of public instruction shall 31094
calculate the amounts payable to each school district and shall 31095
certify the amounts payable to each eligible district to the 31096

treasurer of the district as provided by this chapter. As soon as 31097
possible after such amounts are calculated, the superintendent 31098
shall certify to the treasurer of each school district the 31099
district's adjusted charge-off increase, as defined in section 31100
5705.211 of the Revised Code. Certification of moneys pursuant to 31101
this section shall include the amounts payable to each school 31102
building, at a frequency determined by the superintendent, for 31103
each subgroup of students, as defined in section 3317.40 of the 31104
Revised Code, receiving services, provided for by state funding, 31105
from the district or school. No moneys shall be distributed 31106
pursuant to this chapter without the approval of the controlling 31107
board. 31108

The state board of education shall, in accordance with 31109
appropriations made by the general assembly, meet the financial 31110
obligations of this chapter. 31111

Moneys distributed to school districts pursuant to this 31112
chapter shall be calculated based on the annual enrollment 31113
calculated from the three reports required under sections 3317.03 31114
and 3317.036 of the Revised Code and paid on a fiscal year basis, 31115
beginning with the first day of July and extending through the 31116
thirtieth day of June. In any given fiscal year, prior to school 31117
districts submitting the first report required under section 31118
3317.03 of the Revised Code, enrollment for the districts shall be 31119
calculated based on the third report submitted by the districts 31120
for the previous fiscal year. The moneys appropriated for each 31121
fiscal year shall be distributed periodically to each school 31122
district unless otherwise provided for. The state board, in June 31123
of each year, shall submit to the controlling board the state 31124
board's year-end distributions pursuant to this chapter. 31125

Except as otherwise provided, payments under this chapter 31126
shall be made only to those school districts in which: 31127

(A) The school district, except for any educational service 31128

center and any joint vocational or cooperative education school 31129
district, levies for current operating expenses at least twenty 31130
mills. Levies for joint vocational or cooperative education school 31131
districts or county school financing districts, limited to or to 31132
the extent apportioned to current expenses, shall be included in 31133
this qualification requirement. School district income tax levies 31134
under Chapter 5748. of the Revised Code, limited to or to the 31135
extent apportioned to current operating expenses, shall be 31136
included in this qualification requirement to the extent 31137
determined by the tax commissioner under division (D) of section 31138
3317.021 of the Revised Code. 31139

(B) The school year next preceding the fiscal year for which 31140
such payments are authorized meets the requirement of section 31141
3313.48 of the Revised Code, with regard to the minimum number of 31142
hours school must be open for instruction with pupils in 31143
attendance, for individualized parent-teacher conference and 31144
reporting periods, and for professional meetings of teachers. 31145

A school district shall not be considered to have failed to 31146
comply with this division because schools were open for 31147
instruction but either twelfth grade students were excused from 31148
attendance for up to the equivalent of three school days or only a 31149
portion of the kindergarten students were in attendance for up to 31150
the equivalent of three school days in order to allow for the 31151
gradual orientation to school of such students. 31152

A board of education or governing board of an educational 31153
service center which has not conformed with other law and the 31154
rules pursuant thereto, shall not participate in the distribution 31155
of funds authorized by this chapter, except for good and 31156
sufficient reason established to the satisfaction of the state 31157
board of education and the state controlling board. 31158

All funds allocated to school districts under this chapter, 31159
except those specifically allocated for other purposes, shall be 31160

used to pay current operating expenses only. 31161

Sec. 3317.013. The amounts for the following categories of 31162
special education programs, as these programs are defined for 31163
purposes of Chapter 3323. of the Revised Code, are as follows: 31164

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 31165
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 31166
primary or only identified disability is a speech and language 31167
disability, as this term is defined pursuant to Chapter 3323. of 31168
the Revised Code; 31169

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 31170
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 31171
identified as specific learning disabled or developmentally 31172
disabled, as these terms are defined pursuant to Chapter 3323. of 31173
the Revised Code, identified as having an other health 31174
impairment-minor, or identified as a preschool child who is 31175
developmentally delayed; 31176

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 31177
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 31178
identified as hearing disabled or severe behavior disabled, as 31179
these terms are defined pursuant to Chapter 3323. of the Revised 31180
Code; 31181

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 31182
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 31183
identified as vision impaired, as this term is defined pursuant to 31184
Chapter 3323. of the Revised Code, or as having an other health 31185
impairment-major; 31186

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 31187
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 31188
identified as orthopedically disabled or as having multiple 31189
disabilities, as these terms are defined pursuant to Chapter 3323. 31190

of the Revised Code; 31191

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 31192
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 31193
identified as autistic, having traumatic brain injuries, or as 31194
both visually and hearing impaired, as these terms are defined 31195
pursuant to Chapter 3323. of the Revised Code. 31196

Sec. 3317.014. The career-technical education additional 31197
amount per pupil for each student enrolled in career-technical 31198
education programs approved by the department of education under 31199
section 3317.161 of the Revised Code shall be as follows: 31200

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 31201
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 31202
in career-technical education workforce development programs in 31203
agricultural and environmental systems, construction technologies, 31204
engineering and science technologies, finance, health science, 31205
information technology, and manufacturing technologies, each of 31206
which shall be defined by the department in consultation with the 31207
governor's office of workforce transformation; 31208

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 31209
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 31210
in workforce development programs in business and administration, 31211
hospitality and tourism, human services, law and public safety, 31212
transportation systems, and arts and communications, each of which 31213
shall be defined by the department in consultation with the 31214
governor's office of workforce transformation; 31215

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 31216
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 31217
career-based intervention programs, which shall be defined by the 31218
department in consultation with the governor's office of workforce 31219
transformation; 31220

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 31221
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 31222
workforce development programs in education and training, 31223
marketing, workforce development academics, public administration, 31224
and career development, each of which shall be defined by the 31225
department of education in consultation with the governor's office 31226
of workforce transformation; 31227

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 31228
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 31229
family and consumer science programs, which shall be defined by 31230
the department of education in consultation with the governor's 31231
office of workforce transformation. 31232

The amount for career-technical education associated 31233
services, as defined by the department, shall be ~~\$225~~ \$236, in 31234
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 31235

Sec. 3317.016. The amounts for limited English proficient 31236
students shall be as follows: 31237

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 31238
~~fiscal year 2015,~~ for each student who has been enrolled in 31239
schools in the United States for 180 school days or less and was 31240
not previously exempted from taking the spring administration of 31241
either of the state's English language arts assessments prescribed 31242
by section 3301.0710 of the Revised Code (reading or writing). 31243

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 31244
~~fiscal year 2015,~~ for each student who has been enrolled in 31245
schools in the United States for more than 180 school days or was 31246
previously exempted from taking the spring administration of 31247
either of the state's English language arts assessments prescribed 31248
by section 3301.0710 of the Revised Code (reading or writing). 31249

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 31250

~~fiscal year 2015~~, for each student who does not qualify for 31251
inclusion under division (A) or (B) of this section and is in a 31252
trial-mainstream period, as defined by the department. 31253

Sec. 3317.017. The department of education shall compute a 31254
school district's ~~state share index~~ capacity measure as follows: 31255

(A) Calculate the district's valuation index, which equals 31256
the following quotient: 31257

(The district's three-year average valuation / the district's 31258
total ADM) / (the statewide three-year average valuation for 31259
school districts with a total ADM greater than zero / the 31260
statewide total ADM) 31261

(B) Calculate the district's median income index, which 31262
equals the following quotient: 31263

(The district's median Ohio adjusted gross income / the 31264
median of the median Ohio adjusted gross income of all districts 31265
statewide with a total ADM greater than zero) 31266

(C) Determine the district's ~~wealth index~~ capacity measure as 31267
follows: 31268

(1) If the district's median income index is less than the 31269
~~district's valuation index~~ lower limit, then the district's ~~wealth~~ 31270
~~index~~ capacity measure shall be equal to [~~(1/3 X the district's~~ 31271
~~median income index) + (2/3 X the district's valuation index) -~~ 31272
(the lower limit - the district's median income index)]. 31273

(2) If the district's median income index is greater than or 31274
equal to the lower limit and less than or equal to the upper 31275
limit, then the district's capacity measure shall be equal to the 31276
district's valuation index. 31277

(3) If the district's median income index is greater than or 31278
equal to the district's valuation index the upper limit, then the 31279
district's ~~wealth index~~ capacity measure shall be equal to {the 31280

district's valuation index + [(the district's median income index
- the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal
year 2017)]]. 31281
31282
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For purposes of these calculations, "upper limit" and "lower
limit" shall be computed pursuant to section 3317.018 of the
Revised Code. 31284
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31286

~~(D) Determine the district's state share index as follows:~~ 31287

~~(1) If the district's wealth index is less than or equal to
0.35, then the district's state share index shall be equal to
0.90.~~ 31288
31289
31290

~~(2) If the district's wealth index is greater than 0.35 but
less than or equal to 0.90, then the district's state share index
shall be equal to {0.40 X [(0.90 - the district's wealth index) /
0.55]} + 0.50.~~ 31291
31292
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~~(3) If the district's wealth index is greater than 0.90 but
less than 1.8, then the district's state share index shall be
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} +
0.05.~~ 31295
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~~(4) If the district's wealth index is greater than or equal
to 1.8, then the district's state share index shall be equal to
0.05.~~ 31299
31300
31301

~~(E)(1) For each school district for which the tax exempt
value of the district, as certified under division (A)(4) of
section 3317.021 of the Revised Code, equals or exceeds thirty per
cent of the potential value of the district, the department shall
calculate the difference between the district's tax exempt value
and thirty per cent of the district's potential value. For this
purpose, the "potential value" of a school district is the
three year average valuation of the district plus the tax exempt
value of the district.~~ 31302
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~~(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section.~~ 31311
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~~(F) When Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places.~~ 31316
31317
31318

~~(E) For purposes of these calculations for fiscal years 2014 and 2015:~~ 31319
31320

~~(1) For fiscal year 2016, "three year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median 2015."~~ 31321
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31323
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~~(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016.~~ 31325
31326

~~(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax exempt 2012 or 2013, whichever is the most recent tax year for which data is available."~~ 31327
31328
31329
31330

~~(4) "Tax-exempt value" means the tax-exempt value for ~~fiscal year 2014~~ the most recent tax year for which data is available.~~ 31331
31332

Sec. 3317.018. (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.017 of the Revised Code other than kelley's island local school district, Erie county. 31333
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(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round 31338
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up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 31341
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(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 31344
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Sec. 3317.019. The department of education shall compute a school district's income factor in accordance with divisions (A) and (B) of this section. 31350
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(A) The department shall calculate the district's median income index, which equals the following quotient: 31353
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(The district's median Ohio adjusted gross income/the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero) 31355
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For purposes of this calculation, "median Ohio adjusted gross income" means the median Ohio adjusted gross income for the most recent tax year for which data is available. 31358
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31360

(B) The department shall determine the district's income factor as follows: 31361
31362

(1) If the district's median income index is less than or equal to 1.0, the district's income factor shall be equal to its median income index. 31363
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(2) If the district's median income index is greater than 1.0 but less than 1.5, the district's income factor shall be calculated as follows: 31366
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(a) First, calculate the following quotient: 31369

{[(the district's median income index - 1) X 0.315] / 0.5} 31370

(b) Next, multiply the quotient calculated in division (B)(2)(a) of this section by 0.5, for fiscal year 2016, or 0.6, for fiscal year 2017; 31371
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(c) Finally, determine the district's income factor by adding 1 to the product calculated in division (B)(2)(b) of this section. 31374
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(3) If the district's median income index is greater than or equal to 1.5, the district's income factor shall be equal to the following: 31376
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31378

(a) For fiscal year 2016, $[1 + (0.315 \times 0.50)]$; 31379

(b) For fiscal year 2017, $[1 + (0.315 \times 0.60)]$. 31380

Sec. 3317.02. As used in this chapter: 31381

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 31382
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 31388
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(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code. 31394
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(4) "Category four career-technical education ADM" means the 31400

enrollment of students during the school year on a full-time 31401
equivalency basis in career-technical education programs described 31402
in division (D) of section 3317.014 of the Revised Code and 31403
certified under division (B)(14) or (D)(2)(k) of section 3317.03 31404
of the Revised Code. 31405

(5) "Category five career-technical education ADM" means the 31406
enrollment of students during the school year on a full-time 31407
equivalency basis in career-technical education programs described 31408
in division (E) of section 3317.014 of the Revised Code and 31409
certified under division (B)(15) or (D)(2)(l) of section 3317.03 31410
of the Revised Code. 31411

(B)(1) "Category one limited English proficient ADM" means 31412
the full-time equivalent number of limited English proficient 31413
students described in division (A) of section 3317.016 of the 31414
Revised Code and certified under division (B)(16) or (D)(2)(m) of 31415
section 3317.03 of the Revised Code. 31416

(2) "Category two limited English proficient ADM" means the 31417
full-time equivalent number of limited English proficient students 31418
described in division (B) of section 3317.016 of the Revised Code 31419
and certified under division (B)(17) or (D)(2)(n) of section 31420
3317.03 of the Revised Code. 31421

(3) "Category three limited English proficient ADM" means the 31422
full-time equivalent number of limited English proficient students 31423
described in division (C) of section 3317.016 of the Revised Code 31424
and certified under division (B)(18) or (D)(2)(o) of section 31425
3317.03 of the Revised Code. 31426

(C)(1) "Category one special education ADM" means the 31427
full-time equivalent number of children with disabilities 31428
receiving special education services for the disability specified 31429
in division (A) of section 3317.013 of the Revised Code and 31430
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 31431

the Revised Code.	31432
(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.	31433 31434 31435 31436 31437 31438
(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.	31439 31440 31441 31442 31443 31444
(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.	31445 31446 31447 31448 31449
(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.	31450 31451 31452 31453 31454
(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.	31455 31456 31457 31458 31459
(D) "County DD board" means a county board of developmental disabilities.	31460 31461
(E) "Economically disadvantaged index for a school district"	31462

means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the ~~statewide~~ percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(F)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year

~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 31494

(H) "FTE basis" means a count of students based on full-time 31495
equivalency, in accordance with rules adopted by the department of 31496
education pursuant to section 3317.03 of the Revised Code. In 31497
adopting its rules under this division, the department shall 31498
provide for counting any student in category one, two, three, 31499
four, five, or six special education ADM or in category one, two, 31500
three, four, or five career technical education ADM in the same 31501
proportion the student is counted in formula ADM. 31502

(I) "Income factor" means the income factor calculated for a 31503
district under section 3317.019 of the Revised Code. 31504

(J) "Internet- or computer-based community school" has the 31505
same meaning as in section 3314.02 of the Revised Code. 31506

~~(J)~~(K) "Medically fragile child" means a child to whom all of 31507
the following apply: 31508

(1) The child requires the services of a doctor of medicine 31509
or osteopathic medicine at least once a week due to the 31510
instability of the child's medical condition. 31511

(2) The child requires the services of a registered nurse on 31512
a daily basis. 31513

(3) The child is at risk of institutionalization in a 31514
hospital, skilled nursing facility, or intermediate care facility 31515
for individuals with intellectual disabilities. 31516

~~(K)~~(L)(1) A child may be identified as having an "other 31517
health impairment-major" if the child's condition meets the 31518
definition of "other health impaired" established in rules 31519
previously adopted by the state board of education and if either 31520
of the following apply: 31521

(a) The child is identified as having a medical condition 31522
that is among those listed by the superintendent of public 31523

instruction as conditions where a substantial majority of cases 31524
fall within the definition of "medically fragile child." 31525

(b) The child is determined by the superintendent of public 31526
instruction to be a medically fragile child. A school district 31527
superintendent may petition the superintendent of public 31528
instruction for a determination that a child is a medically 31529
fragile child. 31530

(2) A child may be identified as having an "other health 31531
impairment-minor" if the child's condition meets the definition of 31532
"other health impaired" established in rules previously adopted by 31533
the state board of education but the child's condition does not 31534
meet either of the conditions specified in division ~~(K)~~(L)(1)(a) 31535
or (b) of this section. 31536

~~(L)~~(M) "Preschool child with a disability" means a child with 31537
a disability, as defined in section 3323.01 of the Revised Code, 31538
who is at least age three but is not of compulsory school age, as 31539
defined in section 3321.01 of the Revised Code, and who is not 31540
currently enrolled in kindergarten. 31541

~~(M)~~(N) "Preschool scholarship ADM" means the number of 31542
preschool children with disabilities certified under division 31543
(B)(3)(h) of section 3317.03 of the Revised Code. 31544

~~(N)~~(O) "Related services" includes: 31545

(1) Child study, special education supervisors and 31546
coordinators, speech and hearing services, adaptive physical 31547
development services, occupational or physical therapy, teacher 31548
assistants for children with disabilities whose disabilities are 31549
described in division (B) of section 3317.013 or division (B)(3) 31550
of this section, behavioral intervention, interpreter services, 31551
work study, nursing services, and specialized integrative services 31552
as those terms are defined by the department; 31553

(2) Speech and language services provided to any student with 31554

a disability, including any student whose primary or only disability is a speech and language disability; 31555
31556

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 31557
31558
31559

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code; 31560
31561

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 31562
31563
31564

~~(O)~~(P) "School district," unless otherwise specified, means city, local, and exempted village school districts. 31565
31566

~~(P)~~(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 31567
31568

~~(O)~~(R) "State share ~~index~~ percentage" means the ~~state share index calculated for a district under section 3317.017 of the Revised Code.~~ following: 31569
31570
31571

(1) For a city, local, or exempted village school district, the following quotient: 31572
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The amount computed under division (A)(1) of section 3317.022 of the Revised Code / [the formula amount X (formula ADM + preschool scholarship ADM)] 31574
31575
31576

(2) For a joint vocational school district, the following quotient: 31577
31578

The amount computed under division (A)(1) of section 3317.16 of the Revised Code / (the formula amount X formula ADM) 31579
31580

~~(R)~~(S) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 31581
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<u>(S) (T)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the following:</u>	31585
	31586
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015.</u>	31587
	31588
<u>(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.</u>	31589
	31590
<u>(2) For purposes of section 3317.022 of the Revised Code, division (A) of section 3317.0217 of the Revised Code, and section 3317.0218 of the Revised Code, "average valuation" means the following:</u>	31591
	31592
	31593
	31594
<u>(a) If, for tax year 2014, more than twenty per cent of the total taxable real property in a city, local, or exempted village school district is agricultural property:</u>	31595
	31596
	31597
<u>(i) For fiscal year 2016, the average of total taxable value for tax years 2009, 2010, 2011, 2012, 2013, and 2014;</u>	31598
	31599
<u>(ii) For fiscal year 2017, the average of total taxable value for tax years 2010, 2011, 2012, 2013, 2014, and 2015.</u>	31600
	31601
<u>(b) If, for tax year 2014, twenty per cent or less of the total taxable real property in a city, local, or exempted village school district is agricultural property:</u>	31602
	31603
	31604
<u>(i) For fiscal year 2016, the average of total taxable value for tax years 2012, 2013, and 2014;</u>	31605
	31606
<u>(ii) For fiscal year 2017, the average of total taxable value for tax years 2013, 2014, and 2015.</u>	31607
	31608
<u>(3) For purposes of section 3317.16 of the Revised Code, "average valuation" means the following:</u>	31609
	31610
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2012, 2013, and 2014;</u>	31611
	31612
<u>(b) For fiscal year 2017, the average of total taxable value</u>	31613

for tax years 2013, 2014, and 2015. 31614

(U) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 31615
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~~(T)~~(V) "Total special education ADM" means the sum of categories one through six special education ADM. 31620
31621

~~(U)~~(W) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 31622
31623
31624
31625

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions: 31626
31627
31628
31629
31630
31631

(1)(a) An opportunity grant calculated according to the following formula: 31632
31633

The formula amount X (formula ADM + preschool scholarship ADM) ~~X the district's state share index - (0.020 X the district's average valuation X the district's income factor)~~ 31634
31635
31636

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times (formula ADM + preschool scholarship ADM). 31637
31638
31639

(b)(i) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall 31640
31641
31642
31643

calculate the difference between the district's tax-exempt value 31644
and thirty per cent of the district's potential value. For this 31645
purpose, the "potential value" of a school district is the average 31646
valuation of the district plus the tax-exempt value of the 31647
district for the most recent tax year for which data is available. 31648

(ii) For each school district to which division (A)(1)(b)(i) 31649
of this section applies, the department shall adjust the average 31650
valuation used in the calculation under division (A)(1)(a) of this 31651
section by subtracting from it the amount calculated under 31652
division (A)(1)(b)(i) of this section. 31653

(2) Targeted assistance funds calculated under divisions (A) 31654
and (B) of section 3317.0217 of the Revised Code and capacity aid 31655
funds calculated under section 3317.0218 of the Revised Code; 31656

(3) Additional state aid for special education and related 31657
services provided under Chapter 3323. of the Revised Code 31658
calculated as the sum of the following: 31659

(a) The district's category one special education ADM X the 31660
amount specified in division (A) of section 3317.013 of the 31661
Revised Code X the district's state share ~~index~~ percentage; 31662

(b) The district's category two special education ADM X the 31663
amount specified in division (B) of section 3317.013 of the 31664
Revised Code X the district's state share ~~index~~ percentage; 31665

(c) The district's category three special education ADM X the 31666
amount specified in division (C) of section 3317.013 of the 31667
Revised Code X the district's state share ~~index~~ percentage; 31668

(d) The district's category four special education ADM X the 31669
amount specified in division (D) of section 3317.013 of the 31670
Revised Code X the district's state share ~~index~~ percentage; 31671

(e) The district's category five special education ADM X the 31672
amount specified in division (E) of section 3317.013 of the 31673

Revised Code X the district's state share ~~index~~ percentage; 31674

(f) The district's category six special education ADM X the 31675
amount specified in division (F) of section 3317.013 of the 31676
Revised Code X the district's state share ~~index~~ percentage. 31677

(4) Kindergarten through third grade literacy funds 31678
calculated according to the following formula: 31679

[~~(\$125 \$184, in fiscal year 2014 2016, or \$175 \$193, in~~ 31680
fiscal year ~~2015 2017~~) X formula ADM for grades kindergarten 31681
through three X the district's state share ~~index~~ percentage] + 31682
[~~(\$100 \$121, in fiscal year 2014 2016, or \$160 \$127, in fiscal~~ 31683
year ~~2015 2017~~) X formula ADM for grades kindergarten through 31684
three] 31685

For purposes of this calculation, the department shall 31686
subtract from a district's formula ADM for grades kindergarten 31687
through three the number of students reported under division 31688
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 31689
internet- or computer-based community school who are in grades 31690
kindergarten through three. 31691

(5) Economically disadvantaged funds calculated according to 31692
the following formula: 31693

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ 31694
\$272 X ~~(the district's economically disadvantaged index)~~ X the 31695
number of students who are economically disadvantaged as certified 31696
under division (B)(21) of section 3317.03 of the Revised Code 31697

(6) Limited English proficiency funds calculated as the sum 31698
of the following: 31699

(a) The district's category one limited English proficient 31700
ADM X the amount specified in division (A) of section 3317.016 of 31701
the Revised Code X the district's state share ~~index~~ percentage; 31702

(b) The district's category two limited English proficient 31703

ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share ~~index~~ percentage; 31704
31705

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share ~~index~~ percentage. 31706
31707
31708

(7)(a) Gifted identification funds calculated according to the following formula: 31709
31710
~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the district's formula ADM 31711
31712

(b) Gifted unit funding calculated under section 3317.051 of the Revised Code. 31713
31714

(8) Career-technical education funds calculated as the sum of the following: 31715
31716

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31717
31718
31719

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31720
31721
31722

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31723
31724
31725

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31726
31727
31728

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage. 31729
31730
31731

Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code. 31732
31733

(9) Career-technical education associated services funds 31734
calculated according to the following formula: 31735
The district's state share ~~index~~ percentage X the amount for 31736
career-technical education associated services specified in 31737
section 3317.014 of the Revised Code X the sum of categories one 31738
through five career-technical education ADM 31739

(B) In any fiscal year, a school district shall spend for 31740
purposes that the department designates as approved for special 31741
education and related services expenses at least the amount 31742
calculated as follows: 31743

(The formula amount X the total special education ADM) + (the 31744
district's category one special education ADM X the amount 31745
specified in division (A) of section 3317.013 of the Revised Code) 31746
+ (the district's category two special education ADM X the amount 31747
specified in division (B) of section 3317.013 of the Revised Code) 31748
+ (the district's category three special education ADM X the 31749
amount specified in division (C) of section 3317.013 of the 31750
Revised Code) + (the district's category four special education 31751
ADM X the amount specified in division (D) of section 3317.013 of 31752
the Revised Code) + (the district's category five special 31753
education ADM X the amount specified in division (E) of section 31754
3317.013 of the Revised Code) + (the district's category six 31755
special education ADM X the amount specified in division (F) of 31756
section 3317.013 of the Revised Code) 31757

The purposes approved by the department for special education 31758
expenses shall include, but shall not be limited to, 31759
identification of children with disabilities, compliance with 31760
state rules governing the education of children with disabilities 31761
and prescribing the continuum of program options for children with 31762
disabilities, provision of speech language pathology services, and 31763
the portion of the school district's overall administrative and 31764
overhead costs that are attributable to the district's special 31765

education student population. 31766

The scholarships deducted from the school district's account 31767
under sections 3310.41 and 3310.55 of the Revised Code shall be 31768
considered to be an approved special education and related 31769
services expense for the purpose of the school district's 31770
compliance with this division. 31771

(C) In any fiscal year, a school district receiving funds 31772
under division (A)(8) of this section shall spend those funds only 31773
for the purposes that the department designates as approved for 31774
career-technical education expenses. Career-technical ~~educational~~ 31775
education expenses approved by the department shall include only 31776
expenses connected to the delivery of career-technical programming 31777
to career-technical students. The department shall require the 31778
school district to report data annually so that the department may 31779
monitor the district's compliance with the requirements regarding 31780
the manner in which funding received under division (A)(8) of this 31781
section may be spent. 31782

(D) In any fiscal year, a school district receiving funds 31783
under division (A)(9) of this section, or through a transfer of 31784
funds pursuant to division (I) of section 3317.023 of the Revised 31785
Code, shall spend those funds only for the purposes that the 31786
department designates as approved for career-technical education 31787
associated services expenses, which may include such purposes as 31788
apprenticeship coordinators, coordinators for other 31789
career-technical education services, career-technical evaluation, 31790
and other purposes designated by the department. The department 31791
may deny payment under division (A)(9) of this section to any 31792
district that the department determines is not operating those 31793
services or is using funds paid under division (A)(9) of this 31794
section, or through a transfer of funds pursuant to division (I) 31795
of section 3317.023 of the Revised Code, for other purposes. 31796

(E) All funds received under division (A)(8) of this section 31797

shall be spent in the following manner: 31798

(1) At least seventy-five per cent of the funds shall be 31799
spent on curriculum development, purchase, and implementation; 31800
instructional resources and supplies; industry-based program 31801
certification; student assessment, credentialing, and placement; 31802
curriculum specific equipment purchases and leases; 31803
career-technical student organization fees and expenses; home and 31804
agency linkages; work-based learning experiences; professional 31805
development; and other costs directly associated with 31806
career-technical education programs including development of new 31807
programs. 31808

(2) Not more than twenty-five per cent of the funds shall be 31809
used for personnel expenditures. 31810

(F) A school district shall spend the funds it receives under 31811
division (A)(5) of this section in accordance with section 3317.25 31812
of the Revised Code. 31813

Sec. 3317.0212. (A) As used in this section: 31814

(1) "Qualifying riders" means resident students enrolled in 31815
regular education in grades kindergarten to twelve who are 31816
provided school bus service by a school district and who live more 31817
than one mile from the school they attend, including students with 31818
dual enrollment in a joint vocational school district or a 31819
cooperative education school district, and students enrolled in a 31820
community school, STEM school, or nonpublic school. 31821

(2) "Qualifying ridership" means the average number of 31822
qualifying riders who are provided school bus service by a school 31823
district during the first full week of October. 31824

(3) "Rider density" means the total ADM per square mile of a 31825
school district. 31826

(4) "School bus service" means a school district's 31827

transportation of qualifying riders in any of the following types	31828
of vehicles:	31829
(a) School buses owned or leased by the district;	31830
(b) School buses operated by a private contractor hired by the district;	31831 31832
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	31833 31834 31835
<u>(5) "Total riders" means resident students enrolled in</u>	31836
<u>regular education in grades kindergarten to twelve who are</u>	31837
<u>provided school bus service by a school district, including</u>	31838
<u>students with dual enrollment in a joint vocational school</u>	31839
<u>district or a cooperative education school district, and students</u>	31840
<u>enrolled in a community school, STEM school, or nonpublic school.</u>	31841
<u>(6) "Total ridership" means the average number of total</u>	31842
<u>riders who are provided school bus service by a school district</u>	31843
<u>during the first full week of October.</u>	31844
(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying <u>and total</u> ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.	31845 31846 31847 31848 31849 31850
(C) The department shall calculate the statewide transportation cost per student as follows:	31851 31852
(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying <u>total</u> ridership in the previous fiscal year.	31853 31854 31855 31856 31857

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate ~~qualifying~~ total ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~

fifty per cent or the district's state share ~~index~~ percentage, as 31889
defined in section 3317.02 of the Revised Code. 31890

(F) In addition to funds paid under division (E) of this 31891
section, each city, local, and exempted village district shall 31892
receive in accordance with rules adopted by the state board of 31893
education a payment for students transported by means other than 31894
school bus service and whose transportation is not funded under 31895
division (C) of section 3317.024 of the Revised Code. The rules 31896
shall include provisions for school district reporting of such 31897
students. 31898

~~(G)(1) In fiscal years 2014 and 2015, the department shall 31899
pay each district a pro rata portion of the amounts calculated 31900
under division (E) of this section and described in division (F) 31901
of this section, based on state appropriations. 31902~~

~~(2) In addition to the prorated payment under division (G)(1) 31903
of this section, in fiscal years 2014 and 2015, the department 31904
shall pay each school district that meets the conditions 31905
prescribed in division (G)(3) of this section an additional amount 31906
equal to the difference of (a) the amounts calculated under 31907
division (E) of this section and prescribed in division (F) of 31908
this section minus (b) that prorated payment. 31909~~

~~(3) Division (G)(2) of this section applies to each school 31910
district that meets all of the following conditions: 31911~~

~~(a) The district qualifies for the calculation of a payment 31912
under division (E) of this section because it transports students 31913
on board owned or contractor owned school buses. 31914~~

~~(b) The district's state share index is greater than or equal 31915
to 0.50. 31916~~

~~(c) The district's rider density is at or below the median 31917
rider density of all districts that qualify for calculation of a 31918
payment under division (E) of this section. 31919~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code.~~

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool ~~special education~~ children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

The additional state aid shall be calculated under the following formula:

$(\$4,000 \times \text{the number of } \underline{\text{students who are preschool } \del{\text{special education}} \text{ children with disabilities}}) + \text{the sum of the following:}$

(1) The district's or institution's category one special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(2) The district's or institution's category two special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(3) The district's or institution's category three special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(4) The district's or institution's category four special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(5) The district's or institution's category five special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(6) The district's or institution's category six special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share ~~index~~ percentage of a student enrolled in an institution is the state share ~~index~~ percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or

exempted village school district in which the students are 31981
entitled to attend school, that district may authorize the 31982
department to transfer funds computed under this section to the 31983
service center providing those services. 31984

(C) If a county DD board is providing services to ~~preschool~~ 31985
~~special education~~ students who are preschool children with 31986
disabilities under agreement with the city, local, or exempted 31987
village school district in which the students are entitled to 31988
attend school, the department shall deduct from the district's 31989
payment computed under division (A) of this section the total 31990
amount of those funds that are attributable to the students served 31991
by the county DD board and pay that amount to that board. 31992

Sec. 3317.0214. (A) The department shall compute and pay in 31993
accordance with this section additional state aid to school 31994
districts for students in categories two through six special 31995
education ADM. If a district's costs for the fiscal year for a 31996
student in its categories two through six special education ADM 31997
exceed the threshold catastrophic cost for serving the student, 31998
the district may submit to the superintendent of public 31999
instruction documentation, as prescribed by the superintendent, of 32000
all its costs for that student. Upon submission of documentation 32001
for a student of the type and in the manner prescribed, the 32002
department shall pay to the district an amount equal to the sum of 32003
the following: 32004

(1) One-half of the district's costs for the student in 32005
excess of the threshold catastrophic cost; 32006

(2) The product of one-half of the district's costs for the 32007
student in excess of the threshold catastrophic cost multiplied by 32008
the district's state share ~~index~~ percentage. 32009

(B) For purposes of division (A) of this section, the 32010
threshold catastrophic cost for serving a student equals: 32011

(1) For a student in the school district's category two, 32012
three, four, or five special education ADM, twenty-seven thousand 32013
three hundred seventy-five dollars; 32014

(2) For a student in the district's category six special 32015
education ADM, thirty-two thousand eight hundred fifty dollars. 32016

(C) The district shall report under division (A) of this 32017
section, and the department shall pay for, only the costs of 32018
educational expenses and the related services provided to the 32019
student in accordance with the student's individualized education 32020
program. Any legal fees, court costs, or other costs associated 32021
with any cause of action relating to the student may not be 32022
included in the amount. 32023

Sec. 3317.0217. Payment of the amount calculated for a school 32024
district under this section shall be made under division (A) of 32025
section 3317.022 of the Revised Code. 32026

For purposes of the calculations under this section, "school 32027
district" shall mean a school district with a formula ADM greater 32028
than zero. 32029

(A) The department of education shall annually compute 32030
targeted assistance funds to school districts, as follows: 32031

(1) Calculate the local wealth per pupil of each school 32032
district, which equals the following sum: 32033

(a) One-half times the quotient of (i) the district's 32034
~~three-year~~ average valuation divided by (ii) its formula ADM; plus 32035

(b) One-half times the quotient of (i) the average of the 32036
total federal adjusted gross income of the school district's 32037
residents for the three years most recently reported under section 32038
3317.021 of the Revised Code divided by (ii) its formula ADM. 32039

(2) Rank all school districts in order of local wealth per 32040
pupil, from the district with the lowest local wealth per pupil to 32041

the district with the highest local wealth per pupil. 32042

(3) Compute the statewide wealth per pupil, which equals the 32043
following sum: 32044

(a) One-half times the quotient of (i) the sum of the 32045
~~three-year~~ average valuations for all school districts divided by 32046
(ii) the sum of formula ADM counts for all school districts; plus 32047

(b) One-half times the quotient of (i) the sum of the 32048
three-year average total federal adjusted gross incomes for all 32049
school districts divided by (ii) the sum of formula ADM counts for 32050
all school districts. 32051

(4) Compute each district's ~~wealth index~~ capacity measure by 32052
dividing the statewide wealth per pupil by the district's local 32053
wealth per pupil. 32054

(5) Compute the per pupil targeted assistance for each 32055
eligible school district in accordance with the following formula: 32056
(Threshold local wealth per pupil - the district's local wealth 32057
per pupil) 32058
X target millage X the district's ~~wealth index~~ capacity measure 32059

Where: 32060

(a) An "eligible school district" means a school district 32061
with a local wealth per pupil less than that of the school 32062
district with the 490th lowest local wealth per pupil. 32063

(b) "Threshold local wealth per pupil" means the local wealth 32064
per pupil of the school district with the 490th lowest local 32065
wealth per pupil. 32066

(c) "Target millage" means 0.006. 32067

If the result of the calculation for a school district under 32068
division (A)(5) of this section is less than zero, the district's 32069
targeted assistance shall be zero. 32070

(6) Calculate the aggregate amount to be paid as targeted 32071

assistance funds to each school district under division (A) of 32072
section 3317.022 of the Revised Code by multiplying the per pupil 32073
targeted assistance computed under division (A)(5) of this section 32074
by the district's net formula ADM. 32075

As used in this division, a district's "net formula ADM" 32076
means its formula ADM minus the number of community school 32077
students certified under division (B)(3)(d) of section 3317.03 of 32078
the Revised Code X 0.75, the number of internet- and 32079
computer-based community school students certified under division 32080
(B)(3)(e) of that section, the number of science, technology, 32081
engineering, and mathematics school students certified under 32082
division (B)(3)(j) of that section X 0.75, and the number of 32083
scholarship students certified under divisions (B)(3)(f), (g), and 32084
(l) of that section. 32085

(B) The department shall annually compute supplemental 32086
targeted assistance funds to school districts, as follows: 32087

(1) Compute each district's agricultural percentage as the 32088
quotient of (a) the three-year average tax valuation of real 32089
property in the district that is classified as agricultural 32090
property divided by (b) the three-year average tax valuation of 32091
all of the real property in the district. For purposes of this 32092
computation: 32093

(a) For fiscal year 2016, a district's "three-year average 32094
tax valuation" means the average of a district's tax valuation for 32095
~~fiscal tax~~ tax years 2012, 2013, and 2014. 32096

(b) For fiscal year 2017, a district's "three-year average 32097
tax valuation" means the average of a district's tax valuation for 32098
tax years 2013, 2014, and 2015. 32099

(2) Determine each district's agricultural targeted 32100
percentage as follows: 32101

(a) If a district's agricultural percentage is greater than 32102

or equal to 0.10, then the district's agricultural targeted 32103
percentage shall be equal to 0.40. 32104

(b) If a district's agricultural percentage is less than 32105
0.10, then the district's agricultural targeted percentage shall 32106
be equal to 4 X the district's agricultural percentage. 32107

(3) Calculate the aggregate amount to be paid as supplemental 32108
targeted assistance funds to each school district under division 32109
(A) of section 3317.022 of the Revised Code by multiplying the 32110
district's agricultural targeted percentage by the amount 32111
calculated for the district under division (A)(6) of this section. 32112

Sec. 3317.0218. The department shall annually compute 32113
capacity aid funds to school districts, as follows: 32114

(A) For each school district, multiply the district's average 32115
valuation by 0.001; 32116

(B) Determine the median amount of all of the amounts 32117
calculated under division (A) of this section; 32118

(C) Calculate each school district's capacity ratio, which 32119
equals the greater of zero or the amount calculated as follows: 32120

(The amount determined under division (B) of this section / the 32121
amount calculated for the district under division (A) of this 32122
section) - 1 32123

If the result of a calculation for a school district under 32124
division (C) of this section is greater than 2.5, the district's 32125
capacity ratio shall be 2.5. 32126

(D) Calculate the capacity aid per pupil amount, which equals 32127
the following quotient: 32128

(The amount determined under division (B) of this section) / (the 32129
average of the formula ADMs of all of the districts for which the 32130
amount calculated under division (A) of this section is less than 32131
the amount determined under division (B) of this section) 32132

<u>(E) Calculate each school district's capacity aid, which</u>	32133
<u>equals the following product:</u>	32134
<u>The capacity aid per pupil amount calculated under division (D) of</u>	32135
<u>this section X the district's formula ADM X 5 X the district's</u>	32136
<u>capacity ratio calculated under division (C) of this section</u>	32137
Sec. 3317.051. (A) As used in this section, "gifted unit ADM"	32138
means a school district's formula ADM minus the number of students	32139
reported by a district under divisions (A)(2)(a) and (i) of	32140
section 3317.03 of the Revised Code.	32141
(B) The department of education shall compute and pay to a	32142
school district funds based on units for services to students	32143
identified as gifted under Chapter 3324. of the Revised Code as	32144
prescribed by this section.	32145
(C) The department shall allocate gifted units for a school	32146
district as follows:	32147
(1) One gifted coordinator unit shall be allocated for every	32148
3,300 students in a district's gifted unit ADM, with a minimum of	32149
0.5 units and a maximum of 8 units allocated for the district.	32150
(2) One gifted intervention specialist unit shall be	32151
allocated for every 1,100 students in a district's gifted unit	32152
ADM, with a minimum of 0.3 units allocated for the district.	32153
(D) The department shall pay the following amount to a school	32154
district for gifted units:	32155
(1) In fiscal year 2014, \$37,000 multiplied by the number of	32156
units allocated to a school district under division (C) of this	32157
section;	32158
(2) In fiscal year 2015, \$37,370 multiplied by the number of units	32159
allocated to a school district under division (C) of this section-	32160
(E) A school district may assign gifted unit funding that it	32161
receives under division (D) of this section to another school	32162

district, an educational service center, a community school, or a 32163
STEM school as part of an arrangement to provide services to the 32164
district. 32165

Sec. 3317.06. Moneys paid to school districts under division 32166
(E) of section 3317.024 of the Revised Code shall be used for the 32167
following independent and fully severable purposes: 32168

(A) To purchase such secular textbooks or digital texts as 32169
have been approved by the superintendent of public instruction for 32170
use in public schools in the state and to loan such textbooks or 32171
digital texts to pupils attending nonpublic schools within the 32172
district or to their parents and to hire clerical personnel to 32173
administer such lending program. Such loans shall be based upon 32174
individual requests submitted by such nonpublic school pupils or 32175
parents. Such requests shall be submitted to the school district 32176
in which the nonpublic school is located. Such individual requests 32177
for the loan of textbooks or digital texts shall, for 32178
administrative convenience, be submitted by the nonpublic school 32179
pupil or the pupil's parent to the nonpublic school, which shall 32180
prepare and submit collective summaries of the individual requests 32181
to the school district. As used in this section: 32182

(1) "Textbook" means any book or book substitute that a pupil 32183
uses as a consumable or nonconsumable text, text substitute, or 32184
text supplement in a particular class or program in the school the 32185
pupil regularly attends. 32186

(2) "Digital text" means a consumable book or book substitute 32187
that a student accesses through the use of a computer or other 32188
electronic medium or that is available through an internet-based 32189
provider of course content, or any other material that contributes 32190
to the learning process through electronic means. 32191

(B) To provide speech and hearing diagnostic services to 32192
pupils attending nonpublic schools within the district. Such 32193

service shall be provided in the nonpublic school attended by the 32194
pupil receiving the service. 32195

(C) To provide physician, nursing, dental, and optometric 32196
services to pupils attending nonpublic schools within the 32197
district. Such services shall be provided in the school attended 32198
by the nonpublic school pupil receiving the service. 32199

(D) To provide diagnostic psychological services to pupils 32200
attending nonpublic schools within the district. Such services 32201
shall be provided in the school attended by the pupil receiving 32202
the service. 32203

(E) To provide therapeutic psychological and speech and 32204
hearing services to pupils attending nonpublic schools within the 32205
district. Such services shall be provided in the public school, in 32206
nonpublic schools, in public centers, or in mobile units located 32207
on or off of the nonpublic premises. If such services are provided 32208
in the public school or in public centers, transportation to and 32209
from such facilities shall be provided by the school district in 32210
which the nonpublic school is located. 32211

(F) To provide guidance, counseling, and social work services 32212
to pupils attending nonpublic schools within the district. Such 32213
services shall be provided in the public school, in nonpublic 32214
schools, in public centers, or in mobile units located on or off 32215
of the nonpublic premises. If such services are provided in the 32216
public school or in public centers, transportation to and from 32217
such facilities shall be provided by the school district in which 32218
the nonpublic school is located. 32219

(G) To provide remedial services to pupils attending 32220
nonpublic schools within the district. Such services shall be 32221
provided in the public school, in nonpublic schools, in public 32222
centers, or in mobile units located on or off of the nonpublic 32223
premises. If such services are provided in the public school or in 32224

public centers, transportation to and from such facilities shall 32225
be provided by the school district in which the nonpublic school 32226
is located. 32227

(H) To supply for use by pupils attending nonpublic schools 32228
within the district such standardized tests and scoring services 32229
as are in use in the public schools of the state; 32230

(I) To provide programs for children who attend nonpublic 32231
schools within the district and are children with disabilities as 32232
defined in section 3323.01 of the Revised Code or gifted children. 32233
Such programs shall be provided in the public school, in nonpublic 32234
schools, in public centers, or in mobile units located on or off 32235
of the nonpublic premises. If such programs are provided in the 32236
public school or in public centers, transportation to and from 32237
such facilities shall be provided by the school district in which 32238
the nonpublic school is located. 32239

(J) To hire clerical personnel to assist in the 32240
administration of programs pursuant to divisions (B), (C), (D), 32241
(E), (F), (G), and (I) of this section and to hire supervisory 32242
personnel to supervise the providing of services and textbooks 32243
pursuant to this section. 32244

(K) To purchase or lease any secular, neutral, and 32245
nonideological computer application software designed to assist 32246
students in performing a single task or multiple related tasks, 32247
device management software, learning management software, 32248
site-licensing, digital video on demand (DVD), wide area 32249
connectivity and related technology as it relates to internet 32250
access, mathematics or science equipment and materials, 32251
instructional materials, and school library materials that are in 32252
general use in the public schools of the state and loan such items 32253
to pupils attending nonpublic schools within the district or to 32254
their parents, and to hire clerical personnel to administer the 32255
lending program. Only such items that are incapable of diversion 32256

to religious use and that are susceptible of loan to individual 32257
pupils and are furnished for the use of individual pupils shall be 32258
purchased and loaned under this division. As used in this section, 32259
"instructional materials" means prepared learning materials that 32260
are secular, neutral, and nonideological in character and are of 32261
benefit to the instruction of school children. "Instructional 32262
materials" includes media content that a student may access 32263
through the use of a computer or electronic device. 32264

Mobile applications that are secular, neutral, and 32265
nonideological in character and that are purchased for less than 32266
~~ten~~ twenty dollars for instructional use shall be considered to be 32267
consumable and shall be distributed to students without the 32268
expectation that the applications must be returned. 32269

(L) To purchase or lease instructional equipment, including 32270
computer hardware and related equipment in general use in the 32271
public schools of the state, for use by pupils attending nonpublic 32272
schools within the district and to loan such items to pupils 32273
attending nonpublic schools within the district or to their 32274
parents, and to hire clerical personnel to administer the lending 32275
program. "Computer hardware and related equipment" includes 32276
desktop computers and workstations; laptop computers, computer 32277
tablets, and other mobile handheld devices; ~~and~~ their operating 32278
systems and accessories; and any equipment designed to make 32279
accessible the environment of a classroom to a student, who is 32280
physically unable to attend classroom activities due to 32281
hospitalization or other circumstances, by allowing real-time 32282
interaction with other students both one-on-one and in group 32283
discussion. 32284

(M) To purchase mobile units to be used for the provision of 32285
services pursuant to divisions (E), (F), (G), and (I) of this 32286
section and to pay for necessary repairs and operating costs 32287
associated with these units. 32288

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school that closes. 32289
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(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district or to maintain such equipment. 32293
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Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. 32296
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All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. 32303
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Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E) of section 3317.024 of the Revised Code. 32308
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No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools 32317
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within the district. 32320

Materials, equipment, computer hardware or software, 32321
textbooks, digital texts, and health and remedial services 32322
provided for the benefit of nonpublic school pupils pursuant to 32323
this section and the admission of pupils to such nonpublic schools 32324
shall be provided without distinction as to race, creed, color, or 32325
national origin of such pupils or of their teachers. 32326

No school district shall provide services, materials, or 32327
equipment that contain religious content for use in religious 32328
courses, devotional exercises, religious training, or any other 32329
religious activity. 32330

As used in this section, "parent" includes a person standing 32331
in loco parentis to a child. 32332

Notwithstanding section 3317.01 of the Revised Code, payments 32333
shall be made under this section to any city, local, or exempted 32334
village school district within which is located one or more 32335
nonpublic elementary or high schools and any payments made to 32336
school districts under division (E) of section 3317.024 of the 32337
Revised Code for purposes of this section may be disbursed without 32338
submission to and approval of the controlling board. 32339

The allocation of payments for materials, equipment, 32340
textbooks, digital texts, health services, and remedial services 32341
to city, local, and exempted village school districts shall be on 32342
the basis of the state board of education's estimated annual 32343
average daily membership in nonpublic elementary and high schools 32344
located in the district. 32345

Payments made to city, local, and exempted village school 32346
districts under this section shall be equal to specific 32347
appropriations made for the purpose. All interest earned by a 32348
school district on such payments shall be used by the district for 32349
the same purposes and in the same manner as the payments may be 32350

used. 32351

The department of education shall adopt guidelines and 32352
procedures under which such programs and services shall be 32353
provided, under which districts shall be reimbursed for 32354
administrative costs incurred in providing such programs and 32355
services, and under which any unexpended balance of the amounts 32356
appropriated by the general assembly to implement this section may 32357
be transferred to the auxiliary services personnel unemployment 32358
compensation fund established pursuant to section 4141.47 of the 32359
Revised Code. The department shall also adopt guidelines and 32360
procedures limiting the purchase and loan of the items described 32361
in division (K) of this section to items that are in general use 32362
in the public schools of the state, that are incapable of 32363
diversion to religious use, and that are susceptible to individual 32364
use rather than classroom use. Within thirty days after the end of 32365
each biennium, each board of education shall remit to the 32366
department all moneys paid to it under division (E) of section 32367
3317.024 of the Revised Code and any interest earned on those 32368
moneys that are not required to pay expenses incurred under this 32369
section during the biennium for which the money was appropriated 32370
and during which the interest was earned. If a board of education 32371
subsequently determines that the remittal of moneys leaves the 32372
board with insufficient money to pay all valid expenses incurred 32373
under this section during the biennium for which the remitted 32374
money was appropriated, the board may apply to the department of 32375
education for a refund of money, not to exceed the amount of the 32376
insufficiency. If the department determines the expenses were 32377
lawfully incurred and would have been lawful expenditures of the 32378
refunded money, it shall certify its determination and the amount 32379
of the refund to be made to the director of job and family 32380
services who shall make a refund as provided in section 4141.47 of 32381
the Revised Code. 32382

Each school district shall label materials, equipment, 32383
computer hardware or software, textbooks, and digital texts 32384
purchased or leased for loan to a nonpublic school under this 32385
section, acknowledging that they were purchased or leased with 32386
state funds under this section. However, a district need not label 32387
materials, equipment, computer hardware or software, textbooks, or 32388
digital texts that the district determines are consumable in 32389
nature or have a value of less than two hundred dollars. 32390

Sec. 3317.16. (A) The department of education shall compute 32391
and distribute state core foundation funding to each joint 32392
vocational school district for the fiscal year as prescribed in 32393
the following divisions: 32394

(1) An opportunity grant calculated according to the 32395
following formula: 32396

(The formula amount X formula ADM) - (0.0005 X the 32397
district's ~~three-year~~ average valuation) 32398

If the result of the calculation for a joint vocational 32399
school district under division (A)(1) of this section is less than 32400
zero, the joint vocational school district's opportunity grant 32401
shall be zero. 32402

(2) Additional state aid for special education and related 32403
services provided under Chapter 3323. of the Revised Code 32404
calculated as the sum of the following: 32405

(a) The district's category one special education ADM X the 32406
amount specified in division (A) of section 3317.013 of the 32407
Revised Code X the district's state share percentage; 32408

(b) The district's category two special education ADM X the 32409
amount specified in division (B) of section 3317.013 of the 32410
Revised Code X the district's state share percentage; 32411

(c) The district's category three special education ADM X the 32412

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 32413
32414

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 32415
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(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 32418
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32420

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 32421
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32423

(3) Economically disadvantaged funds calculated according to the following formula: 32424
32425
~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ \$272 X
~~(the district's economically disadvantaged index)~~ X the number of 32426
32427
students who are economically disadvantaged as certified 32428
under division (D)(2)(p) of section 3317.03 of the Revised Code 32429

(4) Limited English proficiency funds calculated as the sum of the following: 32430
32431

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 32432
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32434

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 32435
32436
32437

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 32438
32439
32440

(5) Career-technical education funds calculated as the sum of the following: 32441
32442

(a) The district's category one career-technical education	32443
ADM X the amount specified in division (A) of section 3317.014 of	32444
the Revised Code X the district's state share percentage;	32445
(b) The district's category two career-technical education	32446
ADM X the amount specified in division (B) of section 3317.014 of	32447
the Revised Code X the district's state share percentage;	32448
(c) The district's category three career-technical education	32449
ADM X the amount specified in division (C) of section 3317.014 of	32450
the Revised Code X the district's state share percentage;	32451
(d) The district's category four career-technical education	32452
ADM X the amount specified in division (D) of section 3317.014 of	32453
the Revised Code X the district's state share percentage;	32454
(e) The district's category five career-technical education	32455
ADM X the amount specified in division (E) of section 3317.014 of	32456
the Revised Code X the district's state share percentage.	32457
Payment of funds under division (A)(5) of this section is	32458
subject to approval under section 3317.161 of the Revised Code.	32459
(6) Career-technical education associated services funds	32460
calculated under the following formula:	32461
The district's state share percentage X the	32462
amount for career-technical education associated services	32463
specified in section 3317.014 of the Revised Code X the sum of	32464
categories one through five career-technical	32465
education ADM	32466
(B)(1) If a joint vocational school district's costs for a	32467
fiscal year for a student in its categories two through six	32468
special education ADM exceed the threshold catastrophic cost for	32469
serving the student, as specified in division (B) of section	32470
3317.0214 of the Revised Code, the district may submit to the	32471
superintendent of public instruction documentation, as prescribed	32472
by the superintendent, of all of its costs for that student. Upon	32473

submission of documentation for a student of the type and in the 32474
manner prescribed, the department shall pay to the district an 32475
amount equal to the sum of the following: 32476

(a) One-half of the district's costs for the student in 32477
excess of the threshold catastrophic cost; 32478

(b) The product of one-half of the district's costs for the 32479
student in excess of the threshold catastrophic cost multiplied by 32480
the district's state share percentage. 32481

(2) The district shall report under division (B)(1) of this 32482
section, and the department shall pay for, only the costs of 32483
educational expenses and the related services provided to the 32484
student in accordance with the student's individualized education 32485
program. Any legal fees, court costs, or other costs associated 32486
with any cause of action relating to the student may not be 32487
included in the amount. 32488

(C)(1) For each student with a disability receiving special 32489
education and related services under an individualized education 32490
program, as defined in section 3323.01 of the Revised Code, at a 32491
joint vocational school district, the resident district or, if the 32492
student is enrolled in a community school, the community school 32493
shall be responsible for the amount of any costs of providing 32494
those special education and related services to that student that 32495
exceed the sum of the amount calculated for those services 32496
attributable to that student under division (A) of this section. 32497

Those excess costs shall be calculated ~~by subtracting the sum~~ 32498
~~of the following from the actual cost to provide special education~~ 32499
~~and related services to the student:~~ 32500

~~(a) The formula amount;~~ 32501

~~(b) The amount specified in section 3317.013 of the Revised~~ 32502
~~Code that is applicable to the student;~~ 32503

(c) Any funds paid under section 3317.0214 for the student	32504
using a formula approved by the department.	32505
(2) The board of education of the joint vocational school	32506
district may report the excess costs calculated under division	32507
(C)(1) of this section to the department of education.	32508
(3) If the board of education of the joint vocational school	32509
district reports excess costs under division (C)(2) of this	32510
section, the department shall pay the amount of excess cost	32511
calculated under division (C)(2) of this section to the joint	32512
vocational school district and shall deduct that amount as	32513
provided in division (C)(3)(a) or (b) of this section, as	32514
applicable:	32515
(a) If the student is not enrolled in a community school, the	32516
department shall deduct the amount from the account of the	32517
student's resident district pursuant to division (J) of section	32518
3317.023 of the Revised Code.	32519
(b) If the student is enrolled in a community school, the	32520
department shall deduct the amount from the account of the	32521
community school pursuant to section 3314.083 of the Revised Code.	32522
(D)(1) In any fiscal year, a school district receiving funds	32523
under division (A)(5) of this section shall spend those funds only	32524
for the purposes that the department designates as approved for	32525
career-technical education expenses. Career-technical educational	32526
<u>education</u> expenses approved by the department shall include only	32527
expenses connected to the delivery of career-technical programming	32528
to career-technical students. The department shall require the	32529
school district to report data annually so that the department may	32530
monitor the district's compliance with the requirements regarding	32531
the manner in which funding received under division (A)(5) of this	32532
section may be spent.	32533
(2) All funds received under division (A)(5) of this section	32534

shall be spent in the following manner: 32535

(a) At least seventy-five per cent of the funds shall be 32536
spent on curriculum development, purchase, and implementation; 32537
instructional resources and supplies; industry-based program 32538
certification; student assessment, credentialing, and placement; 32539
curriculum specific equipment purchases and leases; 32540
career-technical student organization fees and expenses; home and 32541
agency linkages; work-based learning experiences; professional 32542
development; and other costs directly associated with 32543
career-technical education programs including development of new 32544
programs. 32545

(b) Not more than twenty-five per cent of the funds shall be 32546
used for personnel expenditures. 32547

(E) In any fiscal year, a school district receiving funds 32548
under division (A)(6) of this section, or through a transfer of 32549
funds pursuant to division (I) of section 3317.023 of the Revised 32550
Code, shall spend those funds only for the purposes that the 32551
department designates as approved for career-technical education 32552
associated services expenses, which may include such purposes as 32553
apprenticeship coordinators, coordinators for other 32554
career-technical education services, career-technical evaluation, 32555
and other purposes designated by the department. The department 32556
may deny payment under division (A)(6) of this section to any 32557
district that the department determines is not operating those 32558
services or is using funds paid under division (A)(6) of this 32559
section, or through a transfer of funds pursuant to division (I) 32560
of section 3317.023 of the Revised Code, for other purposes. 32561

(F) A joint vocational school district shall spend the funds 32562
it receives under division (A)(3) of this section in accordance 32563
with section 3317.25 of the Revised Code. 32564

(G) As used in this section: 32565

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	32566 32567
(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	32568 32569 32570
(3) "State share percentage" is equal to the following: The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)	32571 32572 32573
Sec. 3317.20. This section does not apply to preschool children with disabilities.	32574 32575
(A) As used in this section:	32576
(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.	32577 32578 32579
(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	32580 32581 32582
(3) "State share index <u>percentage</u> " means the state share index <u>percentage</u> of the child's school district.	32583 32584
(B) The department shall annually pay each county DD board for each child with a disability, other than a preschool child with a disability, for whom the county DD board provides special education and related services an amount equal to the formula amount + (state share index <u>percentage</u> X the applicable special education amount).	32585 32586 32587 32588 32589 32590
(C) Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district.	32591 32592 32593 32594

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 32625

(1) "Competency-based educational program" means any system 32626
of academic instruction, assessment, grading, and reporting where 32627
students receive credit based on demonstrations and assessments of 32628
their learning rather than the amount of time they spend studying 32629
a subject. A competency-based educational program shall encourage 32630
accelerated learning among students who master academic materials 32631
quickly while providing additional instructional support time for 32632
students who need it. 32633

(2) An "eligible individual" is an individual who satisfies 32634
both of the following criteria: 32635

~~(1)~~(a) The individual is at least twenty-two years of age. 32636

~~(2)~~(b) The individual has not been awarded a high school 32637
diploma or a certificate of high school equivalence as defined in 32638
section 4109.06 of the Revised Code. 32639

(B) An eligible individual may enroll in a city, local, or 32640
exempted village school district that operates a dropout 32641
prevention and recovery program for up to two ~~cumulative~~ 32642
consecutive school years for the purpose of earning a high school 32643
diploma. An individual enrolled under this division may elect to 32644
satisfy the requirements to earn a high school diploma by 32645
successfully completing a competency-based ~~instructional~~ 32646
educational program that complies with the standards adopted by 32647
the ~~state board~~ department of education under section 3317.231 of 32648
the Revised Code. The district shall report that individual's 32649
enrollment on a full-time equivalency basis under division (A) of 32650
section 3317.036 of the Revised Code and shall not report that 32651
individual's enrollment under section 3317.03 of the Revised Code. 32652
An individual enrolled under this division shall not be assigned 32653
to classes or settings with students who are younger than eighteen 32654
years of age. 32655

(C)(1) For each district that enrolls individuals under 32656
division (B) of this section, the department ~~of education~~ annually 32657
shall certify the enrollment and attendance, on a full-time 32658
equivalency basis, of each individual reported by the district 32659
under division (A) of section 3317.036 of the Revised Code. 32660

(2) For each individual enrolled in a district under division 32661
(B) of this section, the department annually shall pay ~~to~~ the 32662
district ~~an amount equal to the following:~~ 32663

~~\$5,000 X the individual's enrollment on a full time 32664
equivalency basis as certified under division (C)(1) of this 32665
section X the portion of the school year in which the individual 32666
is enrolled in the district expressed as a percentage up to 32667
\$5,000, as determined by the department based on the extent of the 32668
individual's successful completion of the graduation requirements 32669
prescribed under sections 3313.603, 3313.61, 3313.611, and 32670
3313.614 of the Revised Code. 32671~~

(D) A district that enrolls individuals under division (B) of 32672
this section shall be subject to the program administration 32673
standards adopted by the ~~state board~~ department under section 32674
3317.231 of the Revised Code, as applicable. 32675

Sec. 3317.231. ~~Not later than December 31, 2014, the state 32676
board~~ The department of education shall adopt rules regarding the 32677
administration of programs that enroll individuals who are at 32678
least twenty-two years of age under sections 3314.38, 3317.23, 32679
3317.24, and 3345.86 of the Revised Code, including ~~data~~ 32680
~~collection, the reporting and certification of enrollment in the~~ 32681
~~programs, the measurement of the academic performance of~~ 32682
~~individuals enrolled in the programs~~ eligibility for the programs, 32683
application for the programs, accountability criteria and 32684
measurements for the programs, monitoring of the programs, data 32685
reporting for the programs including the reporting of student 32686

enrollment demographics, program outcomes, and the standards of 32687
practice for competency-based instructional educational programs, 32688
as defined in section 3317.23 of the Revised Code. 32689

Sec. 3317.24. (A) For purposes of this section, ~~an~~ 32690
"competency-based educational program" and "eligible individual" 32691
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 32692
Revised Code. 32693

(B) An eligible individual may enroll in a joint vocational 32694
school district that operates an adult education program for up to 32695
two cumulative school years for the purpose of completing the 32696
requirements to earn a high school diploma. An individual enrolled 32697
under this division may elect to satisfy these requirements by 32698
successfully completing a competency-based ~~instructional~~ 32699
educational program that complies with the standards adopted by 32700
the ~~state board~~ department of education under section 3317.231 of 32701
the Revised Code. The district shall report an individual's 32702
enrollment under this division on a full-time equivalency basis 32703
under division (B) of section 3317.036 of the Revised Code and 32704
shall not report that individual's enrollment under section 32705
3317.03 of the Revised Code. An individual enrolled under this 32706
division shall not be assigned to classes or settings with 32707
students who are younger than eighteen years of age. 32708

(C)(1) For each joint vocational school district that enrolls 32709
individuals under division (B) of this section, the department ~~of~~ 32710
~~education~~ annually shall certify the enrollment and attendance, on 32711
a full-time equivalency basis, of each individual reported by the 32712
district under division (B) of section 3317.036 of the Revised 32713
Code. 32714

(2) For each individual enrolled in a joint vocational school 32715
district under division (B) of this section, the department 32716

annually shall pay to the district an amount equal to the 32717
following: 32718

~~\$5,000 X the individual's enrollment on a full-time 32719
equivalency basis as certified under division (C)(1) of this 32720
section X the portion of the school year in which the individual 32721
is enrolled in the district expressed as a percentage up to 32722
\$5,000, as determined by the department based on the extent of the 32723
individual's successful completion of the graduation requirements 32724
prescribed under sections 3313.603, 3313.61, 3313.611, and 32725
3313.614 of the Revised Code. 32726~~

(D) If an individual enrolled in a joint vocational school 32727
district under division (B) of this section completes the 32728
requirements to earn a high school diploma, the joint vocational 32729
school district shall certify the completion of those requirements 32730
to the city, local, or exempted village school district in which 32731
the individual resides. Upon receiving certification under this 32732
division, the city, local, or exempted village school district in 32733
which the individual resides shall issue a high school diploma to 32734
the individual within sixty days of receiving the certification. 32735

(E) A joint vocational school district that enrolls 32736
individuals under division (B) of this section shall be subject to 32737
the program administration standards adopted by the ~~state board~~ 32738
department under section 3317.231 of the Revised Code, as 32739
applicable. 32740

Sec. 3317.26. (A) The department of education shall pay a 32741
city, local, or exempted village school district additional funds 32742
computed as follows: 32743
[(0.20 X the formula amount) - (the sum of the district's payments 32744
under sections 3317.022 and 3317.0212 of the Revised Code and 32745
Section 263.230 of H.B. 64 of the 131st general assembly / its 32746
formula ADM)] X the district's formula ADM 32747

If the result is a negative number, no payment shall be made 32748
under this section. 32749

(B) The department shall pay a joint vocational school 32750
district additional funds computed as follows: 32751
[(0.20 X the formula amount) - (the sum of the district's payments 32752
under section 3317.16 of the Revised Code and Section 263.240 of 32753
H.B. 64 of the 131st general assembly / its formula ADM)] X the 32754
district's formula ADM 32755

If the result is a negative number, no payment shall be made 32756
under this section. 32757

(C) For fiscal years 2016 and 2017, the department shall pay 32758
a city, local, or exempted village school district fifty per cent 32759
of the amount calculated under division (A) of this section and 32760
shall pay a joint vocational school district fifty per cent of the 32761
amount calculated under division (B) of this section. 32762

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 32763
~~3318.32~~ of the Revised Code, the Ohio school facilities commission 32764
shall periodically perform an assessment of the classroom facility 32765
needs in the state to identify school districts in need of 32766
additional classroom facilities, or replacement or reconstruction 32767
of existent classroom facilities, and the cost to each such 32768
district of constructing or acquiring such additional facilities 32769
or making such renovations. 32770

(B) Based upon the most recent assessment conducted pursuant 32771
to division (A) of this section, the commission shall conduct 32772
on-site visits to school districts identified as having classroom 32773
facility needs to confirm the findings of the periodic assessment 32774
and further evaluate the classroom facility needs of the district. 32775
The evaluation shall assess the district's need to construct or 32776
acquire new classroom facilities and may include an assessment of 32777
the district's need for building additions or for the 32778

reconstruction of existent buildings in lieu of constructing or 32779
acquiring replacement buildings. 32780

(C)(1) Except as provided in division (C)(2) of this section, 32781
on-site visits performed on or after May 20, 1997, shall be 32782
performed in the order specified in this division. The first round 32783
of on-site visits first succeeding the effective date of this 32784
amendment, May 20, 1997, shall be limited to the school districts 32785
in the first through fifth percentiles, excluding districts that 32786
are ineligible for funding under this chapter pursuant to section 32787
3318.04 of the Revised Code. The second round of on-site visits 32788
shall be limited to the school districts in the first through 32789
tenth percentiles, excluding districts that are ineligible for 32790
funding under this chapter pursuant to section 3318.04 of the 32791
Revised Code. Each succeeding round of on-site visits shall be 32792
limited to the percentiles included in the immediately preceding 32793
round of on-site visits plus the next five percentiles. Except for 32794
the first round of on-site visits, no round of on-site visits 32795
shall commence unless eighty per cent of the districts for which 32796
on-site visits were performed during the immediately preceding 32797
round, have had projects approved under section 3318.04 of the 32798
Revised Code. 32799

(2) Notwithstanding division (C)(1) of this section, the 32800
commission may perform on-site visits for school districts in the 32801
next highest percentile to the percentiles included in the current 32802
round of on-site visits, and then to succeeding percentiles one at 32803
a time, not to exceed the twenty-fifth percentile, if all of the 32804
following apply: 32805

(a) Less than eighty per cent of the districts for which 32806
on-site visits were performed in the current round, and in any 32807
percentiles for which on-site visits were performed in addition to 32808
the current round pursuant to this division, have had projects 32809
approved under section 3318.04 of the Revised Code; 32810

(b) There are funds appropriated for the purpose of sections 32811
3318.01 to 3318.20 of the Revised Code that are not reserved and 32812
encumbered for projects pursuant to section 3318.04 of the Revised 32813
Code; 32814

(c) The commission makes a finding that such available funds 32815
would be more thoroughly utilized if on-site visits were extended 32816
to the next highest percentile. 32817

(D) Notwithstanding divisions (B) and (C) of this section, in 32818
any fiscal year, the commission may limit the number of districts 32819
for which it conducts on-site visits based upon its projections of 32820
the moneys available and moneys necessary to undertake projects 32821
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 32822
that year. 32823

Sec. 3318.024. In the first year of a capital biennium, any 32824
funds appropriated to the Ohio school facilities commission for 32825
classroom facilities projects under this chapter in the previous 32826
capital biennium that were not spent or encumbered, or for which 32827
an encumbrance has been canceled under section 3318.05 of the 32828
Revised Code, shall be used by the commission only for projects 32829
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32830
appropriation by the general assembly. 32831

In the second year of a capital biennium, any funds 32832
appropriated to the Ohio school facilities commission for 32833
classroom facilities projects under this chapter that were not 32834
spent or encumbered in the first year of the biennium and which 32835
are in excess of an amount equal to half of the appropriations for 32836
the capital biennium, or for which an encumbrance has been 32837
canceled under section 3318.05 of the Revised Code, shall be used 32838
by the commission only for projects under sections 3318.01 to 32839
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 32840
and 3318.40 to 3318.46 of the Revised Code, subject to 32841

appropriation by the general assembly. 32842

Sec. 3318.054. (A) If conditional approval of a city, 32843
exempted village, or local school district's project lapses as 32844
provided in section 3318.05 of the Revised Code, or if conditional 32845
approval of a joint vocational school district's project lapses as 32846
provided in division (D) of section 3318.41 of the Revised Code, 32847
because the district's electors have not approved the ballot 32848
measures necessary to generate the district's portion of the basic 32849
project cost, and if the district board desires to seek a new 32850
conditional approval of the project, the district board shall 32851
request that the Ohio school facilities commission set the scope, 32852
basic project cost, and school district portion of the basic 32853
project cost prior to resubmitting the ballot measures to the 32854
electors. To do so, the commission shall use the district's 32855
current assessed tax valuation and the district's percentile for 32856
the prior fiscal year. For a district that has entered into an 32857
agreement under section 3318.36 of the Revised Code and desires to 32858
proceed with a project under sections 3318.01 to 3318.20 of the 32859
Revised Code, the district's portion of the basic project cost 32860
shall be the percentage specified in that agreement. The project 32861
scope and basic costs established under this division shall be 32862
valid for ~~one year~~ thirteen months from the date the commission 32863
approves them. 32864

(B) Upon the commission's approval under division (A) of this 32865
section, the district board may submit the ballot measures to the 32866
district's electors for approval of the project based on the new 32867
project scope and estimated costs. Upon electoral approval of 32868
those measures, the district shall be given first priority for 32869
project funding as such funds become available. 32870

(C) When the commission determines that funds are available 32871
for the district's project, the commission shall do all of the 32872

following: 32873

(1) Determine the school district portion of the basic 32874
project cost under section 3318.032 of the Revised Code, in the 32875
case of a city, exempted village, or local school district, or 32876
under section 3318.42 of the Revised Code, in the case of a joint 32877
vocational school district; 32878

(2) Conditionally approve the project and submit it to the 32879
controlling board for approval pursuant to section 3318.04 of the 32880
Revised Code; 32881

(3) Encumber funds for the project under section 3318.11 of 32882
the Revised Code; 32883

(4) Enter into an agreement with the district board under 32884
section 3318.08 of the Revised Code. 32885

Sec. 3318.30. (A) There is hereby created the Ohio school 32886
facilities commission as an independent agency of the state within 32887
the Ohio facilities construction commission, which is created 32888
under section 123.20 of the Revised Code. The Ohio school 32889
facilities commission shall administer the provision of financial 32890
assistance to school districts for the acquisition or construction 32891
of classroom facilities in accordance with sections 3318.01 to 32892
~~3318.33~~ 3318.32 of the Revised Code. 32893

The Ohio school facilities commission is a body corporate and 32894
politic, an agency of state government and an instrumentality of 32895
the state, performing essential governmental functions of this 32896
state. The carrying out of the purposes and the exercise by the 32897
Ohio school facilities commission of its powers conferred by 32898
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 32899
essential public functions and public purposes of the state. The 32900
Ohio school facilities commission may, in its own name, sue and be 32901
sued, enter into contracts, and perform all the powers and duties 32902

given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions.

(B) The Ohio school facilities commission shall consist of seven members, three of whom are voting members. The voting members of the Ohio school facilities commission shall be the director of the office of budget and management, the director of administrative services, and the superintendent of public instruction, or their designees. Of the nonvoting members, two shall be members of the senate appointed by the president of the senate, and two shall be members of the house of representatives appointed by the speaker of the house. Each of the appointees of the president, and each of the appointees of the speaker, shall be members of different political parties.

Nonvoting members shall serve as members of the Ohio school facilities commission during the legislative biennium for which they are appointed, except that any such member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the Ohio school facilities commission. Each nonvoting member shall be appointed within thirty-one days of the end of the term of that member's predecessor. Such members may be reappointed. Vacancies of nonvoting members shall be filled in the manner provided for original appointments.

Members of the Ohio school facilities commission shall serve without compensation.

After the initial nonvoting members of the Ohio school facilities commission have been appointed, the Ohio school

facilities commission shall meet and organize by electing voting 32935
members as the chairperson and vice-chairperson of the Ohio school 32936
facilities commission, who shall hold their offices until the next 32937
organizational meeting of the Ohio school facilities commission. 32938
Organizational meetings of the Ohio school facilities commission 32939
shall be held at the first meeting of each calendar year. At each 32940
organizational meeting, the Ohio school facilities commission 32941
shall elect from among its voting members a chairperson and 32942
vice-chairperson, who shall serve until the next annual 32943
organizational meeting. The Ohio school facilities commission 32944
shall adopt rules pursuant to section 111.15 of the Revised Code 32945
for the conduct of its internal business and shall keep a journal 32946
of its proceedings. Including the organizational meeting, the Ohio 32947
school facilities commission shall meet at least once each 32948
calendar quarter. 32949

Two voting members of the Ohio school facilities commission 32950
constitute a quorum, and the affirmative vote of two members is 32951
necessary for approval of any action taken by the Ohio school 32952
facilities commission. A vacancy in the membership of the Ohio 32953
school facilities commission does not impair a quorum from 32954
exercising all the rights and performing all the duties of the 32955
Ohio school facilities commission. Meetings of the Ohio school 32956
facilities commission may be held anywhere in the state and shall 32957
be held in compliance with section 121.22 of the Revised Code. 32958

(C) The Ohio school facilities commission shall file an 32959
annual report of its activities and finances with the governor, 32960
speaker of the house of representatives, president of the senate, 32961
and chairpersons of the house and senate finance committees. 32962

(D) The Ohio school facilities commission shall be exempt 32963
from the requirements of sections 101.82 to 101.87 of the Revised 32964
Code. 32965

(E) The Ohio school facilities commission may share employees 32966

and facilities with the Ohio facilities construction commission. 32967

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 32968
Revised Code apply only to joint vocational school districts. 32969

(2) As used in sections 3318.40 to 3318.45 of the Revised 32970
Code: 32971

(a) "Ohio school facilities commission," "classroom 32972
facilities," "project," and "basic project cost" have the same 32973
meanings as in section 3318.01 of the Revised Code. 32974

(b) "Acquisition of classroom facilities" means constructing, 32975
reconstructing, repairing, or making additions to classroom 32976
facilities. 32977

(B) There is hereby established the vocational school 32978
facilities assistance program. Under the program, the Ohio school 32979
facilities commission shall provide assistance to joint vocational 32980
school districts for the acquisition of classroom facilities 32981
suitable to the vocational education programs of the districts in 32982
accordance with sections 3318.40 to 3318.45 of the Revised Code. 32983
For purposes of the program, beginning July 1, 2003, the 32984
commission annually may set aside up to two per cent of the 32985
aggregate amount appropriated to it for classroom facilities 32986
assistance projects in ~~the education facilities trust fund,~~ 32987
~~established under section 183.26 of the Revised Code;~~ the public 32988
school building fund, established under section 3318.15 of the 32989
Revised Code~~;~~ and the school building program assistance fund, 32990
established under section 3318.25 of the Revised Code. 32991

(C) The commission shall not provide assistance for any 32992
distinct part of a project under sections 3318.40 to 3318.45 of 32993
the Revised Code that when completed will be used exclusively for 32994
an adult education program or exclusively for operation of a 32995
driver training school for instruction leading to the issuance of 32996

a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the commission.

(D) The commission shall not provide assistance under sections 3318.40 to 3318.45 of the Revised Code to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a joint vocational school district. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the joint vocational school district through other provisions of this chapter when that member school district is eligible for assistance under those provisions.

(E) By September 1, 2003, the commission shall assess the classroom facilities needs of at least five joint vocational school districts, according to the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, and based on the results of those assessments shall determine the extent to which amendments to the specifications adopted under section 3318.311 of the Revised Code are warranted. The commission, thereafter, may amend the specifications as provided in that section.

(F) After the commission has conducted the assessments prescribed in division (E) of this section, the commission shall establish, by rule adopted in accordance with section 111.15 of the Revised Code, guidelines for the commission to use in deciding whether to waive compliance with the design specifications adopted under section 3318.311 of the Revised Code when determining the number of facilities and the basic project cost of projects as prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

(2) Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses:

(a) A resident educator license, which shall be valid for four years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be valid for five years and shall be renewable;

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:	33089
	33090
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	33091
	33092
	33093
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	33094
	33095
	33096
	33097
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	33098
	33099
	33100
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	33101
	33102
	33103
	33104
	33105
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	33106
	33107
	33108
	33109
(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents <u>director of higher education</u> , in the manner and to the extent permitted by state and federal law.	33110
	33111
	33112
	33113
	33114
(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:	33115
	33116
	33117
	33118
	33119

(1) Notwithstanding division (E) of section 119.03 and 33120
division (A)(1) of section 119.04 of the Revised Code, in the case 33121
of the adoption of any rule or the amendment or rescission of any 33122
rule that necessitates institutions' offering preparation programs 33123
for educators and other school personnel that are approved by the 33124
~~chancellor of the Ohio board of regents~~ director of higher 33125
education under section 3333.048 of the Revised Code to revise the 33126
curriculum of those programs, the effective date shall not be as 33127
prescribed in division (E) of section 119.03 and division (A)(1) 33128
of section 119.04 of the Revised Code. Instead, the effective date 33129
of such rules, or the amendment or rescission of such rules, shall 33130
be the date prescribed by section 3333.048 of the Revised Code. 33131

(2) Notwithstanding the authority to adopt, amend, or rescind 33132
emergency rules in division (G) of section 119.03 of the Revised 33133
Code, this authority shall not apply to the state board of 33134
education with regard to rules for educator licenses. 33135

(F)(1) The rules adopted under this section establishing 33136
standards requiring additional coursework for the renewal of any 33137
educator license shall require a school district and a chartered 33138
nonpublic school to establish local professional development 33139
committees. In a nonpublic school, the chief administrative 33140
officer shall establish the committees in any manner acceptable to 33141
such officer. The committees established under this division shall 33142
determine whether coursework that a district or chartered 33143
nonpublic school teacher proposes to complete meets the 33144
requirement of the rules. The department of education shall 33145
provide technical assistance and support to committees as the 33146
committees incorporate the professional development standards 33147
adopted by the state board of education pursuant to section 33148
3319.61 of the Revised Code into their review of coursework that 33149
is appropriate for license renewal. The rules shall establish a 33150
procedure by which a teacher may appeal the decision of a local 33151

professional development committee. 33152

(2) In any school district in which there is no exclusive 33153
representative established under Chapter 4117. of the Revised 33154
Code, the professional development committees shall be established 33155
as described in division (F)(2) of this section. 33156

Not later than the effective date of the rules adopted under 33157
this section, the board of education of each school district shall 33158
establish the structure for one or more local professional 33159
development committees to be operated by such school district. The 33160
committee structure so established by a district board shall 33161
remain in effect unless within thirty days prior to an anniversary 33162
of the date upon which the current committee structure was 33163
established, the board provides notice to all affected district 33164
employees that the committee structure is to be modified. 33165
Professional development committees may have a district-level or 33166
building-level scope of operations, and may be established with 33167
regard to particular grade or age levels for which an educator 33168
license is designated. 33169

Each professional development committee shall consist of at 33170
least three classroom teachers employed by the district, one 33171
principal employed by the district, and one other employee of the 33172
district appointed by the district superintendent. For committees 33173
with a building-level scope, the teacher and principal members 33174
shall be assigned to that building, and the teacher members shall 33175
be elected by majority vote of the classroom teachers assigned to 33176
that building. For committees with a district-level scope, the 33177
teacher members shall be elected by majority vote of the classroom 33178
teachers of the district, and the principal member shall be 33179
elected by a majority vote of the principals of the district, 33180
unless there are two or fewer principals employed by the district, 33181
in which case the one or two principals employed shall serve on 33182
the committee. If a committee has a particular grade or age level 33183

scope, the teacher members shall be licensed to teach such grade 33184
or age levels, and shall be elected by majority vote of the 33185
classroom teachers holding such a license and the principal shall 33186
be elected by all principals serving in buildings where any such 33187
teachers serve. The district superintendent shall appoint a 33188
replacement to fill any vacancy that occurs on a professional 33189
development committee, except in the case of vacancies among the 33190
elected classroom teacher members, which shall be filled by vote 33191
of the remaining members of the committee so selected. 33192

Terms of office on professional development committees shall 33193
be prescribed by the district board establishing the committees. 33194
The conduct of elections for members of professional development 33195
committees shall be prescribed by the district board establishing 33196
the committees. A professional development committee may include 33197
additional members, except that the majority of members on each 33198
such committee shall be classroom teachers employed by the 33199
district. Any member appointed to fill a vacancy occurring prior 33200
to the expiration date of the term for which a predecessor was 33201
appointed shall hold office as a member for the remainder of that 33202
term. 33203

The initial meeting of any professional development 33204
committee, upon election and appointment of all committee members, 33205
shall be called by a member designated by the district 33206
superintendent. At this initial meeting, the committee shall 33207
select a chairperson and such other officers the committee deems 33208
necessary, and shall adopt rules for the conduct of its meetings. 33209
Thereafter, the committee shall meet at the call of the 33210
chairperson or upon the filing of a petition with the district 33211
superintendent signed by a majority of the committee members 33212
calling for the committee to meet. 33213

(3) In the case of a school district in which an exclusive 33214
representative has been established pursuant to Chapter 4117. of 33215

the Revised Code, professional development committees shall be 33216
established in accordance with any collective bargaining agreement 33217
in effect in the district that includes provisions for such 33218
committees. 33219

If the collective bargaining agreement does not specify a 33220
different method for the selection of teacher members of the 33221
committees, the exclusive representative of the district's 33222
teachers shall select the teacher members. 33223

If the collective bargaining agreement does not specify a 33224
different structure for the committees, the board of education of 33225
the school district shall establish the structure, including the 33226
number of committees and the number of teacher and administrative 33227
members on each committee; the specific administrative members to 33228
be part of each committee; whether the scope of the committees 33229
will be district levels, building levels, or by type of grade or 33230
age levels for which educator licenses are designated; the lengths 33231
of terms for members; the manner of filling vacancies on the 33232
committees; and the frequency and time and place of meetings. 33233
However, in all cases, except as provided in division (F)(4) of 33234
this section, there shall be a majority of teacher members of any 33235
professional development committee, there shall be at least five 33236
total members of any professional development committee, and the 33237
exclusive representative shall designate replacement members in 33238
the case of vacancies among teacher members, unless the collective 33239
bargaining agreement specifies a different method of selecting 33240
such replacements. 33241

(4) Whenever an administrator's coursework plan is being 33242
discussed or voted upon, the local professional development 33243
committee shall, at the request of one of its administrative 33244
members, cause a majority of the committee to consist of 33245
administrative members by reducing the number of teacher members 33246
voting on the plan. 33247

(G)(1) The department of education, educational service 33248
centers, county boards of developmental disabilities, regional 33249
professional development centers, special education regional 33250
resource centers, college and university departments of education, 33251
head start programs, and the Ohio education computer network may 33252
establish local professional development committees to determine 33253
whether the coursework proposed by their employees who are 33254
licensed or certificated under this section or section 3319.222 of 33255
the Revised Code, or under the former version of either section as 33256
it existed prior to October 16, 2009, meet the requirements of the 33257
rules adopted under this section. They may establish local 33258
professional development committees on their own or in 33259
collaboration with a school district or other agency having 33260
authority to establish them. 33261

Local professional development committees established by 33262
county boards of developmental disabilities shall be structured in 33263
a manner comparable to the structures prescribed for school 33264
districts in divisions (F)(2) and (3) of this section, as shall 33265
the committees established by any other entity specified in 33266
division (G)(1) of this section that provides educational services 33267
by employing or contracting for services of classroom teachers 33268
licensed or certificated under this section or section 3319.222 of 33269
the Revised Code, or under the former version of either section as 33270
it existed prior to October 16, 2009. All other entities specified 33271
in division (G)(1) of this section shall structure their 33272
committees in accordance with guidelines which shall be issued by 33273
the state board. 33274

(2) Any public agency that is not specified in division 33275
(G)(1) of this section but provides educational services and 33276
employs or contracts for services of classroom teachers licensed 33277
or certificated under this section or section 3319.222 of the 33278
Revised Code, or under the former version of either section as it 33279

existed prior to October 16, 2009, may establish a local 33280
professional development committee, subject to the approval of the 33281
department of education. The committee shall be structured in 33282
accordance with guidelines issued by the state board. 33283

(H) Not later than July 1, 2016, the state board, in 33284
accordance with Chapter 119. of the Revised Code, shall adopt 33285
rules pursuant to division (A)(3) of this section that do both of 33286
the following: 33287

(1) Exempt consistently high-performing teachers from the 33288
requirement to complete any additional coursework for the renewal 33289
of an educator license issued under this section or section 33290
3319.26 of the Revised Code. The rules also shall specify that 33291
such teachers are exempt from any requirements prescribed by 33292
professional development committees established under divisions 33293
(F) and (G) of this section. 33294

(2) For purposes of division (H)(1) of this section, the 33295
state board shall define the term "consistently high-performing 33296
teacher." 33297

Sec. 3319.223. (A) Not later than January 1, 2011, the 33298
superintendent of public instruction and the ~~chancellor of the~~ 33299
~~Ohio board of regents~~ director of higher education jointly shall 33300
establish the Ohio teacher residency program, which shall be a 33301
four-year, entry-level program for classroom teachers. The teacher 33302
residency program shall include at least the following components: 33303

(1) Mentoring by teachers ~~who hold a lead professional~~ 33304
~~educator license issued under section 3319.22 of the Revised Code~~ 33305
for the first two years of the program; 33306

(2) Counseling, as determined necessary by the school 33307
district or school, to ensure that program participants receive 33308
needed professional development; 33309

(3) Measures of appropriate progression through the program, 33310
which shall include the performance-based assessment prescribed by 33311
the state board of education for resident educators in the third 33312
year of the program. 33313

An individual who is teaching career-technical courses under 33314
an alternative resident educator license issued under section 33315
3319.26 of the Revised Code shall not be required to complete the 33316
conditions of the Ohio teacher residency program that a 33317
participant, as of the effective date of this amendment, would 33318
have been required to complete during the participant's first and 33319
second year of teaching under an alternative resident educator 33320
license. Such an individual shall complete all the conditions 33321
that, as of the effective date of this amendment, were necessary 33322
for a participant in the third and fourth year of the program 33323
prior to applying for a professional educator license under 33324
division (A)(2) of section 3319.22 of the Revised Code. 33325

(B) The teacher residency program shall be aligned with the 33326
standards for teachers adopted by the state board ~~of education~~ 33327
under section 3319.61 of the Revised Code and best practices 33328
identified by the superintendent of public instruction. 33329

(C) Each person who holds a resident educator license issued 33330
under section 3319.22 or 3319.227 of the Revised Code or an 33331
alternative resident educator license issued under section 3319.26 33332
of the Revised Code shall participate in the teacher residency 33333
program. Successful completion of the program shall be required to 33334
qualify any such person for a professional educator license issued 33335
under section 3319.22 of the Revised Code. 33336

Sec. 3319.271. (A) As used in this section, the "bright new 33337
leaders for Ohio schools program" means the program created and 33338
implemented by the nonprofit corporation incorporated pursuant to 33339
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 33340

to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent. 33341
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(B) The state board of education shall issue an alternative principal license or an alternative administrator license, as applicable, to an individual who successfully completes the bright new leaders for Ohio schools program and satisfies the requirements in rules adopted by the state board under division (C) of this section. 33347
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(C) The state board, in consultation with the board of directors of the bright new leaders for Ohio schools program, shall adopt rules that prescribe the requirements for obtaining an alternative principal license or an alternative administrator license under this section. The state board shall use the rules adopted under section 3319.27 of the Revised Code as guidance in developing the rules adopted under this division. 33353
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Sec. 3319.301. (A) As used in this section₇: 33360

(1) "High-performing school district has the same meaning as in section 3302.16 of the Revised Code. 33361
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(2) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 33363
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(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or a building 33366
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in a high-performing school district may teach classes for not 33371
more than a total of forty hours a week. The state board, by rule, 33372
shall set forth the qualifications, other than licensure under 33373
sections 3319.22 to 3319.30 of the Revised Code, to be met by 33374
individuals in order to be issued a permit as provided in this 33375
section. Such qualifications shall include the possession of a 33376
baccalaureate, master's, or doctoral degree in, or significant 33377
experience related to, the subject the individual is to teach. 33378
Applications for permits pursuant to this section shall be made in 33379
accordance with section 3319.29 of the Revised Code. 33380

The state board, by rule, shall authorize the board of 33381
education of each school district and each STEM school to engage 33382
individuals holding permits issued under this section to teach 33383
classes for not more than the total number of hours a week 33384
specified in the permit. The rules shall include provisions with 33385
regard to each of the following: 33386

(1) That a board of education or STEM school shall engage a 33387
nonlicensed individual to teach pursuant to this section on a 33388
volunteer basis, or by entering into a contract with the 33389
individual or the individual's employer on such terms and 33390
conditions as are agreed to between the board or school and the 33391
individual or the individual's employer; 33392

(2) That an employee of the board of education or STEM school 33393
who is licensed under sections 3319.22 to 3319.30 of the Revised 33394
Code shall directly supervise a nonlicensed individual who is 33395
engaged to teach pursuant to this section until the superintendent 33396
of the school district or the chief administrative officer of the 33397
STEM school is satisfied that the nonlicensed individual has 33398
sufficient understanding of, and experience in, effective teaching 33399
methods to teach without supervision. 33400

(C) A nonlicensed individual engaged to teach pursuant to 33401
this section is a teacher for the purposes of Title XXXIII of the 33402

Revised Code except for the purposes of Chapters 3307. and 3317. 33403
and sections 3319.07 to 3319.31 of the Revised Code. Such an 33404
individual is not an employee of the board of education or STEM 33405
school for the purpose of Titles I or XLI or Chapter 3309. of the 33406
Revised Code. 33407

(D) Students enrolled in a class taught by a nonlicensed 33408
individual pursuant to this section and rules adopted thereunder 33409
shall receive the same credit as if the class had been taught by 33410
an employee licensed pursuant to sections 3319.22 to 3319.30 of 33411
the Revised Code. 33412

(E) No board of education of any school district shall engage 33413
any one or more nonlicensed individuals if such employment 33414
displaces from employment an existing licensed employee of the 33415
district. 33416

Sec. 3319.303. (A) The state board of education shall adopt 33417
rules establishing standards and requirements for obtaining a 33418
pupil-activity program permit for any individual who does not hold 33419
a valid educator license, certificate, or permit issued by the 33420
state board under section 3319.22, 3319.26, or 3319.27 of the 33421
Revised Code. The permit issued under this section shall be valid 33422
for coaching, supervising, or directing a pupil-activity program 33423
under section 3313.53 of the Revised Code. Subject to the 33424
provisions of section 3319.31 of the Revised Code, a permit issued 33425
under this ~~section~~ division shall be valid for three years and 33426
shall be renewable. 33427

(B) The state board shall adopt rules applicable to 33428
individuals who hold valid educator licenses, certificates, or 33429
permits issued by the state board under section 3319.22, 3319.26, 33430
or 3319.27 of the Revised Code setting forth standards to assure 33431
any such individual's competence to direct, supervise, or coach a 33432
pupil-activity program described in section 3313.53 of the Revised 33433

Code. The rules adopted under this division shall not be more 33434
stringent than the standards set forth in rules applicable to 33435
individuals who do not hold such licenses, certificates, or 33436
permits adopted under division (A) of this section. Subject to the 33437
provisions of section 3319.31 of the Revised Code, a permit issued 33438
to an individual under this division shall be valid for the same 33439
number of years as the individual's educator license, certificate, 33440
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 33441
Revised Code and shall be renewable. 33442

(C) As a condition to issuing or renewing a pupil-activity 33443
program permit to coach interscholastic athletics: 33444

(1) The state board shall require each individual applying 33445
for a first permit on or after April 26, 2013, to successfully 33446
complete a training program that is specifically focused on brain 33447
trauma and brain injury management. 33448

(2) The state board shall require each individual applying 33449
for a permit renewal on or after that date to present evidence 33450
that the individual has successfully completed, within the 33451
previous three years, a training program in recognizing the 33452
symptoms of concussions and head injuries to which the department 33453
of health has provided a link on its internet web site under 33454
section 3707.52 of the Revised Code or a training program 33455
authorized and required by an organization that regulates 33456
interscholastic athletic competition and conducts interscholastic 33457
athletic events. 33458

Sec. 3319.51. (A)(1) The state board of education shall 33459
annually establish the amount of the fees required to be paid for 33460
any license, certificate, or permit issued under this chapter or 33461
division (B) of section 3301.071 or section 3301.074 of the 33462
Revised Code. The Except as provided in division (A)(2) of this 33463
section, the amount of these fees shall be such that they, along 33464

with any appropriation made to the fund established under division 33465
(B) of this section, will be sufficient to cover the annual 33466
estimated cost of administering the requirements described under 33467
division (B) of this section. 33468

(2) The state board shall not require any fee to be paid 33469
under division (A)(1) of this section for a license, certificate, 33470
or permit issued for the purpose of teaching in a junior reserve 33471
officer training corps (JROTC) program approved by the congress of 33472
the United States under title 10 of the United States Code. 33473

(B) There is hereby established in the state treasury the 33474
state board of education licensure fund, which shall be used by 33475
the state board of education solely to pay the cost of 33476
administering requirements related to the issuance and renewal of 33477
licenses, certificates, and permits described in this chapter and 33478
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 33479
consist of the amounts paid into the fund pursuant to division (B) 33480
of section 3301.071 and sections 3301.074 and 3319.29 of the 33481
Revised Code and any appropriations to the fund by the general 33482
assembly. 33483

Sec. 3319.57. (A) A grant program is hereby established under 33484
which the department of education shall award grants to assist 33485
certain schools in a city, exempted village, local, or joint 33486
vocational school district in implementing one of the following 33487
innovations: 33488

(1) The use of instructional specialists to mentor and 33489
support classroom teachers; 33490

(2) The use of building managers to supervise the 33491
administrative functions of school operation so that a school 33492
principal can focus on supporting instruction, providing 33493
instructional leadership, and engaging teachers as part of the 33494
instructional leadership team; 33495

- (3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions; 33496
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- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 33500
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 33503
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- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 33507
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- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 33512
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- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 33514
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- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 33516
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- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 33519
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- (11) The implementation of a program to increase the subject matter competency of veteran teachers. 33521
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- (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 33523
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(1) Be hard to staff, as defined by the department. 33526

(2) Use existing school district funds for the implementation 33527
of the innovation in an amount equal to the grant amount 33528
multiplied by (1 - the district's state share ~~index~~ percentage for 33529
the fiscal year in which the grant is awarded). 33530

For purposes of division (B)(2) of this section, "state share 33531
~~index~~ percentage" has the same meaning as in section 3317.02 of 33532
the Revised Code. 33533

(C) The amount and number of grants awarded under this 33534
section shall be determined by the department based on any 33535
appropriations made by the general assembly for grants under this 33536
section. 33537

(D) The state board of education shall adopt rules for the 33538
administration of this grant program. 33539

Sec. 3319.67. (A) The state board of education may establish 33540
an annual teacher of the year recognition program for outstanding 33541
teachers. 33542

(B) Notwithstanding division (A) of section 2921.43 of the 33543
Revised Code, a person or entity may make a voluntary contribution 33544
to the recognition program described in division (A) of this 33545
section. 33546

(C) Notwithstanding division (A) of section 2921.43 of the 33547
Revised Code, a teacher who is recognized as a teacher of the year 33548
by the recognition program described in division (A) of this 33549
section may accept gifts and privileges as part of the recognition 33550
program. 33551

Sec. 3323.13. (A) If a child who is a school resident of one 33552
school district receives special education from another district, 33553
the board of education of the district providing the education, 33554

subject to division (C) of this section, may require the payment 33555
by the board of education of the district of residence of a sum 33556
not to exceed one of the following, as applicable: 33557

(1) For any child except a preschool child with a disability 33558
described in division (A)(2) of this section, the tuition of the 33559
district providing the education for a child of normal needs of 33560
the same school grade. The determination of the amount of such 33561
tuition shall be in the manner provided for by division (A) of 33562
section 3317.08 of the Revised Code. 33563

(2) For any preschool child with a disability, the tuition of 33564
the district providing the education for the child as calculated 33565
under division (B) of section 3317.08 of the Revised Code, ~~7~~ 33566
~~multiplied by 0.50.~~ 33567

(B) The board of the district of residence may contract with 33568
the board of another district for the transportation of such child 33569
into any school in such other district, on terms agreed upon by 33570
such boards. Upon direction of the state board of education, the 33571
board of the district of residence shall pay for the child's 33572
transportation and the tuition. 33573

(C) The board of education of a district providing the 33574
education for a child shall be entitled to require payment from 33575
the district of residence under this section or section 3323.14 of 33576
the Revised Code only if the district providing the education has 33577
done at least one of the following: 33578

(1) Invited the district of residence to send representatives 33579
to attend the meetings of the team developing the child's 33580
individualized education program; 33581

(2) Received from the district of residence a copy of the 33582
individualized education program or a multifactored evaluation 33583
developed for the child by the district of residence; 33584

(3) Informed the district of residence in writing that the 33585

district is providing the education for the child. 33586

As used in division (C)(2) of this section, "multifactored 33587
evaluation" means an evaluation, conducted by a multidisciplinary 33588
team, of more than one area of the child's functioning so that no 33589
single procedure shall be the sole criterion for determining an 33590
appropriate educational program placement for the child. 33591

Sec. 3326.11. Each science, technology, engineering, and 33592
mathematics school established under this chapter and its 33593
governing body shall comply with sections 9.90, 9.91, 109.65, 33594
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 33595
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 33596
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 33597
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 33598
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 33599
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 33600
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 33601
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 33602
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 33603
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 33604
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 33605
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 33606
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 33607
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 33608
4167. of the Revised Code as if it were a school district. 33609

Sec. 3326.33. For each student enrolled in a science, 33610
technology, engineering, and mathematics school established under 33611
this chapter, on a full-time equivalency basis, the department of 33612
education annually shall deduct from the state education aid of a 33613
student's resident school district and, if necessary, from the 33614
payment made to the district under sections 321.24 and 323.156 of 33615
the Revised Code and pay to the school the sum of the following: 33616

(A) An opportunity grant in an amount equal to the formula amount;	33617 33618
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	33619 33620 33621 33622
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	33623 33624 33625
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	33626 33627 33628
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	33629 33630 33631
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	33632 33633 33634
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	33635 33636 33637
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	33638 33639 33640
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	33641 33642 33643
(D) If the student is in kindergarten through third grade, \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , or \$290 <u>\$320</u> , in fiscal year 2015 <u>2017</u> ;	33644 33645 33646

(E) If the student is economically disadvantaged, an amount	33647
equal to the following:	33648
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the	33649
resident district's economically disadvantaged index)	33650
(F) Limited English proficiency funds, as follows:	33651
(1) If the student is a category one limited English	33652
proficient student, the amount specified in division (A) of	33653
section 3317.016 of the Revised Code;	33654
(2) If the student is a category two limited English	33655
proficient student, the amount specified in division (B) of	33656
section 3317.016 of the Revised Code;	33657
(3) If the student is a category three limited English	33658
proficient student, the amount specified in division (C) of	33659
section 3317.016 of the Revised Code.	33660
(G) Career-technical education funds as follows:	33661
(1) If the student is a category one career-technical	33662
education student, the amount specified in division (A) of section	33663
3317.014 of the Revised Code;	33664
(2) If the student is a category two career-technical	33665
education student, the amount specified in division (B) of section	33666
3317.014 of the Revised Code;	33667
(3) If the student is a category three career-technical	33668
education student, the amount specified in division (C) of section	33669
3317.014 of the Revised Code;	33670
(4) If the student is a category four career-technical	33671
education student, the amount specified in division (D) of section	33672
3317.014 of the Revised Code;	33673
(5) If the student is a category five career-technical	33674
education student, the amount specified in division (E) of section	33675
3317.014 of the Revised Code.	33676

Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which

they are assigned by the board of education of the district of 33708
residence or to and from the nonpublic or community high school 33709
which they attend for which the state board of education 33710
prescribes minimum standards pursuant to division (D) of section 33711
3301.07 of the Revised Code. 33712

A board of education shall not be required to transport 33713
elementary or high school pupils to and from a nonpublic or 33714
community school where such transportation would require more than 33715
thirty minutes of direct travel time as measured by school bus 33716
from the public school building to which the pupils would be 33717
assigned if attending the public school designated by the district 33718
of residence. 33719

Where it is impractical to transport a pupil by school 33720
conveyance, a board of education may offer payment, in lieu of 33721
providing such transportation in accordance with section 3327.02 33722
of the Revised Code. 33723

A board of education shall not be required to transport 33724
elementary or high school pupils to and from a nonpublic or 33725
community school on Saturday or Sunday, unless a board of 33726
education and a nonpublic or community school have an agreement in 33727
place to do so before the first day of July 1, 2014 of the school 33728
year in which the agreement takes effect. 33729

In all city, local, and exempted village school districts, 33730
the board shall provide transportation for all children who are so 33731
disabled that they are unable to walk to and from the school for 33732
which the state board of education prescribes minimum standards 33733
pursuant to division (D) of section 3301.07 of the Revised Code 33734
and which they attend. In case of dispute whether the child is 33735
able to walk to and from the school, the health commissioner shall 33736
be the judge of such ability. In all city, exempted village, and 33737
local school districts, the board shall provide transportation to 33738
and from school or special education classes for mentally disabled 33739

children in accordance with standards adopted by the state board 33740
of education. 33741

When transportation of pupils is provided the conveyance 33742
shall be run on a time schedule that shall be adopted and put in 33743
force by the board not later than ten days after the beginning of 33744
the school term. 33745

The cost of any transportation service authorized by this 33746
section shall be paid first out of federal funds, if any, 33747
available for the purpose of pupil transportation, and secondly 33748
out of state appropriations, in accordance with regulations 33749
adopted by the state board of education. 33750

No transportation of any pupils shall be provided by any 33751
board of education to or from any school which in the selection of 33752
pupils, faculty members, or employees, practices discrimination 33753
against any person on the grounds of race, color, religion, or 33754
national origin. 33755

Sec. 3327.02. (A) After considering each of the following 33756
factors, the board of education of a city, exempted village, or 33757
local school district, or a community school governing authority 33758
providing transportation pursuant to section 3314.091 of the 33759
Revised Code, may determine that it is impractical to transport a 33760
pupil who is eligible for transportation to and from a school 33761
under section 3327.01 of the Revised Code: 33762

(1) The time and distance required to provide the 33763
transportation; 33764

(2) The number of pupils to be transported; 33765

(3) The cost of providing transportation in terms of 33766
equipment, maintenance, personnel, and administration; 33767

(4) Whether similar or equivalent service is provided to 33768
other pupils eligible for transportation; 33769

(5) Whether and to what extent the additional service	33770
unavoidably disrupts current transportation schedules;	33771
(6) Whether other reimbursable types of transportation are	33772
available.	33773
(B) (1) Based on its consideration of the factors established	33774
in division (A) of this section, the board <u>or governing authority</u>	33775
may pass a resolution declaring the impracticality of	33776
transportation. The resolution shall include each pupil's name and	33777
the reason for impracticality.	33778
(2) The board <u>or governing authority</u> shall report its	33779
determination to the state board of education in a manner	33780
determined by the state board.	33781
(3) The board of education of a local school district	33782
additionally shall submit the resolution for concurrence to the	33783
educational service center that contains the local district's	33784
territory. If the educational service center governing board	33785
considers transportation by school conveyance practicable, it	33786
shall so inform the local board and transportation shall be	33787
provided by such local board. If the educational service center	33788
board agrees with the view of the local board, the local board may	33789
offer payment in lieu of transportation as provided in this	33790
section.	33791
(C) After passing the resolution declaring the impracticality	33792
of transportation, the district board <u>or governing authority</u> shall	33793
offer to provide payment in lieu of transportation by doing the	33794
following:	33795
(1) In accordance with guidelines established by the	33796
department of education, informing the pupil's parent, guardian,	33797
or other person in charge of the pupil of both of the following:	33798
(a) The board's resolution;	33799

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures. 33800
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(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation. 33804
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(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year. 33809
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(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. 33819
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(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable. 33822
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(2) The school district or governing authority shall provide 33830

transportation for the pupil from the time the parent, guardian, 33831
or other person in charge of the pupil requests mediation until 33832
the matter is resolved under division (E)(1)(a) or (b) of this 33833
section. 33834

(F)(1) If the department determines that a school district 33835
board or governing authority has failed or is failing to provide 33836
transportation as required by division (E)(2) of this section or 33837
as ordered by the state board under division (E)(1)(b) of this 33838
section, the department shall order the school district board or 33839
governing authority to pay to the pupil's parent, guardian, or 33840
other person in charge of the pupil, an amount equal to the state 33841
average daily cost of transportation as determined by the state 33842
board of education for the previous year. The school district 33843
board or governing authority shall make payments on a schedule 33844
ordered by the department. 33845

(2) If the department subsequently finds that a school 33846
district board is not in compliance with an order issued under 33847
division (F)(1) of this section and the affected pupils are 33848
enrolled in a nonpublic or community school, the department shall 33849
deduct the amount that the board is required to pay under that 33850
order from any pupil transportation payments the department makes 33851
to the school district board under section 3317.0212 of the 33852
Revised Code or other provisions of law. The department shall use 33853
the moneys so deducted to make payments to the nonpublic or 33854
community school attended by the pupil. The department shall 33855
continue to make the deductions and payments required under this 33856
division until the school district board either complies with the 33857
department's order issued under division (F)(1) of this section or 33858
begins providing transportation. 33859

(G) A nonpublic or community school that receives payments 33860
from the department under division (F)(2) of this section shall do 33861
either of the following: 33862

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3332.10. (A) No individual shall sell any program or solicit students therefor in this state unless the individual is an employee of the school. Any individual whose primary duty, whether on or off school premises, is to solicit prospective students shall first secure a permit as an agent from the board of career colleges and schools. If the agent represents more than one school, a separate permit shall be obtained for each school represented by the agent. An agent who represents a person that operates more than one school in the same geographical area, as determined by the board, need not obtain a separate permit for each such school. Upon approval for a permit, the board shall issue a pocket card to the individual, giving the individual's name, address, permit number, and the name and address of the employing school, and certifying that the individual whose name appears on the card is an authorized agent of the school.

(B) The application for a permit shall be made on forms to be furnished by the board and accompanied by the fee established in

accordance with section 3332.07 of the Revised Code. A permit 33893
shall be ~~renewed every twelve~~ granted for a period not to exceed 33894
twenty-four months and shall be valid for up to thirty days after 33895
its expiration date. An application for a renewal permit shall be 33896
accompanied by the fee established in accordance with section 33897
3332.07 of the Revised Code. 33898

(C) Each school subject to this chapter shall assume full 33899
responsibility for the actions, statements, and conduct of its 33900
agents, and shall provide them with adequate training and arrange 33901
for proper supervision of their work. The board shall hold schools 33902
liable for the actions, statements, and conduct of agents that 33903
violate any provision of this chapter, unless an agent's acts or 33904
omissions were manifestly outside the scope of the agent's 33905
employment or official responsibilities. 33906

Sec. 3333.01. (A) There is hereby created the Ohio board of 33907
regents as an advisory board to the ~~chancellor~~ director of higher 33908
education appointed under section 3333.03 of the Revised Code. The 33909
board shall consist of nine members to be appointed by the 33910
governor with the advice and consent of the senate. The members 33911
shall be residents of this state who possess an interest in and 33912
knowledge of higher education. No member shall be a trustee, 33913
officer, or employee of any Ohio public or private college or 33914
university while serving as a member of the board. In addition to 33915
the members appointed by the governor, the chairperson of the 33916
education committee of the senate and the chairperson of the 33917
education committee of the house of representatives shall, after 33918
January 1, 1967, be ex officio members of the board without a 33919
vote. 33920

(B) Prior to September 20, 2008, terms of office shall be for 33921
nine years, commencing on the twenty-first day of September and 33922
ending on the twentieth day of September. 33923

(C) Beginning on September 20, 2008, the terms of office for the members of the board of regents shall be as follows:

(1) The terms of office of the three members whose terms under division (B) of this section are scheduled to expire on September 20, 2008, shall expire on September 20, 2008. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2008, and ending on September 20, 2014.

(2) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2011, shall expire on September 20, 2010. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2010, and ending on September 20, 2016.

(3) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2014, shall expire on September 20, 2012. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2012, and ending on September 20, 2018.

Thereafter, the terms of office of all subsequent members of the board of regents shall be for six years beginning on the twenty-first day of September and ending on the twentieth day of September.

(D) Except as provided in division (C) of this section, each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall

hold office for the remainder of such term. Any member shall 33955
continue in office subsequent to the expiration date of the 33956
member's term until a successor takes office, or until a period of 33957
sixty days has elapsed, whichever occurs first. 33958

No person who has served a full nine-year term under division 33959
(B) of this section or two full six-year terms under division (C) 33960
of this section shall be eligible for reappointment. 33961

(E) Board members shall serve without compensation, but shall 33962
be reimbursed for necessary expenses incurred in the conduct of 33963
board business. 33964

Sec. 3333.011. No member of the Ohio board of regents, 33965
created by section 3333.01 of the Revised Code, shall be a 33966
trustee, officer, or employee of a technical college while serving 33967
as a member of the board. Neither the ~~chancellor~~ director of 33968
higher education nor any staff member or employee of the ~~board~~ 33969
department of higher education shall be a trustee, officer, or 33970
employee of a technical college while serving on the board. 33971

Sec. ~~3333.031~~ 3333.012. Whenever the term "Ohio board of 33972
regents" is used, referred to, or designated in any statute, rule, 33973
contract, grant, or other document, the use, reference, or 33974
designation shall be construed to mean the "~~chancellor of the Ohio~~ 33975
~~board of regents~~ director of higher education," except in sections 33976
3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or 33977
unless the use, reference, or designation of the term "Ohio board 33978
of regents" relates to the board's duties to give advice to the 33979
~~chancellor of the Ohio board of regents~~ director or unless another 33980
section of law expressly provides otherwise. 33981

Whenever the term "chancellor of the Ohio board of regents" 33982
or "chancellor" is used, referred to, or designated in any 33983
statute, rule, contract, grant, or other document, the use, 33984

reference, or designation shall be construed to mean the director 33985
of higher education. 33986

Sec. 3333.021. As used in this section, "university" means 33987
any college or university that receives a state appropriation. 33988

(A) This division does not apply to proposed rules, 33989
amendments, or rescissions subject to legislative review under 33990
section 106.02 of the Revised Code. No action taken by the 33991
~~chancellor of the Ohio board of regents~~ director of higher 33992
education that could reasonably be expected to have an effect on 33993
the revenue or expenditures of any university shall take effect 33994
unless at least two weeks prior to the date on which the action is 33995
taken, the ~~chancellor~~ director has filed with the speaker of the 33996
house of representatives, the president of the senate, ~~the~~ 33997
~~legislative budget office of the legislative service commission,~~ 33998
and the director of budget and management a fiscal analysis of the 33999
proposed action. The analysis shall include an estimate of the 34000
amount by which, during the current and ensuing fiscal biennium, 34001
the action would increase or decrease the university's revenues or 34002
expenditures and increase or decrease any state expenditures and 34003
any other information the ~~chancellor~~ director considers necessary 34004
to explain the action's fiscal effect. 34005

(B) Within three days of the date the ~~chancellor~~ director 34006
files with the clerk of the senate a proposed rule, amendment, or 34007
rescission that is subject to legislative review and invalidation 34008
under section 106.02 of the Revised Code, the ~~chancellor~~ director 34009
shall file with the speaker of the house of representatives, the 34010
president of the senate, the legislative service commission, and 34011
the director of budget and management a fiscal analysis of the 34012
proposed rule. The analysis shall include an estimate of the 34013
amount by which, during the current and ensuing fiscal biennium, 34014
the action would increase or decrease any university's revenues or 34015

expenditures and increase or decrease state revenues or 34016
expenditures and any other information the ~~chancellor~~ director 34017
considers necessary to explain the fiscal effect of the rule, 34018
amendment, or rescission. No rule, amendment, or rescission shall 34019
take effect unless the ~~chancellor~~ director has complied with this 34020
division. 34021

Sec. 3333.03. (A) There is hereby created the department of 34022
higher education, which shall be composed of the director of 34023
higher education and the director's employees, agents, and 34024
representatives. The director shall perform the functions, 34025
exercise the powers, and discharge the duties as are assigned to 34026
the director by law. 34027

(B) The governor, with the advice and consent of the senate, 34028
shall appoint the ~~chancellor of the Ohio board of regents~~ director 34029
of higher education. The ~~chancellor~~ director shall serve at the 34030
pleasure of the governor, and the governor shall prescribe the 34031
~~chancellor's~~ director's duties in addition to the ~~chancellor's~~ 34032
director's duties prescribed by law. The governor shall fix the 34033
compensation for the ~~chancellor~~ director. The ~~chancellor~~ director 34034
shall be a member of the governor's cabinet. 34035

~~(B) The term of the chancellor in office on the effective~~ 34036
~~date of this amendment shall coincide with the term of that~~ 34037
~~chancellor's appointing governor. Subsequent appointments to the~~ 34038
~~office of chancellor shall be made pursuant to division (A) of~~ 34039
~~this section.~~ 34040

(C) The ~~chancellor~~ director is responsible for appointing and 34041
fixing the compensation of all professional, administrative, and 34042
clerical employees and staff members necessary to assist in the 34043
performance of the ~~chancellor's~~ director's duties. All employees 34044
and staff shall serve at the ~~chancellor's~~ director's pleasure. 34045

(D) The ~~chancellor~~ director shall be a person qualified by 34046

training and experience to understand the problems and needs of 34047
the state in the field of higher education and to devise programs, 34048
plans, and methods of solving the problems and meeting the needs. 34049

(E) Neither the ~~chancellor~~ director nor any staff member or 34050
employee of the ~~chancellor~~ director shall be a trustee, officer, 34051
or employee of any public or private college or university while 34052
serving as ~~chancellor~~ director, staff member, or employee. 34053

Sec. 3333.032. The Ohio board of regents shall submit to the 34054
general assembly, in accordance with division (B) of section 34055
101.68 of the Revised Code, and to the governor, an annual report 34056
on the condition of higher education in this state, including the 34057
performance of the ~~chancellor of the board~~ director of higher 34058
education. 34059

Sec. 3333.04. The ~~chancellor of the Ohio board of regents~~ 34060
director of higher education shall: 34061

(A) Make studies of state policy in the field of higher 34062
education and formulate a master plan for higher education for the 34063
state, considering the needs of the people, the needs of the 34064
state, and the role of individual public and private institutions 34065
within the state in fulfilling these needs; 34066

(B)(1) Report annually to the governor and the general 34067
assembly on the findings from the ~~chancellor's~~ director's studies 34068
and the master plan for higher education for the state; 34069

(2) Report at least semiannually to the general assembly and 34070
the governor the enrollment numbers at each state-assisted 34071
institution of higher education. 34072

(C) Approve or disapprove the establishment of new branches 34073
or academic centers of state colleges and universities; 34074

(D) Approve or disapprove the establishment of state 34075

technical colleges or any other state institution of higher education; 34076
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(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel; 34078
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(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the ~~chancellor~~ director shall request the board of regents to hold at least one public hearing on the matter and advise the ~~chancellor~~ director on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the ~~chancellor~~ director. The ~~chancellor~~ director shall consider the board's recommendation but shall not be required to accept it. 34084
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For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the ~~chancellor~~ director may exclude students enrolled in any program that the ~~chancellor~~ director has recommended for elimination pursuant to this division except that the ~~chancellor~~ director shall not exclude any such student who enrolled in the program prior to the date on which the ~~chancellor~~ director initially 34100
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commences to exclude students under this division. 34108

The ~~chancellor~~ director and state colleges, universities, and 34109
other state-assisted institutions of higher education shall 34110
jointly develop a process for determining which existing graduate 34111
or professional programs constitute unnecessary duplication. 34112

(G) Recommend to the state colleges, universities, and other 34113
state-assisted institutions of higher education programs which 34114
should be added to their present programs; 34115

(H) Conduct studies for the state colleges, universities, and 34116
other state-assisted institutions of higher education to assist 34117
them in making the best and most efficient use of their existing 34118
facilities and personnel; 34119

(I) Make recommendations to the governor and general assembly 34120
concerning the development of state-financed capital plans for 34121
higher education; the establishment of new state colleges, 34122
universities, and other state-assisted institutions of higher 34123
education; and the establishment of new programs at the existing 34124
state colleges, universities, and other institutions of higher 34125
education; 34126

(J) Review the appropriation requests of the public community 34127
colleges and the state colleges and universities and submit to the 34128
office of budget and management and to the chairpersons of the 34129
finance committees of the house of representatives and of the 34130
senate the ~~chancellor's~~ director's recommendations in regard to 34131
the biennial higher education appropriation for the state, 34132
including appropriations for the individual state colleges and 34133
universities and public community colleges. For the purpose of 34134
determining the amounts of instructional subsidies to be paid to 34135
state-assisted colleges and universities, the ~~chancellor~~ director 34136
shall define "full-time equivalent student" by program per 34137
academic year. The definition may take into account the 34138

establishment of minimum enrollment levels in technical education 34139
programs below which support allowances will not be paid. Except 34140
as otherwise provided in this section, the ~~chancellor~~ director 34141
shall make no change in the definition of "full-time equivalent 34142
student" in effect on November 15, 1981, which would increase or 34143
decrease the number of subsidy-eligible full-time equivalent 34144
students, without first submitting a fiscal impact statement to 34145
the president of the senate, the speaker of the house of 34146
representatives, the legislative service commission, and the 34147
director of budget and management. The ~~chancellor~~ director shall 34148
work in close cooperation with the director of budget and 34149
management in this respect and in all other matters concerning the 34150
expenditures of appropriated funds by state colleges, 34151
universities, and other institutions of higher education. 34152

(K) Seek the cooperation and advice of the officers and 34153
trustees of both public and private colleges, universities, and 34154
other institutions of higher education in the state in performing 34155
the ~~chancellor's~~ director's duties and making the ~~chancellor's~~ 34156
director's plans, studies, and recommendations; 34157

(L) Appoint advisory committees consisting of persons 34158
associated with public or private secondary schools, members of 34159
the state board of education, or personnel of the state department 34160
of education; 34161

(M) Appoint advisory committees consisting of college and 34162
university personnel, or other persons knowledgeable in the field 34163
of higher education, or both, in order to obtain their advice and 34164
assistance in defining and suggesting solutions for the problems 34165
and needs of higher education in this state; 34166

(N) Approve or disapprove all new degrees and new degree 34167
programs at all state colleges, universities, and other 34168
state-assisted institutions of higher education; 34169

(O) Adopt such rules as are necessary to carry out the ~~chancellor's~~ director's duties and responsibilities. The rules shall prescribe procedures for the ~~chancellor~~ director to follow when taking actions associated with the ~~chancellor's~~ director's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the ~~chancellor~~ director prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the ~~chancellor~~ director;

(5) Written publication of the final action taken by the ~~chancellor~~ director and the ~~chancellor's~~ director's rationale for the action;

(6) A timeline for the process described in divisions (O)(1) to (5) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to

3333.26, and 5910.02 of the Revised Code; 34201

(Q) Participate in education-related state or federal 34202
programs on behalf of the state and assume responsibility for the 34203
administration of such programs in accordance with applicable 34204
state or federal law; 34205

(R) Adopt rules for student financial aid programs as 34206
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 34207
3333.28, and 5910.02 of the Revised Code, and perform any other 34208
administrative functions assigned to the ~~chancellor~~ director by 34209
those sections; 34210

(S) Conduct enrollment audits of state-supported institutions 34211
of higher education; 34212

(T) Appoint consortia of college and university personnel to 34213
advise or participate in the development and operation of 34214
statewide collaborative efforts, including the Ohio supercomputer 34215
center, the Ohio academic resources network, OhioLink, and the 34216
Ohio learning network. For each consortium, the ~~chancellor~~ 34217
director shall designate a college or university to serve as that 34218
consortium's fiscal agent, financial officer, and employer. Any 34219
funds appropriated for the consortia shall be distributed to the 34220
fiscal agents for the operation of the consortia. A consortium 34221
shall follow the rules of the college or university that serves as 34222
its fiscal agent. The ~~chancellor~~ director may restructure existing 34223
consortia, appointed under this division, in accordance with 34224
procedures adopted under divisions (O)(1) to (6) of this section. 34225

(U) Adopt rules establishing advisory duties and 34226
responsibilities of the board of regents not otherwise prescribed 34227
by law; 34228

(V) Respond to requests for information about higher 34229
education from members of the general assembly and direct staff to 34230
conduct research or analysis as needed for this purpose. 34231

Sec. 3333.041. (A) On or before the last day of December of 34232
each year, the ~~chancellor of the Ohio board of regents~~ director of 34233
higher education shall submit to the governor and, in accordance 34234
with section 101.68 of the Revised Code, the general assembly a 34235
report or reports concerning all of the following: 34236

(1) The status of graduates of Ohio school districts at state 34237
institutions of higher education during the twelve-month period 34238
ending on the thirtieth day of September of the current calendar 34239
year. The report shall list, by school district, the number of 34240
graduates of each school district who attended a state institution 34241
of higher education and the percentage of each district's 34242
graduates enrolled in a state institution of higher education 34243
during the reporting period who were required during such period 34244
by the college or university, as a prerequisite to enrolling in 34245
those courses generally required for first-year students, to 34246
enroll in a remedial course in English, including composition or 34247
reading, mathematics, and any other area designated by the 34248
~~chancellor~~ director. The ~~chancellor~~ director also shall make the 34249
information described in division (A)(1) of this section available 34250
to the board of education of each city, exempted village, and 34251
local school district. 34252

Each state institution of higher education shall, by the 34253
first day of November of each year, submit to the ~~chancellor~~ 34254
director in the form specified by the ~~chancellor~~ director the 34255
information the ~~chancellor~~ director requires to compile the 34256
report. 34257

(2) ~~Aggregate academic growth data for students assigned to~~ 34258
~~graduates of teacher preparation programs approved under section~~ 34259
~~3333.048 of the Revised Code who teach English language arts or~~ 34260
~~mathematics in any of grades four to eight in a public school in~~ 34261
~~Ohio. For this purpose, the chancellor shall use the value added~~ 34262

~~progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(c) of section 3302.03 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this section applies, the chancellor shall report the data for a group of classes over a three year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the chancellor.~~

~~(3)~~ The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the ~~chancellor~~ director contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the ~~chancellor~~ director has contracted;

(c) Efforts by the ~~chancellor~~ director to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

~~(4)~~(3) A description of advanced standing programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.

~~(5)~~(4) The ~~chancellor's~~ director's strategy in assigning

choose Ohio first scholarships, as established under section 34294
3333.61 of the Revised Code, among state universities and colleges 34295
and how the actual awards fit that strategy. 34296

~~(6)~~(5) The academic and economic impact of the Ohio 34297
co-op/internship program established under section 3333.72 of the 34298
Revised Code. At a minimum, the report shall include the 34299
following: 34300

(a) Progress and performance metrics for each initiative that 34301
received an award in the previous fiscal year; 34302

(b) Economic indicators of the impact of each initiative, and 34303
all initiatives as a whole, on the regional economies and the 34304
statewide economy; 34305

(c) The ~~chancellor's~~ director's strategy in allocating awards 34306
among state institutions of higher education and how the actual 34307
awards fit that strategy. 34308

(B) On or before the fifteenth day of February of each year, 34309
the director shall submit to the governor and, in accordance with 34310
section 101.68 of the Revised Code, the general assembly a report 34311
concerning aggregate academic growth data for students assigned to 34312
graduates of teacher preparation programs approved under section 34313
3333.048 of the Revised Code who teach English language arts or 34314
mathematics in any of grades four to eight in a public school in 34315
Ohio. For this purpose, the director shall use the value-added 34316
progress dimension prescribed by section 3302.021 of the Revised 34317
Code or the alternative student academic progress measure if 34318
adopted under division (C)(1)(e) of section 3302.03 of the Revised 34319
Code. The director shall aggregate the data by graduating class 34320
for each approved teacher preparation program, except that if a 34321
particular class has ten or fewer graduates to which this division 34322
applies, the director shall report the data for a group of classes 34323
over a three-year period. In no case shall the report identify any 34324

individual graduate. The department of education shall share any 34325
data necessary for the report with the director. 34326

(C) As used in this section: 34327

(1) "Minority business enterprise" has the same meaning as in 34328
section 122.71 of the Revised Code. 34329

(2) "State institution of higher education" and "state 34330
university" have the same meanings as in section 3345.011 of the 34331
Revised Code. 34332

(3) "State university or college" has the same meaning as in 34333
section 3345.12 of the Revised Code. 34334

(4) "Women's business enterprise" means a business, or a 34335
partnership, corporation, limited liability company, or joint 34336
venture of any kind, that is owned and controlled by women who are 34337
United States citizens and residents of this state. 34338

Sec. 3333.042. The ~~chancellor of the Ohio board of regents~~ 34339
director of higher education may grant money to a nonprofit entity 34340
that provides a statewide resource for aerospace research, 34341
education, and technology, so long as the nonprofit entity makes 34342
its resources accessible to state colleges and universities and to 34343
agencies of this and other states and the United States. The 34344
~~chancellor~~ director, by rule adopted in accordance with Chapter 34345
119. of the Revised Code, shall establish procedures and forms 34346
whereby nonprofit entities may apply for grants; standards and 34347
procedures for reviewing applications for and awarding grants; 34348
procedures for distributing grants to recipients; procedures for 34349
monitoring the use of grants by recipients; requirements, 34350
procedures, and forms whereby grant recipients shall report upon 34351
their use of grants; and standards and procedures for terminating 34352
and requiring repayment of grants in the event of their improper 34353
use. 34354

A state college or university or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and any agency of state government may provide assistance, in any form, to any nonprofit entity that receives a grant under this section. Such assistance shall be solely for the purpose of assisting the nonprofit entity in making proper use of the grant.

A nonprofit entity that expends a grant under this section for a capital project is not thereby subject to Chapter 123. or 153. of the Revised Code. An officer or employee of, or a person who serves on a governing or advisory board or committee of, a nonprofit entity that receives a grant under this section is not thereby an officer or employee of a state college or university or of the state. An officer or employee of a state college or university or of the state who is assigned to assist a nonprofit entity in making proper use of a grant does not, to the extent the officer or employee provides such assistance, thereby hold an incompatible office or employment, or have a direct or indirect interest in a contract or expenditure of the entity.

Sec. 3333.043. (A) As used in this section:

(1) "Institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, municipal educational institutions established under Chapter 3349. of the Revised Code, community colleges established under Chapter 3354. of the Revised Code, university branches established under Chapter 3355. of the Revised Code, technical colleges established under Chapter 3357. of the Revised Code, state community colleges established under Chapter 3358. of the Revised Code, any institution of higher education with a certificate of registration from the state board of career colleges and schools, and any institution for which the ~~chancellor of the Ohio board of regents~~

director of higher education receives a notice pursuant to 34386
division (C) of this section. 34387

(2) "Community service" has the same meaning as in section 34388
3313.605 of the Revised Code. 34389

(B)(1) The board of trustees or other governing entity of 34390
each institution of higher education shall encourage and promote 34391
participation of students in community service through a program 34392
appropriate to the mission, student population, and environment of 34393
each institution. The program may include, but not be limited to, 34394
providing information about community service opportunities during 34395
student orientation or in student publications; providing awards 34396
for exemplary community service; encouraging faculty members to 34397
incorporate community service into students' academic experiences 34398
wherever appropriate to the curriculum; encouraging recognized 34399
student organizations to undertake community service projects as 34400
part of their purposes; and establishing advisory committees of 34401
students, faculty members, and community and business leaders to 34402
develop cooperative programs that benefit the community and 34403
enhance student experience. The program shall be flexible in 34404
design so as to permit participation by the greatest possible 34405
number of students, including part-time students and students for 34406
whom participation may be difficult due to financial, academic, 34407
personal, or other considerations. The program shall emphasize 34408
community service opportunities that can most effectively use the 34409
skills of students, such as tutoring or literacy programs. The 34410
programs shall encourage students to perform services that will 34411
not supplant the hiring of, result in the displacement of, or 34412
impair any existing employment contracts of any particular 34413
employee of any private or governmental entity for which services 34414
are performed. 34415

(2) The ~~chancellor of the Ohio board of regents~~ director of 34416
higher education shall encourage all institutions of higher 34417

education in the development of community service programs. With 34418
the assistance of the Ohio commission on service and volunteerism 34419
created in section 121.40 of the Revised Code, the ~~chancellor~~ 34420
director shall make available information about higher education 34421
community service programs to institutions of higher education and 34422
to statewide organizations involved with or promoting 34423
volunteerism, including information about model community service 34424
programs, teacher training courses, and community service 34425
curricula and teaching materials for possible use by institutions 34426
of higher education in their programs. The ~~chancellor~~ director 34427
shall encourage institutions of higher education to jointly 34428
coordinate higher education community service programs through 34429
consortia of institutions or other appropriate means of 34430
coordination. 34431

(C) The board of trustees of any nonprofit institution with a 34432
certificate of authorization issued pursuant to Chapter 1713. of 34433
the Revised Code or the governing authority of a private 34434
institution exempt from regulation under Chapter 3332. of the 34435
Revised Code as prescribed in section 3333.046 of the Revised Code 34436
may notify the ~~chancellor~~ director that it is making itself 34437
subject to divisions (A) and (B) of this section. Upon receipt of 34438
such a notice, these divisions shall apply to that institution. 34439

Sec. 3333.044. (A) The ~~chancellor of the Ohio board of~~ 34440
~~regents~~ director of higher education may contract with any 34441
consultants that are necessary for the discharge of the 34442
~~chancellor's~~ director's duties under this chapter. 34443

(B) The ~~chancellor~~ director may purchase, upon the terms that 34444
the ~~chancellor~~ director determines to be advisable, one or more 34445
policies of insurance from insurers authorized to do business in 34446
this state that insure consultants who have contracted with the 34447
~~chancellor~~ director under division (A) of this section or members 34448

of an advisory committee appointed under section 3333.04 of the Revised Code, with respect to the activities of the consultants or advisory committee members in the course of the performance of their responsibilities as consultants or advisory committee members.

(C) Subject to the approval of the controlling board, the ~~chancellor~~ director may contract with any entities for the discharge of the ~~chancellor's~~ director's duties and responsibilities under any of the programs established pursuant to sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The ~~chancellor~~ director shall not enter into a contract under this division unless the proposed contractor demonstrates that its primary purpose is to promote access to higher education by providing student financial assistance through loans, grants, or scholarships, and by providing high quality support services and information to students and their families with regard to such financial assistance.

Chapter 125. of the Revised Code does not apply to contracts entered into pursuant to this section. In awarding contracts under this division, the ~~chancellor~~ director shall consider factors such as the cost of the administration of the contract, the experience of the contractor, and the contractor's ability to properly execute the contract.

Sec. 3333.045. As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the

Revised Code. 34480

The ~~chancellor of the Ohio board of regents~~ director of 34481
higher education shall work with the attorney general, the auditor 34482
of state, and the Ohio ethics commission to develop a model for 34483
training members of the boards of trustees of all state 34484
universities and colleges and members of the board of regents 34485
regarding the authority and responsibilities of a board of 34486
trustees or the board of regents. This model shall include a 34487
review of fiduciary responsibilities, ethics, and fiscal 34488
management. Use of this model by members of boards of trustees and 34489
the board of regents shall be voluntary. 34490

Sec. 3333.047. With regard to any state student financial aid 34491
program established in this chapter, Chapter 5910., or section 34492
5919.34 of the Revised Code, the ~~chancellor of the Ohio board of~~ 34493
~~regents~~ director of higher education shall conduct audits to: 34494

(A) Determine the validity of information provided by 34495
students and parents regarding eligibility for state student 34496
financial aid. If the ~~chancellor~~ director determines that 34497
eligibility data has been reported incorrectly or inaccurately, 34498
and where the ~~chancellor~~ director determines an adjustment to be 34499
appropriate, the institution of higher education shall adjust the 34500
financial aid awarded to the student. 34501

(B) Ensure that institutions of higher education are in 34502
compliance with the rules governing state student financial aid 34503
programs. An institution that fails to comply with the rules in 34504
the administration of any state student financial aid program 34505
shall be fully liable to reimburse the state for the unauthorized 34506
use of student financial aid funds. 34507

Sec. 3333.048. (A) Not later than one year after October 16, 34508
2009, the ~~chancellor of the Ohio board of regents~~ director of 34509

higher education and the superintendent of public instruction 34510
jointly shall do the following: 34511

(1) In accordance with Chapter 119. of the Revised Code, 34512
establish metrics and educator preparation programs for the 34513
preparation of educators and other school personnel and the 34514
institutions of higher education that are engaged in their 34515
preparation. The metrics and educator preparation programs shall 34516
be aligned with the standards and qualifications for educator 34517
licenses adopted by the state board of education under section 34518
3319.22 of the Revised Code and the requirements of the Ohio 34519
teacher residency program established under section 3319.223 of 34520
the Revised Code. The metrics and educator preparation programs 34521
also shall ensure that educators and other school personnel are 34522
adequately prepared to use the value-added progress dimension 34523
prescribed by section 3302.021 of the Revised Code or the 34524
alternative student academic progress measure if adopted under 34525
division (C)(1)(e) of section 3302.03 of the Revised Code. 34526

(2) Provide for the inspection of institutions of higher 34527
education desiring to prepare educators and other school 34528
personnel. 34529

(B) Not later than one year after October 16, 2009, the 34530
~~chancellor~~ director shall approve institutions of higher education 34531
engaged in the preparation of educators and other school personnel 34532
that maintain satisfactory training procedures and records of 34533
performance, as determined by the ~~chancellor~~ director. 34534

(C) If the metrics established under division (A)(1) of this 34535
section require an institution of higher education that prepares 34536
teachers to satisfy the standards of an independent accreditation 34537
organization, the ~~chancellor~~ director shall permit each 34538
institution to satisfy the standards of any applicable national 34539
educator preparation accrediting agency recognized by the United 34540

States department of education. 34541

(D) The metrics and educator preparation programs established 34542
under division (A)(1) of this section may require an institution 34543
of higher education, as a condition of approval by the ~~chancellor~~ 34544
director, to make changes in the curricula of its preparation 34545
programs for educators and other school personnel. 34546

Notwithstanding division ~~(D)~~(E) of section 119.03 and 34547
division (A)(1) of section 119.04 of the Revised Code, any 34548
metrics, educator preparation programs, rules, and regulations, or 34549
any amendment or rescission of such metrics, educator preparation 34550
programs, rules, and regulations, adopted under this section that 34551
necessitate institutions offering preparation programs for 34552
educators and other school personnel approved by the ~~chancellor~~ 34553
director to revise the curricula of those programs shall not be 34554
effective for at least one year after the first day of January 34555
next succeeding the publication of the said change. 34556

Each institution shall allocate money from its existing 34557
revenue sources to pay the cost of making the curricular changes. 34558

(E) The ~~chancellor~~ director shall notify the state board of 34559
the metrics and educator preparation programs established under 34560
division (A)(1) of this section and the institutions of higher 34561
education approved under division (B) of this section. The state 34562
board shall publish the metrics, educator preparation programs, 34563
and approved institutions with the standards and qualifications 34564
for each type of educator license. 34565

(F) The graduates of educator preparation programs approved 34566
by the ~~chancellor~~ director shall be licensed by the state board in 34567
accordance with the standards and qualifications adopted under 34568
section 3319.22 of the Revised Code. 34569

Sec. 3333.049. Not later than July 1, 2016, the ~~chancellor~~ of 34570

~~the Ohio board of regents~~ director of higher education shall 34571
revise the requirements for reading endorsement programs offered 34572
by institutions of higher education to align those requirements 34573
with the reading competencies adopted by the state board of 34574
education under section 3301.077 of the Revised Code. 34575

Sec. 3333.0410. ~~The chancellor of the Ohio board of regents~~ 34576
director of higher education shall require each state institution 34577
of higher education, as defined in section 3345.011 of the Revised 34578
Code, when reporting student data to the ~~chancellor~~ director under 34579
any provision of law, to use the student's data verification code 34580
assigned under division (D)(2) of section 3301.0714 of the Revised 34581
Code, if that code was included in the student's records submitted 34582
to the institution by the student's high school or by another 34583
state institution of higher education. 34584

Sec. 3333.0411. Not later than December 31, 2014, and 34585
annually thereafter, the ~~chancellor of the Ohio board of regents~~ 34586
director of higher education shall report for each approved 34587
teacher preparation program, the number and percentage of all 34588
graduates of the program who were rated at each of the performance 34589
levels prescribed by division (B)(1) of section 3319.112 of the 34590
Revised Code on an evaluation conducted in accordance with section 34591
3319.111 of the Revised Code in the previous school year. 34592

In no case shall the report identify any individual graduate. 34593
The department of education shall share any data necessary for the 34594
report with the ~~chancellor~~ director. 34595

Sec. 3333.0412. No nonprofit institution that holds a 34596
certificate of authorization issued under Chapter 1713. of the 34597
Revised Code shall be liable for a breach of confidentiality 34598
arising from the institution's submission of student data or 34599

records to the ~~board of regents~~ director of higher education or 34600
any other state agency in compliance with any law, rule, or 34601
regulation, provided that the breach occurs as a result of one of 34602
the following: 34603

(A) An action by a third party during and after the 34604
transmission of the data or records by the institution but prior 34605
to receipt of the data or records by the ~~board of regents~~ director
of higher education or other state agency; 34606
34607

(B) An action by the ~~board of regents~~ director of higher 34608
education or the state agency. 34609

This provision shall apply to the submission of any student 34610
data or records that are subject to any laws of this state or, to 34611
the extent permitted, any federal law, including the "Family 34612
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 34613
U.S.C. 1232g. 34614

Sec. 3333.0413. Not later than December 31, 2014, the 34615
~~ehancellor of the Ohio board of regents~~ director of higher 34616
education shall make available, in a prominent location on the 34617
~~ehancellor's~~ director's web site, a complete inventory of 34618
education programs that focus on workforce development and 34619
training that includes both of the following: 34620

(A) Programs offered by state institutions of higher 34621
education, as defined in section 3345.011 of the Revised Code, 34622
adult career-technical institutions, and all private nonprofit and 34623
for-profit postsecondary institutions operating in the state; 34624

(B) Programs registered with the apprenticeship council 34625
established under Chapter 4139. of the Revised Code. 34626

The ~~ehancellor~~ director may update this inventory as 34627
necessary. 34628

Sec. 3333.0414. The director of the department of higher education shall conduct a study of bachelor's degree programs approved and offered under sections 3354.071, 3357.071, and 3358.071 of the Revised Code to determine the effects of the programs on fulfilling the needs of students and local industry. The director shall complete the study not later than December 31, 2018, and conduct and complete a second study as prescribed by this section not later than December 31, 2020.

The director shall submit each study to the general assembly, in accordance with section 101.68 of the Revised Code, and the governor.

Sec. 3333.05. ~~The chancellor of the Ohio board of regents~~ director of higher education shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 to 3354.18 of the Revised Code, and issue or decline to issue charters for operation of community colleges, pursuant to section 3354.07 of the Revised Code.

The ~~chancellor~~ director shall approve an official plan, and issue a charter, only upon the following findings:

(A) That the official plan and all past and proposed actions of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably and wastefully duplicate existing educational services available to students and prospective students residing in the community college district;

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation;

(D) That the proposed lands and facilities of the community

colleges will be adequate and efficient for the purposes of the 34659
proposed community college; 34660

(E) That the proposed curricular programs defined in section 34661
3354.01 of the Revised Code as "arts and sciences" and 34662
"technical," or either, are the programs for which there is 34663
substantial need in the territory of the district. 34664

The employment and separation of individual personnel in a 34665
community college, and the establishing or abolishing of 34666
individual courses of instruction, shall not be subject to the 34667
specific and individual approval or disapproval of the ~~chancellor~~ 34668
director, but shall occur in the discretion of the local 34669
management of such college within the limitations of law, the 34670
official plan, and the charter of such college. 34671

Sec. 3333.06. The ~~chancellor of the Ohio board of regents~~ 34672
director of higher education shall prepare a state plan and do all 34673
other things necessary for participation in federal acts relative 34674
to the construction of higher educational academic facilities. 34675

Such plan shall provide for objective standards and methods 34676
of determining the relative priorities for eligible projects for 34677
the construction of academic facilities submitted by institutions 34678
of higher education within the state and for determining the 34679
federal share of the development for each such project. 34680

The ~~chancellor~~ director shall provide for assigning 34681
priorities in accordance with such criteria, standards, and 34682
methods to eligible projects submitted to and approved by the 34683
~~chancellor~~ director, shall recommend to the United States 34684
secretary of education, in the order of such priority, 34685
applications covering such eligible projects, and shall certify to 34686
the secretary the federal share of the development cost of such 34687
projects. 34688

The ~~chancellor~~ director shall provide a fair hearing to each 34689
institution which has submitted a project as to the priority 34690
assigned to such project by the ~~chancellor~~ director or as to any 34691
other determination of the ~~chancellor~~ director adversely affecting 34692
such institution. 34693

The ~~chancellor~~ director shall receive federal grants for the 34694
proper and efficient administration of the state plan, and shall 34695
provide for such fiscal control and fund accounting procedures as 34696
may be necessary to ensure proper disbursement of, and accounting 34697
for, federal funds paid to the ~~chancellor~~ director. 34698

The ~~chancellor~~ director shall make such reports in such form 34699
and containing such information as may be reasonably required by 34700
the secretary in the performance of the secretary's functions 34701
under federal law relating to grants for the construction of 34702
academic facilities. 34703

Each federal grant received by the ~~chancellor~~ director shall 34704
be paid into the state treasury. 34705

Sec. 3333.07. (A) Colleges, universities, and other 34706
institutions of higher education which receive state assistance, 34707
but are not supported primarily by the state, shall submit to the 34708
~~chancellor of the Ohio board of regents~~ director of higher 34709
education such accounting of the expenditure of state funds at 34710
such time and in such form as the ~~chancellor~~ director prescribes. 34711

(B) No state institution of higher education shall establish 34712
a new branch or academic center without the approval of the 34713
~~chancellor~~ director. 34714

(C) No state institution of higher education shall offer a 34715
new degree or establish a new degree program without the approval 34716
of the ~~chancellor~~ director. No degree approval shall be given for 34717
a technical education program unless such program is offered by a 34718

state assisted university, a university branch, a technical 34719
college, or a community college. 34720

(D) Any state college, university, or other state assisted 34721
institution of higher education not complying with a 34722
recommendation of the ~~chancellor~~ director pursuant to division (F) 34723
or (G) of section 3333.04 of the Revised Code shall so notify the 34724
~~chancellor~~ director in writing within one hundred twenty days 34725
after receipt of the recommendation, stating the reasons why it 34726
cannot or should not comply. 34727

(E) The officers, trustees, and employees of all institutions 34728
of higher education which are state supported or state assisted 34729
shall cooperate with the ~~chancellor~~ director in supplying 34730
information regarding their institutions, and advising and 34731
assisting the ~~chancellor~~ director on matters of higher education 34732
in this state in every way possible when so requested by the 34733
~~chancellor~~ director. 34734

(F) Persons associated with the public school systems in this 34735
state, personnel of the state department of education, and members 34736
of the state board of education shall provide such data about high 34737
school students as are requested by the ~~chancellor~~ director to aid 34738
in the development of state higher education plans. 34739

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised 34740
Code, no expenditure shall be made for land for higher education 34741
purposes by public institutions of higher education or agents of 34742
such institutions from any fund without the approval of the 34743
~~chancellor of the Ohio board of regents~~ director of higher 34744
education and the controlling board. No state appropriation for 34745
capital improvements shall be released by the controlling board 34746
for the purchase of land or buildings from any organization or 34747
corporation which has been established to benefit or assist the 34748
institution, except that such releases may be made if the land is 34749

to be used for a currently state-financed improvement. 34750

Sec. 3333.08. It is the declared policy of this state that 34751
the availability of eminent domain on behalf of educational 34752
institutions of higher education is in the public welfare. A 34753
private college, university, or other institution of higher 34754
education may therefore apply to the ~~chancellor of the Ohio board~~ 34755
~~of regents~~ director of higher education for the right to 34756
appropriate property when such institution is unable to agree with 34757
the owner or owners of the subject property upon the price to be 34758
paid for the property. The institution shall be one that any 34759
educationally qualified member of the public who desires to attend 34760
has, or can acquire, a right to be admitted upon equal terms 34761
without discrimination. The institution shall certify to the 34762
~~chancellor~~ director, in its application, that the use of the 34763
property to be appropriated is to be for educational purposes, 34764
including student housing and dining facilities, that reasonable 34765
efforts have been made to purchase the property, and that it will 34766
be used without discrimination against any person or group and be 34767
equally available to all qualified persons. The institution also 34768
shall submit to the ~~chancellor~~ director its plans for the use of 34769
the property and such other information as the ~~chancellor~~ director 34770
may require. The ~~chancellor~~ director may, thereafter, and upon a 34771
determination that the intended use is in the public interest, 34772
approve the application by resolution. Upon such approval, the 34773
institution may appropriate the property in the same manner as is 34774
provided for the appropriation of property in Chapter 163. of the 34775
Revised Code. 34776

Sec. 3333.09. "Public university or college," as used in this 34777
section, means any ~~non-profit~~ nonprofit university or college 34778
situated within this state which is open to the public on equal 34779
terms and which is not affiliated with or controlled by an 34780

organization which is not primarily educational in nature. Any 34781
such university or college shall be considered to be serving a 34782
public purpose. 34783

The ~~chancellor of the Ohio board of regents~~ director of 34784
higher education may, upon the ~~chancellor's~~ director's 34785
determination that such action would serve the interests of higher 34786
education in this state, in terms of expansion of educational 34787
opportunity in a major urban area and in terms of expansion of 34788
educational service to a major urban community, accept conveyances 34789
of land, situated within this state, from any public university or 34790
college and enter into an agreement before or after such 34791
conveyance to lease to such public university or college, upon 34792
terms as may be prescribed by the ~~chancellor~~ director, such land 34793
together with buildings constructed thereon and furniture, 34794
fixtures, and equipment therein for use as an educational 34795
facility. The lease shall be for a period not to exceed fifty 34796
years, renewable for a like term, and shall provide that such 34797
buildings be used solely for educational purposes and that the 34798
~~chancellor~~ director may cancel such lease if such buildings are 34799
used for other purposes. Such lease may contain provisions for the 34800
sale of such property to the lessee, upon the consent of the 34801
~~chancellor~~ director, for a purchase price not less than the actual 34802
cost to the ~~chancellor~~ director, less depreciation, computed at 34803
the rate customarily applied to similar structures. The ~~chancellor~~ 34804
director, through the department of administrative services, may 34805
construct, equip, or remodel buildings on lands accepted by the 34806
~~chancellor~~ director in the name of the state pursuant to this 34807
section. Title to lands acquired under this section shall be taken 34808
in the name of the state. 34809

Responsibility for the proper use, maintenance, and repair of 34810
leased buildings shall rest upon the lessee. 34811

Sec. 3333.10. (A) As used in this section: 34812

(1) "Qualified institution of higher education" or 34813
"institution" means a nonprofit educational institution, holding 34814
an effective certificate of authorization issued under section 34815
1713.02 of the Revised Code, operating in the state an eligible 34816
program, and admitting students without discrimination by reason 34817
of race, creed, color, or national origin. 34818

(2) "School of dentistry" means an accredited dental college 34819
as defined under section 4715.10 of the Revised Code. 34820

(3) "Eligible program" means a medical school accredited by 34821
the liaison committee on medical education or an osteopathic 34822
medical school accredited by the American osteopathic association, 34823
or such a school together with a school of dentistry. 34824

(B) In order to provide better for the public health and the 34825
necessary enhancement of instruction in medicine and dentistry in 34826
the state, and to encourage the means of such instruction with the 34827
least economic cost to the people of the state, the ~~chancellor of~~ 34828
~~the Ohio board of regents~~ director of higher education may enter 34829
into agreements with qualified institutions of higher education 34830
providing for the continued operation by the institution of 34831
eligible programs, conditioned upon continued payments by the 34832
state to such institution for the purposes of such eligible 34833
programs of amounts determined in the manner provided for the 34834
state subsidy from time to time afforded to state universities on 34835
the basis of comparable programs. Before entering into such 34836
agreement, the ~~chancellor~~ director shall determine that the 34837
institution is a qualified institution of higher education as 34838
defined in division (A) of this section, and that the operation of 34839
such eligible programs as provided for in such agreement and such 34840
payments will contribute to the objectives stated in this section 34841
and to the objectives of the master plan of higher education 34842

formulated under section 3333.04 of the Revised Code. 34843

(C) Agreements under this section shall contain provisions to 34844
the effect that: 34845

(1) The institution shall submit to the ~~chancellor~~ director 34846
accountings for the expenditure of state payments in the manner 34847
and at the times as are requested for state-assisted institutions 34848
of higher education pursuant to division (A) of section 3333.07 of 34849
the Revised Code. 34850

(2) The institution shall notify the ~~chancellor~~ director in 34851
the manner provided for state-assisted institutions under division 34852
(D) of section 3333.07 of the Revised Code with regard to program 34853
recommendations by the ~~chancellor~~ director in the nature of those 34854
provided for in divisions (F) and (G) of section 3333.04 of the 34855
Revised Code. 34856

(3) The agreement shall terminate if the institution ceases 34857
to be a qualified institution of higher education as determined by 34858
the ~~chancellor~~ director in accordance with Chapter 119. of the 34859
Revised Code. 34860

(D) Agreements under this section may make further provision 34861
for any one or more of the following as the parties determine: 34862

(1) The duration of any such agreement, or additional 34863
provision for terminating the agreement; 34864

(2) Additional conditions for the effectiveness or continued 34865
effectiveness of such agreement; 34866

(3) Procedures for the amendment or supplementation of the 34867
agreement, including designation of the parties to approve or 34868
execute such amendments or supplements; 34869

(4) Such other provisions as may be deemed necessary or 34870
appropriate. 34871

(E) In case any provision or part of this section or any 34872

provision, agreement, covenant, stipulation, obligation, act or 34873
action, or part thereof, made, assumed, or taken under or pursuant 34874
to this section, or any application thereof, is for any reason 34875
held to be illegal or invalid, such illegality or invalidity shall 34876
not affect the remainder thereof or any other provision of this 34877
section or any other provision, agreement, covenant, stipulation, 34878
obligation, action, or part thereof, made, assumed, or taken under 34879
or pursuant to this section, which shall be construed and enforced 34880
as if such illegal or invalid portion were not contained therein, 34881
nor shall such illegality or invalidity of any application thereof 34882
affect any legal and valid application thereof, and each such 34883
provision, agreement, covenant, stipulation, obligation, act, or 34884
action, or part thereof, shall be deemed to be effective, 34885
operative, made, done, or entered into in the manner and to the 34886
full extent permitted by law to accomplish most nearly the 34887
intention thereof. 34888

(F) No agreement shall be entered into under this section 34889
with any institution which is not in compliance with section 34890
3333.11 of the Revised Code. 34891

Sec. 3333.11. Each school or college of medicine or medical 34892
university supported in whole or in part by the state shall create 34893
a curriculum for and maintain a department of family practice, the 34894
purpose of which shall be to acquaint undergraduates with and to 34895
train postgraduate physicians for the practice of family medicine. 34896
The minimum requirements for the department shall include courses 34897
of study in family care, including clinical experience, a program 34898
of preceptorships, and a program of family practice residencies in 34899
university or other hospital settings. 34900

Each program of family practice shall: 34901

(A) Be designated to advance the field of family practice; 34902

(B) Educate all medical students in family practice and 34903

encourage students to enter it as a career; 34904

(C) Provide students an opportunity to study family practice 34905
in various situations through preceptorships, seminars, model 34906
family practice units within the medical school, classroom work, 34907
hospital programs, or other means; 34908

(D) Develop residency and other training programs for family 34909
practice in public and private hospitals, including those in 34910
nonmetropolitan areas of the state; 34911

(E) The department shall be a full department co-equal with 34912
all other major clinical departments and headed by a qualified 34913
experienced family practitioner serving as chairperson of the 34914
department of family practice and director of the family practice 34915
residency program. 34916

Funds appropriated by the general assembly in support of 34917
family practice programs shall not be disbursed until the 34918
~~chancellor of the Ohio board of regents~~ director of higher 34919
education has certified that the intent and requirements of this 34920
section are being met. 34921

Sec. 3333.12. (A) As used in this section: 34922

(1) "Eligible student" means an undergraduate student who is: 34923

(a) An Ohio resident enrolled in an undergraduate program 34924
before the 2006-2007 academic year; 34925

(b) Enrolled in either of the following: 34926

(i) An accredited institution of higher education in this 34927
state that meets the requirements of Title VI of the Civil Rights 34928
Act of 1964 and is state-assisted, is nonprofit and has a 34929
certificate of authorization pursuant to Chapter 1713. of the 34930
Revised Code, has a certificate of registration from the state 34931
board of career colleges and schools and program authorization to 34932
award an associate or bachelor's degree, or is a private 34933

institution exempt from regulation under Chapter 3332. of the 34934
Revised Code as prescribed in section 3333.046 of the Revised 34935
Code. Students who attend an institution that holds a certificate 34936
of registration shall be enrolled in a program leading to an 34937
associate or bachelor's degree for which associate or bachelor's 34938
degree program the institution has program authorization issued 34939
under section 3332.05 of the Revised Code. 34940

(ii) A technical education program of at least two years 34941
duration sponsored by a private institution of higher education in 34942
this state that meets the requirements of Title VI of the Civil 34943
Rights Act of 1964. 34944

(c) Enrolled as a full-time student or enrolled as a less 34945
than full-time student for the term expected to be the student's 34946
final term of enrollment and is enrolled for the number of credit 34947
hours necessary to complete the requirements of the program in 34948
which the student is enrolled. 34949

(2) "Gross income" includes all taxable and nontaxable income 34950
of the parents, the student, and the student's spouse, except 34951
income derived from an Ohio academic scholarship, income earned by 34952
the student between the last day of the spring term and the first 34953
day of the fall term, and other income exclusions designated by 34954
the ~~chancellor of the Ohio board of regents~~ director of higher 34955
education. Gross income may be verified to the ~~chancellor~~ director 34956
by the institution in which the student is enrolled using the 34957
federal financial aid eligibility verification process or by other 34958
means satisfactory to the ~~chancellor~~ director. 34959

(3) "Resident," "full-time student," "dependent," 34960
"financially independent," and "accredited" shall be defined by 34961
rules adopted by the ~~chancellor~~ director. 34962

(B) The ~~chancellor~~ director shall establish and administer an 34963
instructional grant program and may adopt rules to carry out this 34964

section. The general assembly shall support the instructional 34965
grant program by such sums and in such manner as it may provide, 34966
but the ~~chancellor~~ director may also receive funds from other 34967
sources to support the program. If the amounts available for 34968
support of the program are inadequate to provide grants to all 34969
eligible students, preference in the payment of grants shall be 34970
given in terms of income, beginning with the lowest income 34971
category of gross income and proceeding upward by category to the 34972
highest gross income category. 34973

An instructional grant shall be paid to an eligible student 34974
through the institution in which the student is enrolled, except 34975
that no instructional grant shall be paid to any person serving a 34976
term of imprisonment. Applications for such grants shall be made 34977
as prescribed by the ~~chancellor~~ director, and such applications 34978
may be made in conjunction with and upon the basis of information 34979
provided in conjunction with student assistance programs funded by 34980
agencies of the United States government or from financial 34981
resources of the institution of higher education. The institution 34982
shall certify that the student applicant meets the requirements 34983
set forth in divisions (A)(1)(b) and (c) of this section. 34984
Instructional grants shall be provided to an eligible student only 34985
as long as the student is making appropriate progress toward a 34986
nursing diploma or an associate or bachelor's degree. No student 34987
shall be eligible to receive a grant for more than ten semesters, 34988
fifteen quarters, or the equivalent of five academic years. A 34989
grant made to an eligible student on the basis of less than 34990
full-time enrollment shall be based on the number of credit hours 34991
for which the student is enrolled and shall be computed in 34992
accordance with a formula adopted by the ~~chancellor~~ director. No 34993
student shall receive more than one grant on the basis of less 34994
than full-time enrollment. 34995

An instructional grant shall not exceed the total 34996

instructional and general charges of the institution. 34997

(C) The tables in this division prescribe the maximum grant 34998
amounts covering two semesters, three quarters, or a comparable 34999
portion of one academic year. Grant amounts for additional terms 35000
in the same academic year shall be determined under division (D) 35001
of this section. 35002

For a full-time student who is a dependent and enrolled in a 35003
nonprofit educational institution that is not a state-assisted 35004
institution and that has a certificate of authorization issued 35005
pursuant to Chapter 1713. of the Revised Code, the amount of the 35006
instructional grant for two semesters, three quarters, or a 35007
comparable portion of the academic year shall be determined in 35008
accordance with the following table: 35009

Private Institution 35010

Table of Grants 35011

Maximum Grant \$5,466 35012

Gross Income Number of Dependents 35013

	1	2	3	4	5 or more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	35014
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	35015
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	35016
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	35017
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	35018
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	35019
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	35020
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	35021
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	35022
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	35023
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	35024
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	35025
\$34,001 - \$35,000	444	888	984	1,080	1,344	35026

\$35,001 - \$36,000	--	444	888	984	1,080	35028
\$36,001 - \$37,000	--	--	444	888	984	35029
\$37,001 - \$38,000	--	--	--	444	888	35030
\$38,001 - \$39,000	--	--	--	--	444	35031

For a full-time student who is financially independent and 35032
enrolled in a nonprofit educational institution that is not a 35033
state-assisted institution and that has a certificate of 35034
authorization issued pursuant to Chapter 1713. of the Revised 35035
Code, the amount of the instructional grant for two semesters, 35036
three quarters, or a comparable portion of the academic year shall 35037
be determined in accordance with the following table: 35038

Private Institution 35039

Table of Grants 35040

Maximum Grant \$5,466 35041

Gross Income Number of Dependents 35042

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	35044
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	35045
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	35046
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	35047
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	35048
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	35049
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	35050
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	35051
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	35052
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	35053
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	35054
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	35055
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	35056
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	35057
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	35058
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	35059

\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	35060
\$30,301 - \$35,300	--	492	540	672	816	1,314	35061

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution

Table of Grants

Maximum Grant \$4,632

Gross Income

Number of Dependents

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	35074
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	35075
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	35076
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	35077
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	35078
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	35079
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	35080
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	35081
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	35082
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	35083
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	35084
\$33,001 - \$34,000	750	852	906	1,134	1,416	35085
\$34,001 - \$35,000	372	750	852	906	1,134	35086
\$35,001 - \$36,000	--	372	750	852	906	35087
\$36,001 - \$37,000	--	--	372	750	852	35088
\$37,001 - \$38,000	--	--	--	372	750	35089
\$38,001 - \$39,000	--	--	--	--	372	35090
						35091

For a full-time student who is financially independent and 35092
enrolled in an educational institution that holds a certificate of 35093
registration from the state board of career colleges and schools 35094
or a private institution exempt from regulation under Chapter 35095
3332. of the Revised Code as prescribed in section 3333.046 of the 35096
Revised Code, the amount of the instructional grant for two 35097
semesters, three quarters, or a comparable portion of the academic 35098
year shall be determined in accordance with the following table: 35099

Career Institution 35100

Table of Grants 35101

Maximum Grant \$4,632 35102

Gross Income Number of Dependents 35103

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	35104
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	35105
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	35106
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	35107
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	35108
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	35109
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	35110
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	35111
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	35112
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	35113
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	35114
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	35115
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	35116
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	35117
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	35118
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	35119
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	35120
\$30,301 - \$35,300	--	426	456	570	708	1,116	35121

For a full-time student who is a dependent and enrolled in a 35122

state-assisted educational institution, the amount of the 35124
 instructional grant for two semesters, three quarters, or a 35125
 comparable portion of the academic year shall be determined in 35126
 accordance with the following table: 35127

Public Institution 35128

Table of Grants 35129

Maximum Grant \$2,190 35130

Gross Income Number of Dependents 35131

	1	2	3	4	5 or more	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	35133
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	35134
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	35135
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	35136
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	35137
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	35138
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	35139
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	35140
\$28,001 - \$31,000	522	648	864	1,080	1,320	35141
\$31,001 - \$32,000	420	522	648	864	1,080	35142
\$32,001 - \$33,000	384	420	522	648	864	35143
\$33,001 - \$34,000	354	384	420	522	648	35144
\$34,001 - \$35,000	174	354	384	420	522	35145
\$35,001 - \$36,000	--	174	354	384	420	35146
\$36,001 - \$37,000	--	--	174	354	384	35147
\$37,001 - \$38,000	--	--	--	174	354	35148
\$38,001 - \$39,000	--	--	--	--	174	35149

For a full-time student who is financially independent and 35150
 enrolled in a state-assisted educational institution, the amount 35151
 of the instructional grant for two semesters, three quarters, or a 35152
 comparable portion of the academic year shall be determined in 35153
 accordance with the following table: 35154

	Public Institution						35155
	Table of Grants						35156
	Maximum Grant \$2,190						35157
Gross Income	Number of Dependents						35158
	0	1	2	3	4	5 or more	35159
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	35160
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	35161
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	35162
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	35163
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	35164
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	35165
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	35166
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	35167
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	35168
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	35169
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	35170
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	35171
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	35172
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	35173
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	35174
\$22,301 - \$25,300	--	432	540	750	948	1,062	35175
\$25,301 - \$30,300	--	324	432	540	750	948	35176
\$30,301 - \$35,300	--	192	210	264	324	522	35177

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring institutions to provide information regarding an appeal to the ~~chancellor~~ director.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students
lose eligibility for grants under division (F)(1) of this section
shall not affect that student's eligibility to receive a grant
when enrolled in another institution.

(G) Institutions of higher education that enroll students
receiving instructional grants under this section shall report to
the ~~chancellor~~ director all students who have received
instructional grants but are no longer eligible for all or part of
such grants and shall refund any moneys due the state within
thirty days after the beginning of the quarter or term immediately
following the quarter or term in which the student was no longer
eligible to receive all or part of the student's grant. There
shall be an interest charge of one per cent per month on all
moneys due and payable after such thirty-day period. The
~~chancellor~~ director shall immediately notify the office of budget
and management and the legislative service commission of all
refunds so received.

Sec. 3333.121. There is hereby established in the state
treasury the state need-based financial aid reconciliation fund,
which shall consist of refunds of instructional grant payments
made pursuant to section 3333.12 of the Revised Code and refunds
of state need-based financial aid payments made pursuant to
section 3333.122 of the Revised Code. Revenues credited to the
fund shall be used by the ~~chancellor of the Ohio board of regents~~
director of higher education to pay to higher education
institutions any outstanding obligations from the prior year owed
for the Ohio instructional grant program and the Ohio college
opportunity grant program that are identified through the annual
reconciliation and financial audit. Any amount in the fund that is
in excess of the amount certified to the director of budget and
management by the ~~chancellor~~ director of higher education as
necessary to reconcile prior year payments under the program shall

be transferred to the general revenue fund. 35250

Sec. 3333.122. (A) ~~The chancellor of the Ohio board of~~ 35251
~~regents~~ director of higher education shall adopt rules to carry 35252
out this section and as authorized under section 3333.123 of the 35253
Revised Code. The rules shall include definitions of the terms 35254
"resident," "expected family contribution," "full-time student," 35255
"three-quarters-time student," "half-time student," 35256
"one-quarter-time student," "state cost of attendance," and 35257
"accredited" for the purpose of those sections. 35258

(B) Only an Ohio resident who meets both of the following is 35259
eligible for a grant awarded under this section: 35260

(1) The resident has an expected family contribution of two 35261
thousand one hundred ninety or less; 35262

(2) The resident enrolls in one of the following: 35263

(a) An undergraduate program, or a nursing diploma program 35264
approved by the board of nursing under division (A)(5) of section 35265
4723.06 of the Revised Code, at a state-assisted state institution 35266
of higher education, as defined in section 3345.12 of the Revised 35267
Code, that meets the requirements of Title VI of the Civil Rights 35268
Act of 1964; 35269

(b) An undergraduate program, or a nursing diploma program 35270
approved by the board of nursing under division (A)(5) of section 35271
4723.06 of the Revised Code, at a private, nonprofit institution 35272
in this state holding a certificate of authorization pursuant to 35273
Chapter 1713. of the Revised Code; 35274

(c) An undergraduate program, or a nursing diploma program 35275
approved by the board of nursing under division (A)(5) of section 35276
4723.06 of the Revised Code, at a career college in this state 35277
that holds a certificate of registration from the state board of 35278
career colleges and schools under Chapter 3332. of the Revised 35279

Code or at a private institution exempt from regulation under 35280
Chapter 3332. of the Revised Code as prescribed in section 35281
3333.046 of the Revised Code, if the program has a certificate of 35282
authorization pursuant to Chapter 1713. of the Revised Code. 35283

(C)(1) The ~~chancellor~~ director shall establish and administer 35284
a needs-based financial aid grants program based on the United 35285
States department of education's method of determining financial 35286
need. The program shall be known as the Ohio college opportunity 35287
grant program. The general assembly shall support the needs-based 35288
financial aid program by such sums and in such manner as it may 35289
provide, but the ~~chancellor~~ director also may receive funds from 35290
other sources to support the program. If, for any academic year, 35291
the amounts available for support of the program are inadequate to 35292
provide grants to all eligible students, the ~~chancellor~~ director 35293
shall do one of the following: 35294

(a) Give preference in the payment of grants based upon 35295
expected family contribution, beginning with the lowest expected 35296
family contribution category and proceeding upward by category to 35297
the highest expected family contribution category; 35298

(b) Proportionately reduce the amount of each grant to be 35299
awarded for the academic year under this section; 35300

(c) Use an alternate formula for such grants that addresses 35301
the shortage of available funds and has been submitted to and 35302
approved by the controlling board. 35303

(2) The needs-based financial aid grant shall be paid to the 35304
eligible student through the institution in which the student is 35305
enrolled, except that no needs-based financial aid grant shall be 35306
paid to any person serving a term of imprisonment. Applications 35307
for the grants shall be made as prescribed by the ~~chancellor~~ 35308
director, and such applications may be made in conjunction with 35309
and upon the basis of information provided in conjunction with 35310

student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the ~~chancellor~~ director. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in division (D)(4) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), and (4) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the ~~chancellor~~ director may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the

~~chancellor~~ director may set by rule. 35343

(3) For a student enrolled for a semester or quarter in 35344
addition to the portion of the academic year covered by a grant 35345
under this section, the maximum grant amount shall be a percentage 35346
of the maximum specified in any table established in rules adopted 35347
by the ~~chancellor~~ director as provided in division (A) of this 35348
section. The maximum grant for a fourth quarter shall be one-third 35349
of the maximum amount so prescribed. The maximum grant for a third 35350
semester shall be one-half of the maximum amount so prescribed. 35351

(4) If a student is enrolled in a two-year institution of 35352
higher education and is eligible for an education and training 35353
voucher through the Ohio education and training voucher program 35354
that receives federal funding under the John H. Chafee foster care 35355
independence program, 42 U.S.C. 677, the amount of a grant awarded 35356
under this section may exceed the total state cost of attendance 35357
to additionally cover housing costs. 35358

(E) No grant shall be made to any student in a course of 35359
study in theology, religion, or other field of preparation for a 35360
religious profession unless such course of study leads to an 35361
accredited bachelor of arts, bachelor of science, associate of 35362
arts, or associate of science degree. 35363

(F)(1) Except as provided in division (F)(2) of this section, 35364
no grant shall be made to any student for enrollment during a 35365
fiscal year in an institution with a cohort default rate 35366
determined by the United States secretary of education pursuant to 35367
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 35368
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 35369
preceding the fiscal year, equal to or greater than thirty per 35370
cent for each of the preceding two fiscal years. 35371

(2) Division (F)(1) of this section does not apply in the 35372
case of either of the following: 35373

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring any such appellant to provide information to the ~~chancellor~~ director regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the ~~chancellor~~ director all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day

period. The ~~chancellor~~ director shall immediately notify the 35406
office of budget and management and the legislative service 35407
commission of all refunds so received. 35408

Sec. 3333.123. (A) As used in this section: 35409

(1) "The Ohio college opportunity grant program" means the 35410
program established under section 3333.122 of the Revised Code. 35411

(2) "Rules for the Ohio college opportunity grant program" 35412
means the rules authorized in division (R) of section 3333.04 of 35413
the Revised Code for the implementation of the program. 35414

(B) In adopting rules for the Ohio college opportunity grant 35415
program, the ~~chancellor of the Ohio board of regents~~ director of 35416
higher education may include provisions that give preferential or 35417
priority funding to low-income students who in their primary and 35418
secondary school work participate in or complete rigorous academic 35419
coursework, attain passing scores on the assessments prescribed in 35420
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 35421
high academic performance standards determined by the ~~chancellor~~ 35422
director to reduce the need for remediation and ensure academic 35423
success at the postsecondary education level. Any such rules shall 35424
include a specification of procedures needed to certify student 35425
achievement of primary and secondary standards as well as the 35426
timeline for implementation of the provisions authorized by this 35427
section. 35428

Sec. 3333.124. There is hereby created in the state treasury 35429
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 35430
~~than the first day of July~~ As soon as possible following the end 35431
of each fiscal year, the ~~chancellor of the Ohio board of regents~~ 35432
director of higher education shall certify to the director of 35433
budget and management the unencumbered balance of the general 35434
revenue fund appropriations made in the immediately preceding 35435

fiscal year for purposes of the Ohio college opportunity grant 35436
program created in section 3333.122 of the Revised Code. Upon 35437
receipt of the certification, the director of budget and 35438
management may transfer an amount not exceeding the certified 35439
amount from the general revenue fund to the Ohio college 35440
opportunity grant program reserve fund. Moneys in the Ohio college 35441
opportunity grant program reserve fund shall be used to pay grant 35442
obligations in excess of the general revenue fund appropriations 35443
made for that purpose. 35444

The director of budget and management may transfer any 35445
unencumbered balance from the Ohio college opportunity grant 35446
program reserve fund to the general revenue fund. 35447

If it is determined that general revenue fund appropriations 35448
are insufficient to meet the obligations of the Ohio college 35449
opportunity grant program in a fiscal year, the director of budget 35450
and management may transfer funds from the Ohio college 35451
opportunity grant program reserve fund to the general revenue fund 35452
in order to meet those obligations. The amount transferred is 35453
hereby appropriated. If the funds transferred from the Ohio 35454
college opportunity grant program reserve fund are not needed, the 35455
director of budget and management may transfer the unexpended 35456
balance from the general revenue fund back to the Ohio college 35457
opportunity grant program reserve fund. 35458

Sec. 3333.13. (A) Money appropriated to the ~~ehancellor of the~~ 35459
~~Ohio board of regents~~ director of higher education for the 35460
purposes of this division shall be paid at the times and in the 35461
amounts necessary to meet all payments required to be made by the 35462
~~ehancellor~~ director to the Ohio public facilities commission 35463
pursuant to leases or agreements made under division (B) of 35464
section 154.21 of the Revised Code, as certified under division 35465
(C) of this section, including supplements to such certifications. 35466

(B) The ~~chancellor~~ director shall include in the estimate of 35467
proposed expenses submitted pursuant to section 126.02 of the 35468
Revised Code the estimated amounts of all such payments to be made 35469
by the ~~chancellor~~ director. The ~~chancellor~~ director shall include 35470
the estimated amounts of all such payments to be made by the 35471
~~chancellor~~ director in recommendations for appropriation required 35472
by division (J) of section 3333.04 of the Revised Code. The 35473
director of budget and management shall include in the state 35474
budget estimates provided for in section 126.02 of the Revised 35475
Code the estimated amount of all such payments to be made during 35476
the next biennium, and this amount shall be included in the state 35477
budget to be submitted by the governor to the general assembly 35478
pursuant to section 107.03 of the Revised Code. 35479

(C) On the first day of July of each year, or as soon 35480
thereafter as is practicable, the ~~chancellor or a vice chancellor~~ 35481
director of higher education shall certify to the director of 35482
budget and management the payments contracted to be made, during 35483
the period of the then current appropriations made for the 35484
purposes of division (A) of this section, to the commission by the 35485
~~chancellor~~ director of higher education pursuant to leases and 35486
agreements made under division (B) of section 154.21 of the 35487
Revised Code. The certification shall state the amounts and dates 35488
of payment required therefor and the amounts to be credited 35489
pursuant to such leases and agreements to the higher education 35490
bond service trust fund and other special funds established 35491
pursuant to Chapter 154. of the Revised Code. If the director of of 35492
budget and management finds such certification to be correct, the 35493
director shall promptly add the director's certification thereto 35494
and submit it to the treasurer of state. Such annual certification 35495
shall be supplemented in similar manner upon the execution of each 35496
new lease or agreement, any supplement to an existing lease or 35497
agreement, or any amendment thereof, affecting the amounts of 35498
those payments. 35499

Sec. 3333.14. Effective July 1, 1971, all public post high school technical education programs shall be operated by technical colleges, community colleges, university branches, state colleges, state-affiliated universities and state universities. Subject to rules and regulations adopted by the ~~chancellor of the Ohio board of regents~~ director of higher education, the board of trustees or directors of one of the above such institutions shall adopt a plan of transition governing each public post high school technical education program not specifically identified or included in this section which is located in the geographic region of such institution as defined by the ~~chancellor~~ director. The plan of transition shall provide for the dissolution of such technical education programs either by transfer of a program's lands, buildings, and equipment to one of the above such institutions or by complete termination of the technical education program.

Sec. 3333.15. If the board of trustees of a state university fails to undertake appropriate action to establish a university branch campus within one year from the enactment of a capital improvement appropriation for the development of such university branch facility, the ~~chancellor of the Ohio board of regents~~ director of higher education may act as the ~~chancellor~~ director deems necessary in place of the board of trustees, including securing the release of construction planning and construction contract funds from the state controlling board. If the ~~chancellor~~ director takes action to plan and construct a university branch in accordance with this section, the officers and staff of such university shall perform all necessary functions incident to the planning and construction of such university branch as directed by the ~~chancellor~~ director.

Sec. 3333.16. As used in this section "state institution of

higher education" means an institution of higher education as 35530
defined in section 3345.12 of the Revised Code. 35531

(A) The ~~chancellor of the Ohio board of regents~~ director of 35532
higher education shall do all of the following: 35533

(1) Establish policies and procedures applicable to all state 35534
institutions of higher education that ensure that students can 35535
begin higher education at any state institution of higher 35536
education and transfer coursework and degrees to any other state 35537
institution of higher education without unnecessary duplication or 35538
institutional barriers. The purpose of this requirement is to 35539
allow students to attain their highest educational aspirations in 35540
the most efficient and effective manner for the students and the 35541
state. These policies and procedures shall require state 35542
institutions of higher education to make changes or modifications, 35543
as needed, to strengthen course content so as to ensure 35544
equivalency for that course at any state institution of higher 35545
education. 35546

(2) Develop and implement a universal course equivalency 35547
classification system for state institutions of higher education 35548
so that the transfer of students and the transfer and articulation 35549
of equivalent courses or specified learning modules or units 35550
completed by students are not inhibited by inconsistent judgment 35551
about the application of transfer credits. Coursework completed 35552
within such a system at one state institution of higher education 35553
and transferred to another institution shall be applied to the 35554
student's degree objective in the same manner as equivalent 35555
coursework completed at the receiving institution. 35556

(3) Develop a system of transfer policies that ensure that 35557
graduates with associate degrees which include completion of 35558
approved transfer modules shall be admitted to a state institution 35559
of higher education, shall be able to compete for admission to 35560
specific programs on the same basis as students native to the 35561

institution, and shall have priority over out-of-state associate 35562
degree graduates and transfer students. To assist a student in 35563
advising and transferring, all state institutions of higher 35564
education shall fully implement the information system for 35565
advising and transferring selected by, contracted for, or 35566
developed by the ~~chancellor~~ director. 35567

(4) Examine the feasibility of developing a transfer 35568
marketing agenda that includes materials and interactive 35569
technology to inform the citizens of Ohio about the availability 35570
of transfer options at state institutions of higher education and 35571
to encourage adults to return to colleges and universities for 35572
additional education; 35573

(5) Study, in consultation with the state board of career 35574
colleges and schools, and in light of existing criteria and any 35575
other criteria developed by the articulation and transfer advisory 35576
council, the feasibility of credit recognition and transferability 35577
to state institutions of higher education for graduates who have 35578
received associate degrees from a career college or school with a 35579
certificate of registration from the state board of career 35580
colleges and schools under Chapter 3332. of the Revised Code. 35581

(B) All provisions of the existing articulation and transfer 35582
policy developed by the ~~Ohio board of regents~~ director shall 35583
remain in effect except where amended by this section. 35584

Sec. 3333.161. (A) As used in this section: 35585

(1) "Articulation agreement" means an agreement between two 35586
or more state institutions of higher education to facilitate the 35587
transfer of students and credits between such institutions. 35588

(2) "State institution of higher education" and "state 35589
university" have the same meanings as in section 3345.011 of the 35590
Revised Code. 35591

(3) "Two year college" includes a community college, state 35592
community college, technical college, and university branch. 35593

(B) The ~~chancellor of the Ohio board of regents~~ director of 35594
higher education shall adopt rules establishing a statewide system 35595
for articulation agreements among state institutions of higher 35596
education for transfer students pursuing teacher education 35597
programs. The rules shall require an articulation agreement 35598
between institutions to include all of the following: 35599

(1) The development of a transfer module for teacher 35600
education that includes introductory level courses that are 35601
evaluated as appropriate by faculty employed by the state 35602
institutions of higher education that are parties to the 35603
articulation agreement; 35604

(2) A foundation of general studies courses that have been 35605
identified as part of the transfer module for teacher education 35606
and have been evaluated as appropriate for the preparation of 35607
teachers and consistent with the academic content standards 35608
adopted under section 3301.079 of the Revised Code; 35609

(3) A clear identification of university faculty who are 35610
partnered with two year college faculty; 35611

(4) The publication of the articulation agreement that is 35612
available to all students, faculty, and staff. 35613

Sec. 3333.162. (A) As used in this section, "state 35614
institution of higher education" means an institution of higher 35615
education as defined in section 3345.12 of the Revised Code. 35616

(B) By April 15, 2007, the ~~chancellor of the Ohio board of~~ 35617
~~regents~~ director of higher education, in consultation with the 35618
department of education, public adult and secondary 35619
career-technical education institutions, and state institutions of 35620
higher education, shall establish criteria, policies, and 35621

procedures that enable students to transfer agreed upon technical 35622
courses completed through an adult career-technical education 35623
institution, a public secondary career-technical institution, or a 35624
state institution of higher education to a state institution of 35625
higher education without unnecessary duplication or institutional 35626
barriers. The courses to which the criteria, policies, and 35627
procedures apply shall be those that adhere to recognized industry 35628
standards and equivalent coursework common to the secondary career 35629
pathway and adult career-technical education system and regionally 35630
accredited state institutions of higher education. Where 35631
applicable, the policies and procedures shall build upon the 35632
articulation agreement and transfer initiative course equivalency 35633
system required by section 3333.16 of the Revised Code. 35634

Sec. 3333.163. (A) As used in this section, "state 35635
institution of higher education" has the same meaning as in 35636
section 3345.011 of the Revised Code. 35637

(B) Not later than April 15, 2008, the articulation and 35638
transfer advisory council of the ~~chancellor of the Ohio board of~~ 35639
~~regents~~ director of higher education shall recommend to the 35640
~~chancellor~~ director standards for awarding course credit toward 35641
degree requirements at state institutions of higher education 35642
based on scores attained on advanced placement examinations. The 35643
recommended standards shall include a score on each advanced 35644
placement examination that the council considers to be a passing 35645
score for which course credit may be awarded. Upon adoption of the 35646
standards by the ~~chancellor~~ director, each state institution of 35647
higher education shall comply with the standards in awarding 35648
course credit to any student enrolled in the institution who has 35649
attained a passing score on an advanced placement examination. 35650

Sec. 3333.164. (A) As used in this section, "state 35651
institution of higher education" has the same meaning as in 35652

section 3345.011 of the Revised Code. 35653

(B) Not later than December 31, 2014, the ~~chancellor of the~~ 35654
~~Ohio board of regents~~ director of higher education shall do all of 35655
the following with regard to the awarding of college credit for 35656
military training, experience, and coursework: 35657

(1) Develop a set of standards and procedures for state 35658
institutions of higher education to utilize in the granting of 35659
college credit for military training, experience, and coursework; 35660

(2) Create a military articulation and transfer assurance 35661
guide for college credit that is earned through military training, 35662
experience, and coursework. The ~~chancellor~~ director shall use the 35663
current articulation and transfer policy adopted pursuant to 35664
section 3333.16 of the Revised Code as a model in developing this 35665
guide. 35666

(3) Create a web site that contains information related to 35667
the awarding of college credit for military training, experience, 35668
and coursework. The web site shall include both of the following: 35669

(a) Standardized resources that address frequently asked 35670
questions regarding the awarding of such credit and related 35671
issues; 35672

(b) A statewide database that shows how specified military 35673
training, experience, and coursework translates to college credit. 35674

(4) Develop a statewide training program that prepares 35675
faculty and staff of state institutions of higher education to 35676
evaluate various military training, experience, and coursework and 35677
to award appropriate equivalent credit. The training program shall 35678
incorporate the best practices of awarding credit for military 35679
experiences, including both the recommendations of the American 35680
council on education and the standards developed by the council 35681
for adult and experiential learning. 35682

(C) Beginning on July 1, 2015, state institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the ~~chancellor~~ director pursuant to this section.

Sec. 3333.17. The ~~chancellor of the Ohio board of regents~~ director of higher education may enter into contracts with the appropriate agency in a contiguous state whereby the agency provides for charging Ohio residents enrolled in state-assisted post-secondary educational institutions in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the ~~chancellor~~ director, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

State-assisted post-secondary educational institutions in Ohio may enter into contracts with appropriate state-assisted post-secondary educational institutions in a contiguous state whereby the state-assisted post-secondary educational institution provides for charging Ohio residents enrolled in the institution in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio state-assisted post-secondary institution, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in the state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

The contracts entered into by the ~~chancellor~~ director or a state-assisted post-secondary educational institution may limit

the type of academic program offered at the reciprocal rates. 35714
Residents of contiguous states enrolled in for credit courses 35715
taught at the main campus and identified off-campus sites at 35716
state-assisted post-secondary educational institutions in Ohio 35717
under such contracts shall be included in calculating the number 35718
of full-time equivalent students for state subsidy purposes. The 35719
~~chancellor~~ director and each state-assisted post-secondary 35720
educational institution shall periodically assess the costs and 35721
benefits of each such contract and the extent to which parity is 35722
achieved between Ohio and the contiguous state with respect to 35723
students benefiting from the contract. All Ohio state-assisted 35724
post-secondary educational institutions participating in these 35725
contracts shall report enrollments and other information annually 35726
to the ~~chancellor~~ director. No contract shall be entered into 35727
under this section without the approval of the ~~chancellor~~ 35728
director. The ~~chancellor~~ director shall report the status of these 35729
contracts to the controlling board annually. 35730

Sec. 3333.171. (A) The ~~chancellor of the Ohio board of~~ 35731
~~regents~~ director of higher education may enter into a reciprocity 35732
agreement with the midwestern higher education compact whereby the 35733
agreement provides for both of the following: 35734

(1) A participating institution in Ohio may enroll residents 35735
of a participating state in distance education programs at that 35736
institution without attaining prior approval from the appropriate 35737
agency of that participating state. 35738

(2) A participating institution in another state may enroll 35739
Ohio residents in distance education programs at that institution 35740
without attaining prior approval from the ~~chancellor~~ director. 35741

(B) Under the terms of an agreement, the ~~chancellor~~ director 35742
may do any of the following: 35743

(1) Apply on behalf of the state of Ohio to become an 35744

eligible state to participate in the agreement; 35745

(2) Designate the ~~board~~ department of ~~regents~~ higher 35746
education as the lead agency to ensure that Ohio meets the 35747
eligibility requirements of the agreement, as determined by the 35748
midwestern higher education compact; 35749

(3) Develop criteria and procedures for eligible institutions 35750
in Ohio to apply to participate in the agreement and for their 35751
continued participation in the agreement; 35752

(4) Assess and collect fees, pursuant to rules adopted by the 35753
~~chancellor~~ director under Chapter 119. of the Revised Code, from 35754
participating institutions in Ohio; 35755

(5) Collect annual data, as prescribed by the ~~chancellor~~ 35756
director or as required by the midwestern higher education 35757
compact, from participating institutions in Ohio; 35758

(6) Develop a student grievance process to resolve complaints 35759
brought against participating institutions in Ohio in regard to 35760
the distance education programs that are eligible under the terms 35761
of the agreement; 35762

(7) Work collaboratively with the state board of career 35763
colleges and schools to determine the eligibility of institutions 35764
authorized by that agency under section 3332.05 of the Revised 35765
Code for initial and continued participation in the agreement; 35766

(8) Perform other duties and responsibilities as required for 35767
participation in the agreement. 35768

(C) Any eligible institution in Ohio that wishes to 35769
participate in the agreement entered into under this section shall 35770
first attain approval for inclusion in the agreement from the 35771
~~chancellor~~ director. Thereafter, a participating institution in 35772
Ohio shall attain approval from the ~~chancellor~~ director for any 35773
new distance education programs offered by that institution prior 35774

to enrolling residents of a participating state in such programs 35775
under the terms of the agreement. 35776

(D) All other post-secondary activity that requires the 35777
~~chancellor's~~ director's approval and is not included under the 35778
terms of the agreement entered into under this section is subject 35779
to the ~~chancellor's~~ director's review and approval pursuant to 35780
Chapters 1713. and 3333. of the Revised Code. 35781

(E) The ~~chancellor~~ director may terminate the agreement 35782
entered into under this section or remove the ~~board of regents~~ 35783
department as the lead agency on the agreement, if the ~~chancellor~~ 35784
director determines that the agreement is not in the best interest 35785
of the state or the board. 35786

(F) For purposes of this section: 35787

(1) "Eligible institution in Ohio" is any of the following 35788
types of institutions, as long as it is degree-granting and is 35789
accredited by an accrediting agency recognized by the United 35790
States secretary of education: 35791

(a) A state institution of higher education as defined in 35792
section 3345.011 of the Revised Code; 35793

(b) An Ohio institution of higher education that has received 35794
a certificate of authorization pursuant to Chapter 1713. of the 35795
Revised Code; 35796

(c) An Ohio institution of higher education authorized by the 35797
state board of career colleges and schools under section 3332.05 35798
of the Revised Code. 35799

(2) "Participating institution in Ohio" is any "eligible 35800
institution in Ohio" that has been approved by the ~~chancellor~~ 35801
director for participation in the agreement entered into under 35802
this section. 35803

(3) "Participating institution in another state" is any 35804

institution of higher education that is located outside of Ohio 35805
that meets the eligibility requirements under the terms of a 35806
similar reciprocity agreement and is approved by the appropriate 35807
agency of that institution's home state to participate in an 35808
agreement entered into with the midwestern higher education 35809
compact, the New England board of higher education, the southern 35810
regional education board, or the western interstate commission for 35811
higher education. 35812

Sec. 3333.18. The ~~chancellor of the Ohio board of regents~~ 35813
director of higher education may enter into contracts with the 35814
appropriate agency in a contiguous state whereby financial aids 35815
from the funds of each state may be used by qualified student 35816
recipients to attend approved post-secondary educational 35817
institutions in the other state. Approved institutions in Ohio are 35818
those that are state-assisted or are nonprofit and have received 35819
certificates of authorization pursuant to Chapter 1713. of the 35820
Revised Code, or are private institutions exempt from regulation 35821
under Chapter 3332. of the Revised Code as prescribed in section 35822
3333.046 of the Revised Code. Eligible post-secondary educational 35823
institutions in the contiguous state shall be similarly approved 35824
by the appropriate agency of that state. In formulating and 35825
executing such contracts with a contiguous state, the ~~chancellor~~ 35826
director shall assure that the total cost to this state 35827
approximates the total cost to the contiguous state. Any contract 35828
entered into under this section shall be subject to the periodic 35829
review of, and approval by, the controlling board. 35830

Sec. 3333.19. The ~~chancellor of the Ohio board of regents~~ 35831
director of higher education may enter into agreements with the 35832
appropriate agency in a foreign country or with an agency or 35833
organization sponsoring foreign student exchanges under which the 35834
agency or organization ensures that Ohio residents enrolled in 35835

post-secondary educational institutions in the foreign country 35836
will pay tuition and fees at rates no higher than the rates 35837
charged to students who are residents of that country and under 35838
which the ~~chancellor~~ director provides that rates for tuition and 35839
fees charged to a comparable number of students from the foreign 35840
country who are enrolled in state-assisted institutions of higher 35841
education in Ohio are to be no higher than the rates charged to 35842
students who are Ohio residents. Notwithstanding that an Ohio 35843
resident is enrolled in a post-secondary educational institution 35844
in a foreign country under one of these agreements, any such 35845
student who was previously enrolled in a state-assisted 35846
institution shall be counted as enrolled in such institution for 35847
state subsidy purposes in a manner prescribed by rules the 35848
~~chancellor~~ director shall adopt. 35849

Sec. 3333.20. (A) The ~~chancellor of the Ohio board of regents~~ 35850
director of higher education shall adopt educational service 35851
standards that shall apply to all community colleges, university 35852
branches, technical colleges, and state community colleges 35853
established under Chapters 3354., 3355., 3357., and 3358. of the 35854
Revised Code, respectively. These standards shall provide for such 35855
institutions to offer or demonstrate at least the following: 35856

(1) An appropriate range of career or technical programs 35858
designed to prepare individuals for employment in specific careers 35859
at the technical or paraprofessional level; 35860

(2) Commitment to an effective array of developmental 35861
education services providing opportunities for academic skill 35862
enhancement; 35863

(3) Partnerships with industry, business, government, and 35864
labor for the retraining of the workforce and the economic 35865
development of the community; 35866

(4) Noncredit continuing education opportunities;	35867
(5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs;	35868 35869 35870
(6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction;	35871 35872
(7) Student access provided according to a convenient schedule and program quality provided at an affordable price;	35873 35874
(8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy;	35875 35876 35877
(9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel.	35878 35879 35880
(B) The chancellor <u>director</u> shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.	35881 35882 35883 35884 35885
(C) In considering institutions that are co-located, the chancellor <u>director</u> shall apply the standards to them in two manners:	35886 35887 35888
(1) As a whole entity;	35889
(2) As separate entities, applying the standards separately to each.	35890 35891
When distributing any state funds among institutions based on the degree to which they meet the standards, the chancellor <u>director</u> shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.	35892 35893 35894 35895 35896

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the ~~chancellor of the Ohio board of regents~~ director of higher education.

The ~~chancellor~~ director shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the ~~chancellor~~ director.

The ~~chancellor~~ director shall award the scholarships on the 35928
basis of a formula designed by the ~~chancellor~~ director to identify 35929
students with the highest capability for successful college study. 35930
The formula shall weigh the factor of achievement, as measured by 35931
grade point average, and the factor of ability, as measured by 35932
performance on a competitive examination specified by the 35933
~~chancellor~~ director. Students receiving scholarships shall be 35934
known as "Ohio academic scholars." 35935

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 35936
for an academic year and may be renewed for each of three 35937
additional academic years. The scholarship amount awarded to a 35938
scholar for an academic year shall be not less than two thousand 35939
dollars. A scholarship shall be renewed if the scholar maintains 35940
an academic record satisfactory to the ~~chancellor of the Ohio~~ 35941
~~board of regents~~ director of higher education and meets any of the 35942
following conditions: 35943

(A) The scholar is enrolled as a full-time undergraduate; 35944

(B) The scholar was awarded an undergraduate degree in less 35945
than four academic years and is enrolled as a full-time graduate 35946
or professional student in an Ohio institution of higher education 35947
that meets the requirements of Title VI of the "Civil Rights Act 35948
of 1964" and is state-assisted or is nonprofit and holds a 35949
certificate of authorization issued under section 1713.02 of the 35950
Revised Code; 35951

(C) The scholar is a full-time student concurrently enrolled 35952
as an undergraduate student and as a graduate or professional 35953
student in an Ohio institution of higher education that meets the 35954
requirements of division (B) of this section. 35955

Each amount awarded shall be paid in equal installments to 35956
the scholar at the time of enrollment for each term of the 35957
academic year for which the scholarship is awarded or renewed. No 35958

scholar is eligible to receive an Ohio academic scholarship for 35959
more than the equivalent of four academic years. 35960

If an Ohio academic scholar is temporarily unable to attend 35961
school because of illness or other cause satisfactory to the 35962
~~chancellor~~ director, the ~~chancellor~~ director may grant a leave of 35963
absence for a designated period of time. If a scholar discontinues 35964
full-time attendance at the scholar's school during a term because 35965
of illness or other cause satisfactory to the ~~chancellor~~ director, 35966
the scholar may either claim a prorated payment for the period of 35967
actual attendance or waive payment for that term. A term for which 35968
prorated payment is made shall be considered a full term for which 35969
a scholarship was received. A term for which payment is waived 35970
shall not be considered a term for which a scholarship was 35971
received. 35972

Receipt of an Ohio academic scholarship shall not affect a 35973
scholar's eligibility for the Ohio instructional grant program. 35974

Sec. 3333.23. At the end of each term, each Ohio academic 35975
scholar shall request the registrar of the school to send a copy 35976
of the scholar's scholastic record to the ~~chancellor of the Ohio~~ 35977
~~board of regents~~ director of higher education. If the scholar's 35978
record fails to meet the standards established by the ~~chancellor~~ 35979
director, further payments shall be suspended until the scholar 35980
demonstrates promise of successful progress in the academic 35981
program for which the award was made. The ~~chancellor~~ director may 35982
revoke the scholarship if the scholar does not resume successful 35983
academic progress within a reasonable time. 35984

Sec. 3333.25. There is hereby created the Ohio academic 35985
scholarship payment fund, which shall be in the custody of the 35986
treasurer of state but shall not be a part of the state treasury. 35987
The fund shall consist of all moneys appropriated for the fund by 35988

the general assembly and other moneys otherwise made available to 35989
the fund. The payment fund shall be used for the payment of Ohio 35990
academic scholarships or for additional scholarships to recognize 35991
outstanding academic achievement and ability. The ~~chancellor of~~ 35992
~~the Ohio board of regents~~ director of higher education shall 35993
administer this section and establish rules for the distribution 35994
and awarding of any additional scholarships. 35995

The ~~chancellor~~ director may direct the treasurer of state to 35996
invest any moneys in the payment fund not currently needed for 35997
scholarship payments, in any kinds of investments in which moneys 35998
of the public employees retirement system may be invested. 35999

The instruments of title of all investments shall be 36000
delivered to the treasurer of state or to a qualified trustee 36001
designated by the treasurer of state as provided in section 135.18 36002
of the Revised Code. The treasurer of state shall collect both 36003
principal and investment earnings on all investments as they 36004
become due and pay them into the fund. 36005

All deposits to the fund shall be made in financial 36006
institutions of this state secured as provided in section 135.18 36007
of the Revised Code. 36008

Sec. 3333.26. (A) Any citizen of this state who has resided 36009
within the state for one year, who was in the active service of 36010
the United States as a soldier, sailor, nurse, or marine between 36011
April 6, 1917, and November 11, 1918, and who has been honorably 36012
discharged from that service, shall be admitted to any school, 36013
college, or university that receives state funds in support 36014
thereof, without being required to pay any tuition or 36015
matriculation fee, but is not relieved from the payment of 36016
laboratory or similar fees. 36017

(B)(1) As used in this division: 36018

(a) "Volunteer firefighter" has the meaning as in division 36019
(B)(1) of section 146.01 of the Revised Code. 36020

(b) "Public service officer" means an Ohio firefighter, 36021
volunteer firefighter, police officer, member of the state highway 36022
patrol, employee designated to exercise the powers of police 36023
officers pursuant to section 1545.13 of the Revised Code, or other 36024
peace officer as defined by division (B) of section 2935.01 of the 36025
Revised Code, or a person holding any equivalent position in 36026
another state. 36027

(c) "Qualified former spouse" means the former spouse of a 36028
public service officer, or of a member of the armed services of 36029
the United States, who is the custodial parent of a minor child of 36030
that marriage pursuant to an order allocating the parental rights 36031
and responsibilities for care of the child issued pursuant to 36032
section 3109.04 of the Revised Code. 36033

(d) "Operation enduring freedom" means that period of 36034
conflict which began October 7, 2001, and ends on a date declared 36035
by the president of the United States or the congress. 36036

(e) "Operation Iraqi freedom" means that period of conflict 36037
which began March 20, 2003, and ends on a date declared by the 36038
president of the United States or the congress. 36039

(f) "Combat zone" means an area that the president of the 36040
United States by executive order designates, for purposes of 26 36041
U.S.C. 112, as an area in which armed forces of the United States 36042
are or have engaged in combat. 36043

(2) Any resident of this state who is under twenty-six years 36044
of age, or under thirty years of age if the resident has been 36045
honorably discharged from the armed services of the United States, 36046
who is the child of a public service officer killed in the line of 36047
duty or of a member of the armed services of the United States 36048
killed in the line of duty during operation enduring freedom or 36049

operation Iraqi freedom, and who is admitted to any state 36050
university or college as defined in division (A)(1) of section 36051
3345.12 of the Revised Code, community college, state community 36052
college, university branch, or technical college shall not be 36053
required to pay any tuition or any student fee for up to four 36054
academic years of education, which shall be at the undergraduate 36055
level. 36056

A child of a member of the armed services of the United 36057
States killed in the line of duty during operation enduring 36058
freedom or operation Iraqi freedom is eligible for a waiver of 36059
tuition and student fees under this division only if the student 36060
is not eligible for a war orphans scholarship authorized by 36061
Chapter 5910. of the Revised Code. In any year in which the war 36062
orphans scholarship board reduces the percentage of tuition 36063
covered by a war orphans scholarship below one hundred per cent 36064
pursuant to division (A) of section 5910.04 of the Revised Code, 36065
the waiver of tuition and student fees under this division for a 36066
child of a member of the armed services of the United States 36067
killed in the line of duty during operation enduring freedom or 36068
operation Iraqi freedom shall be reduced by the same percentage. 36069

(3) Any resident of this state who is the spouse or qualified 36070
former spouse of a public service officer killed in the line of 36071
duty, and who is admitted to any state university or college as 36072
defined in division (A)(1) of section 3345.12 of the Revised Code, 36073
community college, state community college, university branch, or 36074
technical college, shall not be required to pay any tuition or any 36075
student fee for up to four academic years of education, which 36076
shall be at the undergraduate level. 36077

(4) Any resident of this state who is the spouse or qualified 36078
former spouse of a member of the armed services of the United 36079
States killed in the line of duty while serving in a combat zone 36080
after May 7, 1975, and who is admitted to any state university or 36081

college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the ~~chancellor of the Ohio board of regents~~ director of higher education shall be eligible to receive a grant in that amount from the ~~chancellor~~ director.

Each institution that enrolls students under division (B) of this section shall report to the ~~chancellor~~ director, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The ~~chancellor~~ director shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that

participating institutions shall receive under this division 36114
during the current year, but no grant under this division shall 36115
exceed the tuition and student fees due and payable by the student 36116
prior to the reduction referred to in this division. The grants 36117
shall be made for four years of undergraduate education of an 36118
eligible student. 36119

Sec. 3333.28. (A) The ~~chancellor of the Ohio board of regents~~ 36120
director of higher education shall establish the nurse education 36121
assistance program, the purpose of which shall be to make loans to 36122
students enrolled in prelicensure nurse education programs at 36123
institutions approved by the board of nursing under section 36124
4723.06 of the Revised Code and postlicensure nurse education 36125
programs approved by the ~~chancellor~~ director under section 3333.04 36126
of the Revised Code or offered by an institution holding a 36127
certificate of authorization issued under Chapter 1713. of the 36128
Revised Code. The board of nursing shall assist the ~~chancellor~~ 36129
director in administering the program. 36130

(B) There is hereby created in the state treasury the nurse 36131
education assistance fund, which shall consist of all money 36132
transferred to it pursuant to section 4743.05 of the Revised Code. 36133
The fund shall be used by the ~~chancellor~~ director for loans made 36134
under division (A) of this section and for expenses of 36135
administering the loan program. 36136

(C) Between July 1, 2005, and January 1, 2012, the ~~chancellor~~ 36137
director shall distribute money in the nurse education assistance 36138
fund in the following manner: 36139

(1)(a) Fifty per cent of available funds shall be awarded as 36140
loans to registered nurses enrolled in postlicensure nurse 36141
education programs described in division (A) of this section. To 36142
be eligible for a loan, the applicant shall provide the ~~chancellor~~ 36143
director with a letter of intent to practice as a faculty member 36144

at a prelicensure or postlicensure program for nursing in this 36145
state upon completion of the applicant's academic program. 36146

(b) If the borrower of a loan under division (C)(1)(a) of 36147
this section secures employment as a faculty member of an approved 36148
nursing education program in this state within six months 36149
following graduation from an approved nurse education program, the 36150
~~chancellor~~ director may forgive the principal and interest of the 36151
student's loans received under division (C)(1)(a) of this section 36152
at a rate of twenty-five per cent per year, for a maximum of four 36153
years, for each year in which the borrower is so employed. A 36154
deferment of the service obligation, and other conditions 36155
regarding the forgiveness of loans may be granted as provided by 36156
the rules adopted under division (D)(7) of this section. 36157

(c) Loans awarded under division (C)(1)(a) of this section 36158
shall be awarded on the basis of the student's expected family 36159
contribution, with preference given to those applicants with the 36160
lowest expected family contribution. However, the ~~chancellor~~ 36161
director may consider other factors the ~~chancellor~~ director 36162
determines relevant in ranking the applications. 36163

(d) Each loan awarded to a student under division (C)(1)(a) 36164
of this section shall be not less than five thousand dollars per 36165
year. 36166

(2) Twenty-five per cent of available funds shall be awarded 36167
to students enrolled in prelicensure nurse education programs for 36168
registered nurses, as defined in section 4723.01 of the Revised 36169
Code. 36170

(3) Twenty-five per cent of available funds shall be awarded 36171
to students enrolled in nurse education programs as determined by 36172
the ~~chancellor~~ director, with preference given to programs aimed 36173
at increasing enrollment in an area of need. 36174

After January 1, 2012, the ~~chancellor~~ director shall 36175

determine the manner in which to distribute loans under this section. 36176
36177

(D) Subject to the requirements specified in division (C) of this section, the ~~chancellor~~ director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing: 36178
36179
36180

(1) Eligibility criteria for receipt of a loan; 36181

(2) Loan application procedures; 36182

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual; 36183
36184

(4) The total amount of loans that can be made each year; 36185

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance; 36186
36187

(6) Interest and principal repayment schedules; 36188

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven; 36189
36190
36191

(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven. 36192
36193
36194
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(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession; 36197
36198
36199

(10) Any other matters incidental to the operation of the program. 36200
36201

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness 36202
36203
36204

established by division (C)(1)(b) of this section, in the case of 36205
loans awarded under division (C)(1)(a) of this section, or by the 36206
~~chancellor~~ director under the rule adopted under division (D)(7) 36207
of this section, in the case of other loans awarded under this 36208
section. 36209

(F) The obligation to repay all or a portion of the principal 36210
and interest on a loan made under this section may be deferred or 36211
forgiven if the recipient of the loan meets the criteria for 36212
deferment or forgiveness established by the ~~chancellor~~ director 36213
under the rule adopted under division (D)(8) of this section. 36214

(G) The receipt of a loan under this section shall not affect 36215
a student's eligibility for assistance, or the amount of that 36216
assistance, granted under section 3333.12, 3333.122, 3333.22, 36217
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 36218
the rules of the ~~chancellor~~ director may provide for taking 36219
assistance received under those sections into consideration when 36220
determining a student's eligibility for a loan under this section. 36221

(H) As used in this section, "active duty" means active duty 36222
pursuant to an executive order of the president of the United 36223
States, an act of the congress of the United States, or section 36224
5919.29 or 5923.21 of the Revised Code. 36225

Sec. 3333.29. (A) As used in this section, "state institution 36226
of higher education" has the same meaning as in section 3345.011 36227
of the Revised Code. 36228

(B) The ~~chancellor of the Ohio board of regents~~ director of 36229
higher education shall establish, within the Ohio skills bank, a 36230
mechanism to facilitate communication, cooperation, and 36231
partnerships among state institutions of higher education with 36232
nursing education programs and between state institutions of 36233
higher education and hospitals in this state to meet regional and 36234
statewide nursing education needs. 36235

Sec. 3333.30. The ~~chancellor of the Ohio board of regents~~ 36236
director of higher education may enter into an agreement with 36237
private entities to provide log-in access or an internet link to 36238
free career information for students via the web site maintained 36239
by the ~~chancellor~~ director. A log-in access or internet link 36240
authorized under this section shall not be considered an 36241
advertisement, endorsement, or sponsorship for purposes of the 36242
regulation of state-controlled web sites under any section of the 36243
Revised Code, any rule of the Administrative Code, or any other 36244
policy or directive adopted or issued by the office of information 36245
technology or any other state agency. 36246

Sec. 3333.31. (A) For state subsidy and tuition surcharge 36247
purposes, status as a resident of Ohio shall be defined by the 36248
~~chancellor of the Ohio board of regents~~ director of higher 36249
education by rule promulgated pursuant to Chapter 119. of the 36250
Revised Code. No adjudication as to the status of any person under 36251
such rule, however, shall be required to be made pursuant to 36252
Chapter 119. of the Revised Code. The term "resident" for these 36253
purposes shall not be equated with the definition of that term as 36254
it is employed elsewhere under the laws of this state and other 36255
states, and shall not carry with it any of the legal connotations 36256
appurtenant thereto. Rather, except as provided in divisions (B), 36257
(C), and ~~(D)~~(E) of this section, for such purposes, the rule 36258
promulgated under this section shall have the objective of 36259
excluding from treatment as residents those who are present in the 36260
state primarily for the purpose of attending a state-supported or 36261
state-assisted institution of higher education, and may prescribe 36262
presumptive rules, rebuttable or conclusive, as to such purpose 36263
based upon the source or sources of support of the student, 36264
residence prior to first enrollment, evidence of intention to 36265
remain in the state after completion of studies, or such other 36266

factors as the ~~chancellor~~ director deems relevant. 36267

(B) The rules of the ~~chancellor~~ director for determining 36268
student residency shall grant residency status to a veteran and to 36269
the veteran's spouse and any dependent of the veteran, if both of 36270
the following conditions are met: 36271

(1) The veteran either: 36272

(a) Served one or more years on active military duty and was 36273
honorably discharged or received a medical discharge that was 36274
related to the military service; 36275

(b) Was killed while serving on active military duty or has 36276
been declared to be missing in action or a prisoner of war. 36277

(2) If the veteran seeks residency status for tuition 36278
surcharge purposes, the veteran has established domicile in this 36279
state as of the first day of a term of enrollment in an 36280
institution of higher education. If the spouse or a dependent of 36281
the veteran seeks residency status for tuition surcharge purposes, 36282
the veteran and the spouse or dependent seeking residency status 36283
have established domicile in this state as of the first day of a 36284
term of enrollment in an institution of higher education, except 36285
that if the veteran was killed while serving on active military 36286
duty, has been declared to be missing in action or a prisoner of 36287
war, or is deceased after discharge, only the spouse or dependent 36288
seeking residency status shall be required to have established 36289
domicile in accordance with this division. 36290

(C) The rules of the director for determining student 36291
residency shall grant residency status to both of the following: 36292

(1) A veteran who is the recipient of federal veterans' 36293
benefits under the "All-Volunteer Force Educational Assistance 36294
Program" or "Post-9/11 Veterans Educational Assistance Program," 36295
38 U.S.C. 3001 et seq., or any successor program, if the veteran 36296
meets all of the following criteria: 36297

<u>(a) The veteran served at least ninety days on active military duty.</u>	36298 36299
<u>(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.</u>	36300 36301
<u>(c) The veteran resides in the state as of the first day of a term of enrollment in the state institution of higher education.</u>	36302 36303
<u>(2) A veteran's spouse or dependent who is the recipient of transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the spouse or dependent meets both of the following criteria:</u>	36304 36305 36306 36307
<u>(a) The spouse or dependent, whichever is applicable, enrolls in a state institution of higher education.</u>	36308 36309
<u>(b) The spouse or dependent, whichever is applicable, resides in the state as of the first day of a term of enrollment in the state institution of higher education.</u>	36310 36311 36312
<u>In order to qualify under division (C)(2) of this section, the veteran's period of active military duty must have been at least ninety days.</u>	36313 36314 36315
<u>(D) The rules of the chancellor director for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.</u>	36316 36317 36318 36319 36320 36321 36322
Documentation of full-time employment and domicile shall include both of the following documents:	36323 36324
(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student	36325 36326 36327

is employed full-time in Ohio; 36328

(2) A copy of the lease under which the parent or spouse is 36329
the lessee and occupant of rented residential property in the 36330
state, a copy of the closing statement on residential real 36331
property of which the parent or spouse is the owner and occupant 36332
in this state or, if the parent or spouse is not the lessee or 36333
owner of the residence in which the parent or spouse has 36334
established domicile, a letter from the owner of the residence 36335
certifying that the parent or spouse resides at that residence. 36336

Residency officers may also evaluate, in accordance with the 36337
~~chancellor's~~ director's rule, requests for immediate residency 36338
status from dependent students whose parents are not living and 36339
whose domicile follows that of a legal guardian who has accepted 36340
full-time employment and established domicile in the state for 36341
reasons other than gaining the benefit of favorable tuition rates. 36342

~~(D)~~(E)(1) The rules of the ~~chancellor~~ director for 36343
determining student residency shall grant residency status to a 36344
person who, while a resident of this state for state subsidy and 36345
tuition surcharge purposes, graduated from a high school in this 36346
state or completed the final year of instruction at home as 36347
authorized under section 3321.04 of the Revised Code, if the 36348
person enrolls in an institution of higher education and 36349
establishes domicile in this state, regardless of the student's 36350
residence prior to that enrollment. 36351

(2) The rules of the ~~chancellor~~ director for determining 36352
student residency shall not grant residency status to an alien if 36353
the alien is not also an immigrant or a nonimmigrant. 36354

~~(E)~~(F) As used in this section: 36355

(1) "Dependent," "domicile," "institution of higher 36356
education," and "residency officer" have the meanings ascribed in 36357
the ~~chancellor's~~ director's rules adopted under this section. 36358

(2) "Alien" means a person who is not a United States citizen 36359
or a United States national. 36360

(3) "Immigrant" means an alien who has been granted the right 36361
by the United States bureau of citizenship and immigration 36362
services to reside permanently in the United States and to work 36363
without restrictions in the United States. 36364

(4) "Nonimmigrant" means an alien who has been granted the 36365
right by the United States bureau of citizenship and immigration 36366
services to reside temporarily in the United States. 36367

Sec. 3333.33. (A) A community college established under 36368
Chapter 3354. of the Revised Code, state community college 36369
established under Chapter 3358. of the Revised Code, or technical 36370
college established under Chapter 3357. of the Revised Code may 36371
establish a tuition guarantee program, subject to approval of the 36372
~~chancellor of the Ohio board of regents~~ director of higher 36373
education. 36374

(B) The ~~chancellor~~ director shall establish guidelines for 36375
the board of trustees of a community college, state community 36376
college, or technical college to follow when developing a tuition 36377
guarantee program and submitting applications to the ~~chancellor~~ 36378
director. 36379

Sec. 3333.34. (A) As used in this section: 36380

(1) "Pre-college stackable certificate" means a certificate 36381
earned before an adult is enrolled in an institution of higher 36382
education that can be transferred to college credit based on 36383
standards established by the ~~chancellor of the Ohio board of~~ 36384
~~regents~~ director of higher education and the department of 36385
education. 36386

(2) "College-level certificate" means a certificate earned 36387
while an adult is enrolled in an institution of higher education 36388

that can be transferred to college credit based on standards 36389
established by the ~~chancellor~~ director and the department of 36390
education. 36391

(B) The ~~chancellor~~ director and the department of education 36392
shall create a system of pre-college stackable certificates to 36393
provide a clear and accessible path for adults seeking to advance 36394
their education. The system shall do all of the following: 36395

(1) Be uniform across the state; 36396

(2) Be available from an array of providers, including adult 36397
career centers, institutions of higher education, and employers; 36398

(3) Be structured to respond to the expectations of both the 36399
workplace and higher education; 36400

(4) Be articulated in a way that ensures the most effective 36401
interconnection of competencies offered in specialized training 36402
programs; 36403

(5) Establish standards for earning pre-college certificates; 36404

(6) Establish transferability of pre-college certificates to 36405
college credit. 36406

(C) The ~~chancellor~~ director shall develop college-level 36407
certificates that can be transferred to college credit in 36408
different subject competencies. The certificates shall be based on 36409
competencies and experience and not on classroom seat time. 36410

Sec. 3333.342. (A) The ~~chancellor of the Ohio board of~~ 36411
~~regents~~ director of higher education may designate a "certificate 36412
of value" for a certificate program at any adult career-technical 36413
education institution or state institution of higher education, as 36414
defined under section 3345.011 of the Revised Code, based on the 36415
standards adopted under division (B) of this section. 36416

(B) The ~~chancellor~~ director shall develop standards for 36417

designation of the certificates of value for certificate programs 36418
at adult career-technical education institutions and state 36419
institutions of higher education. The standards shall include at 36420
least the following considerations: 36421

(1) The quality of the certificate program; 36422

(2) The ability to transfer agreed-upon technical courses 36423
completed through an adult career-technical education institution 36424
to a state institution of higher education without unnecessary 36425
duplication or institutional barriers; 36426

(3) The extent to which the certificate program encourages a 36427
student to obtain an associate's or bachelor's degree; 36428

(4) The extent to which the certificate program increases a 36429
student's likelihood to complete other certificate programs or an 36430
associate's or bachelor's degree; 36431

(5) The ability of the certificate program to meet the 36432
expectations of the workplace and higher education; 36433

(6) The extent to which the certificate program is aligned 36434
with the strengths of the regional economy; 36435

(7) The extent to which the certificate program increases the 36436
amount of individuals who remain in or enter the state's 36437
workforce; 36438

(8) The extent of a certificate program's relationship with 36439
private companies in the state to fill potential job growth. 36440

(C) The designation of a certificate of value under this 36441
section shall expire six years after its designation date. 36442

(D) The ~~chancellor~~ director may revoke a designation prior to 36443
its expiration date if the ~~chancellor~~ director determines that the 36444
program no longer complies with the standards developed under 36445
division (B) of this section. 36446

(E) Any revocation of a certificate of value under this 36447

section shall become effective one hundred eighty days after the 36448
date the revocation was declared by the ~~chancellor~~ director. 36449

(F) Any adult career-technical education institution or state 36450
institution of higher education that desires to be eligible to 36451
receive a designation of certificate of value for one or more of 36452
its certificate programs shall comply with all records and data 36453
requests required by the ~~chancellor~~ director. 36454

Sec. 3333.35. The state board of education and the ~~chancellor~~ 36455
~~of the Ohio board of regents~~ director of higher education shall 36456
strive to reduce unnecessary student remediation costs incurred by 36457
colleges and universities in this state, increase overall access 36458
for students to higher education, enhance the college credit plus 36459
program in accordance with Chapter 3365. of the Revised Code, and 36460
enhance the alternative resident educator licensure program in 36461
accordance with section 3319.26 of the Revised Code. 36462

Sec. 3333.36. If the ~~chancellor~~ director of higher education 36464
determines that sufficient funds are available from general 36465
revenue fund appropriations made to the ~~Ohio board of regents~~ 36466
department of higher education or to the ~~chancellor of the Ohio~~ 36467
~~board of regents~~ director, the ~~chancellor~~ director shall allocate 36468
the following: 36469

(A) Up to seventy thousand dollars in each fiscal year to 36470
make payments to the Columbus program in intergovernmental issues, 36471
an Ohio internship program at Kent state university, for 36472
scholarships of up to two thousand dollars for each student 36473
enrolled in the program; 36474

(B) Up to one hundred sixty-five thousand dollars in each 36475
fiscal year to make payments to the Washington center for 36476
scholarships provided to undergraduates of Ohio's four-year public 36477

and private institutions of higher education selected to 36478
participate in the Washington center internship program. The 36479
amount of a student's scholarship shall not exceed the amount 36480
specified for such scholarships in the biennial operating 36481
appropriations act. 36482

The ~~chancellor~~ director may utilize any general revenue funds 36483
appropriated to the ~~board of regents~~ department or to the 36484
~~chancellor~~ director that the ~~chancellor~~ director determines to be 36485
available for purposes of this section. 36486

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 36487
Revised Code, the following words and terms have the following 36488
meanings unless the context indicates a different meaning or 36489
intent: 36490

(A) "Cost of attendance" means all costs of a student 36491
incurred in connection with a program of study at an eligible 36492
institution, as determined by the institution, including tuition; 36493
instructional fees; room and board; books, computers, and 36494
supplies; and other related fees, charges, and expenses. 36495

(B) "Eligible institution" means one of the following: 36496

(1) A state-assisted post-secondary educational institution 36497
within the state; 36498

(2) A nonprofit institution of higher education within the 36499
state that holds a certificate of authorization issued under 36500
Chapter 1713. of the Revised Code, that is accredited by the 36501
appropriate regional and, when appropriate, professional 36502
accrediting associations within whose jurisdiction it falls, is 36503
authorized to grant a bachelor's degree or higher, and satisfies 36504
other conditions as set forth in the policy guidelines; 36505

(3) A private institution exempt from regulation under 36506
Chapter 3332. of the Revised Code as prescribed in section 36507

3333.046 of the Revised Code.	36508
(C) "Eligible student" means either of the following:	36509
(1) An undergraduate student who meets all of the following:	36510
(a) Is a resident of this state;	36511
(b) Has graduated from any Ohio secondary school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code;	36512 36513 36514
(c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full-time student to pursue a bachelor's degree.	36515 36516 36517
(2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution.	36518 36519 36520
(D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code.	36521 36522 36523
(E) "Full-time student" has the meaning as defined by rule of the chancellor of the Ohio board of regents <u>director of higher education</u> .	36524 36525 36526
(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.	36527 36528 36529
(G) "Policy guidelines" means the rules adopted by the chancellor <u>director</u> pursuant to section 3333.374 of the Revised Code.	36530 36531 36532
(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.	36533 36534 36535
(I) "Priority needs field of study" means those academic	36536

majors and disciplines as determined by the ~~chancellor~~ director 36537
that support the purposes and intent of sections 3333.37 to 36538
3333.375 of the Revised Code as described in section 3333.371 of 36539
the Revised Code. 36540

(J) "Scholarship" or "scholarship program" means the Ohio 36541
outstanding scholarship created by sections 3333.37 to 3333.375 of 36542
the Revised Code. 36543

Sec. 3333.372. (A) There are hereby authorized the "Ohio 36544
outstanding scholarship" and the "Ohio priority needs fellowship" 36545
programs, which shall be established and administered by the 36546
~~chancellor of the Ohio board of regents~~ director of higher 36547
education for eligible students. The programs shall provide 36548
scholarships to eligible undergraduate students and fellowships to 36549
eligible graduate students, equal to the annual cost of attendance 36550
at eligible institutions, to pursue baccalaureate degrees and 36551
post-baccalaureate degrees in priority needs field of study 36552
consistent with section 3333.371 of the Revised Code. 36553

(B) The scholarship and fellowship programs created under 36554
sections 3333.37 to 3333.375 of the Revised Code and any necessary 36555
administrative expenses shall be funded solely from the Ohio 36556
outstanding scholarship and the Ohio priority needs fellowship 36557
programs payment funds established pursuant to section 3333.375 of 36558
the Revised Code. 36559

(C) The scholarships shall be renewable for each of three 36560
additional years for undergraduate study, and the fellowships 36561
shall be renewable for each of two additional years for graduate 36562
study, provided the Ohio outstanding scholar or priority needs 36563
fellow remains an eligible student at an eligible institution. 36564

Sec. 3333.373. (A) The scholarship rules advisory committee 36565
is hereby established. The committee shall consist of the 36566

~~chancellor of the Ohio board of regents~~ director of higher 36567
education or the ~~chancellor's~~ director's designee, the treasurer 36568
of state or the treasurer of state's designee, the director of 36569
development or the director's designee, one state senator 36570
appointed by the president of the senate, one state representative 36571
appointed by the speaker of the house of representatives, and two 36572
public members appointed by the ~~chancellor~~ director of higher 36573
education representing the interests of the state-assisted 36574
eligible institutions and private nonprofit eligible institutions, 36575
respectively. 36576

(B) The committee shall provide recommendations to the 36577
~~chancellor~~ director of higher education as to rules, criteria, and 36578
guidelines necessary and appropriate to implement the scholarship 36579
and fellowship programs created by sections 3333.37 to 3333.375 of 36580
the Revised Code. 36581

(C) The committee shall meet at least annually to review the 36582
scholarship and fellowship programs guidelines; make 36583
recommendations to amend, rescind, or modify the policy 36584
guidelines; and approve scholarship and fellowship awards to 36585
eligible students. 36586

(D) Sections 101.82 to 101.87 of the Revised Code do not 36587
apply to this section. 36588

Sec. 3333.374. (A) After receipt of recommendations from the 36589
scholarship rules advisory committee or if no recommendations are 36590
received, the ~~chancellor of the Ohio board of regents~~ director of 36591
higher education, with the approval of the treasurer of state, 36592
shall adopt rules, in accordance with Chapter 119. of the Revised 36593
Code, establishing policy guidelines for the implementation of the 36594
scholarship and fellowship programs. 36595

(B) Nothing in this section or section 3333.373 of the 36596
Revised Code shall prevent the ~~chancellor~~ director, with the 36597

approval of the treasurer of state, from amending or rescinding 36598
rules adopted pursuant to division (A) of this section, or from 36599
adopting new rules, in accordance with Chapter 119. of the Revised 36600
Code, from time to time as are necessary to further the purposes 36601
of sections 3333.37 to 3333.375 of the Revised Code. 36602

Sec. 3333.375. (A)(1) There are hereby created the Ohio 36603
outstanding scholarship and the Ohio priority needs fellowship 36604
programs payment funds, which shall be in the custody of the 36605
treasurer of state, but shall not be a part of the state treasury. 36606

(2) The payment funds shall consist solely of all moneys 36607
returned to the treasurer of state, as issuer of certain 36608
tax-exempt student loan revenue bonds, from all indentures of 36609
trust, both presently existing and future, created as a result of 36610
tax-exempt student loan revenue bonds issued under Chapter 3366. 36611
of the Revised Code, and any moneys earned from allowable 36612
investments of the payment funds under division (B) of this 36613
section. 36614

(3) Except as provided in division (E) of this section, the 36615
payment funds shall be used solely for scholarship and fellowships 36616
awarded under sections 3333.37 to 3333.375 of the Revised Code by 36617
the ~~chancellor of the Ohio board of regents~~ director of higher 36618
education and for any necessary administrative expenses incurred 36619
by the ~~chancellor~~ director in administering the scholarship and 36620
fellowship programs. 36621

(B) The treasurer of state may invest any moneys in the 36622
payment funds not currently needed for scholarship and fellowship 36623
payments in any kind of investments in which moneys of the public 36624
employees retirement system may be invested under Chapter 145. of 36625
the Revised Code. 36626

(C)(1) The instruments of title of all investments shall be 36627
delivered to the treasurer of state or to a qualified trustee 36628

designated by the treasurer of state as provided in section 135.18 36629
of the Revised Code. 36630

(2) The treasurer of state shall collect both principal and 36631
investment earnings on all investments as they become due and pay 36632
them into the payment funds. 36633

(3) All deposits to the payment funds shall be made in public 36634
depositories of this state and secured as provided in section 36635
135.18 of the Revised Code. 36636

(D) On or before March 1, 2001, and on or before the first 36637
day of March in each subsequent year, the treasurer of state shall 36638
provide to the ~~chancellor of the Ohio board of regents~~ director a 36639
statement indicating the moneys in the Ohio outstanding 36640
scholarship and the Ohio priority needs fellowship programs 36641
payment funds that are available for the upcoming academic year to 36642
award scholarships and fellowships under sections 3333.37 to 36643
3333.375 of the Revised Code. 36644

(E) The ~~chancellor~~ director may use funds the treasurer has 36645
indicated as available pursuant to division (D) of this section to 36646
support distribution of state need-based financial aid in 36647
accordance with sections 3333.12 and 3333.122 of the Revised Code. 36648

Sec. 3333.39. The ~~chancellor of the Ohio board of regents~~ 36649
director of higher education and the superintendent of public 36650
instruction shall establish and administer the teach Ohio program 36651
to promote and encourage citizens of this state to consider 36652
teaching as a profession. The program shall include all of the 36653
following: 36654

(A) A statewide program administered by a nonprofit 36655
corporation that has been in existence for at least fifteen years 36656
with demonstrated results in encouraging high school students from 36657
economically disadvantaged groups to enter the teaching 36658

profession. The ~~chancellor~~ director and superintendent jointly 36659
shall select the nonprofit corporation. 36660

(B) The Ohio teaching fellows program established under 36661
sections 3333.391 and 3333.392 of the Revised Code; 36662

(C) The Ohio teacher residency program established under 36663
section 3319.223 of the Revised Code; 36664

(D) Alternative licensure procedures established under 36665
section 3319.26 of the Revised Code; 36666

(E) Any other program as identified by the ~~chancellor~~ 36667
director and the superintendent. 36668

Sec. 3333.391. (A) As used in this section and in section 36669
3333.392 of the Revised Code: 36670

(1) "Academic year" shall be as defined by the ~~chancellor of~~ 36671
~~the Ohio board of regents~~ director of higher education. 36672

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 36673
be as defined by the department of education. 36674

(3) "Parent" means the parent, guardian, or custodian of a 36675
qualified student. 36676

(4) "Qualified service" means teaching at a qualifying 36677
school. 36678

(5) "Qualifying school" means a hard-to-staff school district 36679
building or a school district building that has a persistently low 36680
performance rating, as determined jointly by the ~~chancellor~~ 36681
director and superintendent of public instruction, under section 36682
3302.03 of the Revised Code at the time the recipient becomes 36683
employed by the district. 36684

(B) If the ~~chancellor of the Ohio board of regents~~ director 36685
of higher education determines that sufficient funds are available 36686
from general revenue fund appropriations made to the ~~Ohio board of~~ 36687

~~regents~~ director of higher education or to the ~~chancellor~~ 36688
director, the ~~chancellor~~ director and the superintendent of public 36689
instruction jointly may develop and agree on a plan for the Ohio 36690
teaching fellows program to promote and encourage high school 36691
seniors to enter and remain in the teaching profession. Upon 36692
agreement of such a plan, the ~~chancellor~~ director shall establish 36693
and administer the program in conjunction with the superintendent 36694
and with the cooperation of teacher training institutions. Under 36695
the program, the ~~chancellor~~ director annually shall provide 36696
scholarships to students who commit to teaching in a qualifying 36697
school for a minimum of four years upon graduation from a teacher 36698
training program at a state institution of higher education or an 36699
Ohio nonprofit institution of higher education that has a 36700
certificate of authorization under Chapter 1713. of the Revised 36701
Code. The scholarships shall be for up to four years at the 36702
undergraduate level at an amount determined by the ~~chancellor~~ 36703
director based on state appropriations. 36704

(C) The ~~chancellor~~ director shall adopt a competitive process 36705
for awarding scholarships under the teaching fellows program, 36706
which shall include minimum grade point average and scores on 36707
national standardized tests for college admission. The process 36708
shall also give additional consideration to all of the following: 36709

(1) A person who has participated in the program described in 36710
division (A) of section 3333.39 of the Revised Code; 36711

(2) A person who plans to specialize in teaching students 36712
with special needs; 36713

(3) A person who plans to teach in the disciplines of 36714
science, technology, engineering, or mathematics. 36715

The ~~chancellor~~ director shall require that all applicants to 36716
the teaching fellows program shall file a statement of service 36717
status in compliance with section 3345.32 of the Revised Code, if 36718

applicable, and that all applicants have not been convicted of, 36719
plead guilty to, or adjudicated a delinquent child for any 36720
violation listed in section 3333.38 of the Revised Code. 36721

(D) Teaching fellows shall complete the four-year teaching 36722
commitment within not more than seven years after graduating from 36723
the teacher training program. Failure to fulfill the commitment 36724
shall convert the scholarship into a loan to be repaid under 36725
section 3333.392 of the Revised Code. 36726

(E) The ~~chancellor~~ director shall adopt rules in accordance 36727
with Chapter 119. of the Revised Code to administer this section 36728
and section 3333.392 of the Revised Code. 36729

Sec. 3333.392. (A) Each recipient who accepts a scholarship 36730
under the Ohio teaching fellows program created under section 36731
3333.391 of the Revised Code, or the recipient's parent if the 36732
recipient is younger than eighteen years of age, shall sign a 36733
promissory note payable to the state in the event the recipient 36734
does not satisfy the service requirement of division (D) of 36735
section 3333.391 of the Revised Code or the scholarship is 36736
terminated. The amount payable under the note shall be the amount 36737
of total scholarships accepted by the recipient under the program 36738
plus ten per cent interest accrued annually beginning on the first 36739
day of September after graduating from the teacher training 36740
program or immediately after termination of the scholarship. The 36741
period of repayment under the note shall be determined by the 36742
~~chancellor of the Ohio board of regents~~ director of higher 36743
education. The note shall stipulate that the obligation to make 36744
payments under the note is canceled following completion of four 36745
years of qualified service by the recipient in accordance with 36746
division (D) of section 3333.391 of the Revised Code, or if the 36747
recipient dies, becomes totally and permanently disabled, or is 36748
unable to complete the required qualified service as a result of a 36749

reduction in force at the recipient's school of employment before 36750
the obligation under the note has been satisfied. 36751

(B) Repayment of the principal amount of the scholarship and 36752
interest accrued shall be deferred while the recipient is enrolled 36753
in an approved teaching program, while the recipient is seeking 36754
employment to fulfill the service obligation, for a period not to 36755
exceed six months, or while the recipient is engaged in qualified 36756
service. 36757

(C) During the seven-year period following the recipient's 36758
graduation from an approved teaching program, the ~~chancellor~~ 36759
director shall deduct twenty-five per cent of the outstanding 36760
balance that may be converted to a loan for each year the 36761
recipient teaches at a qualifying school. 36762

(D) The ~~chancellor~~ director may terminate the scholarship, in 36763
which case the scholarship shall be converted to a loan to be 36764
repaid under division (A) of this section. 36765

(E) The scholarship shall be deemed terminated upon the 36766
recipient's withdrawal from school or the recipient's failure to 36767
meet the standards of the scholarship as determined by the 36768
~~chancellor~~ director and shall be converted to a loan to be repaid 36769
under division (A) of this section. 36770

(F) The ~~chancellor~~ director and the attorney general shall 36771
collect payments on the converted loan in accordance with section 36772
131.02 of the Revised Code. 36773

Sec. 3333.43. This section does not apply to any 36774
baccalaureate degree program that is a cooperative education 36775
program, as defined in section 3333.71 of the Revised Code. 36776

(A) The ~~chancellor of the Ohio board of regents~~ director of 36777
higher education shall require all state institutions of higher 36778
education that offer baccalaureate degrees, as a condition of 36779

reauthorization for certification of each baccalaureate program 36780
offered by the institution, to submit a statement describing how 36781
each major for which the school offers a baccalaureate degree may 36782
be completed within three academic years. The chronology of the 36783
statement shall begin with the fall semester of a student's first 36784
year of the baccalaureate program. 36785

(B) The statement required under this section may include, 36786
but not be limited to, any of the following methods to contribute 36787
to earning a baccalaureate degree in three years: 36788

(1) Advanced placement credit; 36789

(2) International baccalaureate program credit; 36790

(3) A waiver of degree and credit-hour requirements by 36791
completion of courses that are widely available at community 36792
colleges in the state or through online programs offered by state 36793
institutions of higher education or private nonprofit institutions 36794
of higher education holding certificates of authorization under 36795
Chapter 1713. of the Revised Code, and through courses taken by 36796
the student through the college credit plus program under Chapter 36797
3365. of the Revised Code; 36798

(4) Completion of coursework during summer sessions; 36799

(5) A waiver of foreign-language degree requirements based on 36800
a proficiency examination specified by the institution. 36801

(C)(1) Not later than October 15, 2012, each state 36802
institution of higher education shall provide statements required 36803
under this section for ten per cent of all baccalaureate degree 36804
programs offered by the institution. 36805

(2) Not later than June 30, 2014, each state institution of 36806
higher education shall provide statements required under this 36807
section for sixty per cent of all baccalaureate degree programs 36808
offered by the institution. 36809

(D) Each state institution of higher education required to 36810
submit statements under this section shall post its three-year 36811
option on its web site and also provide that information to the 36812
department of education. The department shall distribute that 36813
information to the superintendent, high school principal, and 36814
guidance counselor, or equivalents, of each school district, 36815
community school established under Chapter 3314. of the Revised 36816
Code, and STEM school established under Chapter 3326. of the 36817
Revised Code. 36818

(E) Nothing in this section requires an institution to take 36819
any action that would violate the requirements of any independent 36820
association accrediting baccalaureate degree programs. 36821

Sec. 3333.44. The ~~chancellor of the Ohio board of regents~~ 36822
director of higher education shall designate a postsecondary 36823
globalization liaison to work with state institutions of higher 36824
education, as defined in section 3345.011 of the Revised Code, 36825
other state agencies, and representatives of the business 36826
community to enhance the state's globalization efforts. 36827

The ~~chancellor~~ director may designate a person already 36828
employed by the ~~chancellor~~ director as the liaison. 36829

Sec. 3333.50. The ~~Ohio board of regents~~ director of higher 36830
education, in consultation with the governor and the department of 36831
development, shall develop a critical needs rapid response system 36832
to respond quickly to critical workforce shortages in the state. 36833
Not later than ninety days after a critical workforce shortage is 36834
identified, the ~~chancellor of the board~~ director shall submit to 36835
the governor a proposal for addressing the shortage through 36836
initiatives of the ~~board~~ department of higher education or 36837
institutions of higher education. 36838

Sec. 3333.55. (A) The health information and imaging 36839

technology workforce development pilot project is hereby 36840
established. Under the project, in fiscal years 2008 through 2010, 36841
the ~~Ohio board of regents~~ director of higher education shall 36842
design and implement a three-year pilot program to test, in the 36843
vicinity of Clark, Greene, and Montgomery counties, how a P-16 36844
public-private education and workforce development collaborative 36845
may address each of the following goals: 36846

(1) Increase the number of students taking and mastering 36847
high-level science, technology, engineering, or mathematics 36848
courses and pursuing careers in those subjects, in all demographic 36849
regions of the state; 36850

(2) Increase the number of students pursuing professional 36851
careers in health information and imaging technology upon 36852
receiving related technical education and professional experience, 36853
in all demographic regions of the state; 36854

(3) Unify efforts among schools, career centers, 36855
post-secondary programs, and employers in a region for career and 36856
workforce development, preservation, and public education. 36857

(B) The project shall focus on enhancing P-16 education and 36858
workforce development in the field of health information and 36859
imaging technology through such activities as increased academic 36860
intervention in related areas of study, after-school and summer 36861
intervention programs, tutoring, career and job fairs and other 36862
promotional and recruitment activities, externships, professional 36863
development, field trips, academic competitions, development of 36864
related specialized study modules, development of honors programs, 36865
and development and enhancement of dual high school and college 36866
enrollment programs. 36867

(C) Project participants shall include Clark-Shawnee local 36868
school district, Springfield city school district, Greene county 36869
career center, Clark state community college, Central state 36870

university, Wright state university, Cedarville university, 36871
Wittenberg university, the university of Dayton, and private 36872
employers in the health information and imaging technology 36873
industry in the vicinity of Clark, Greene, and Montgomery 36874
counties, selected by the ~~board of regents~~ director. 36875

For the third year of the project, the ~~board of regents~~ 36876
director may add as participants the Dayton city school district 36877
and Xenia city school district. 36878

(D) Wittenberg university shall be the lead coordinating 36879
agent and Clark state community college shall be the fiscal agent 36880
for the project. 36881

(E) The ~~board of regents~~ director shall create an advisory 36882
council made up of representatives of the participating entities 36883
to coordinate, monitor, and evaluate the project. The advisory 36884
council shall submit an annual activity report to the ~~board of~~ 36885
~~regents~~ director by a date specified by the ~~board of regents~~ 36886
director. 36887

Sec. 3333.58. There is hereby created at Shawnee state 36888
university the Ohio Appalachian center for higher education to 36889
increase the educational attainment of the residents of Ohio's 36890
Appalachian region, as defined in section 107.21 of the Revised 36891
Code. The board of directors of the center shall consist of the 36892
following members: 36893

(A) The presidents of all of the following: 36894

(1) Shawnee state university; 36895

(2) Belmont technical college; 36896

(3) Hocking college; 36897

(4) Jefferson community college; 36898

(5) Zane state college; 36899

(6) Rio Grande community college;	36900
(7) Southern state community college;	36901
(8) Central Ohio technical college, Coshocton campus;	36902
(9) Washington state community college.	36903
(B) The president of Ohio university, or the president's designee;	36904 36905
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	36906 36907 36908
(D) A representative of the chancellor of the Ohio board of regents <u>director of higher education</u> as designated by the chancellor <u>director</u> .	36909 36910 36911
Sec. 3333.59. (A) As used in this section:	36912
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents <u>department of higher education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	36913 36914 36915 36916 36917 36918
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	36919 36920
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	36921 36922
(4) " Chancellor <u>Director</u> " means the chancellor of the Ohio board of regents <u>director of higher education</u> .	36923 36924
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	36925 36926 36927

(a) A community college as defined in section 3354.01 of the Revised Code;	36928 36929
(b) A technical college as defined in section 3357.01 of the Revised Code;	36930 36931
(c) A state community college as defined in section 3358.01 of the Revised Code.	36932 36933
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	36934 36935 36936
(a) A community college district as defined in section 3354.01 of the Revised Code;	36937 36938
(b) A technical college district as defined in section 3357.01 of the Revised Code;	36939 36940
(c) A state community college district as defined in section 3358.01 of the Revised Code.	36941 36942
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	36943 36944
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	36945 36946
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor <u>director</u> to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state	36947 36948 36949 36950 36951 36952 36953 36954 36955 36956 36957

share of instruction, for the payment of bond service charges on 36958
such obligations. 36959

The board of trustees shall deliver to the ~~chancellor~~ 36960
director a copy of the resolution and any additional pertinent 36961
information the ~~chancellor~~ director may require. 36962

The ~~chancellor~~ director and the office of budget and 36963
management, and the issuing authority in the case of obligations 36964
to be issued by the issuing authority, shall evaluate each request 36965
received from a community or technical college district under this 36966
section. The ~~chancellor~~ director, with the advice and consent of 36967
the director of budget and management and the issuing authority in 36968
the case of obligations to be issued by the issuing authority, 36969
shall approve each request if all of the following conditions are 36970
met: 36971

(1) Approval of the request will enhance the marketability of 36972
the obligations for which the request is made; 36973

(2) The ~~chancellor~~ director and the office of budget and 36974
management, and the issuing authority in the case of obligations 36975
to be issued by the issuing authority, have no reason to believe 36976
the requesting community or technical college district or the 36977
community or technical college it operates will be unable to pay 36978
when due the bond service charges on the obligations for which the 36979
request is made, and bond service charges on those obligations are 36980
therefore not anticipated to be paid pursuant to this section from 36981
the allocated state share of instruction for purposes of Section 36982
17 of Article VIII, Ohio Constitution. 36983

(3) Any other pertinent conditions established in rules 36984
adopted under division (H) of this section. 36985

(C) If the ~~chancellor~~ director approves the request of a 36986
community or technical college district to withhold and deposit 36987
funds pursuant to this section, the ~~chancellor~~ director shall 36988

enter into a written agreement with the district and the primary 36989
paying agent or fiscal agent for the obligations, which agreement 36990
shall provide for the withholding of funds pursuant to this 36991
section for the payment of bond service charges on those 36992
obligations. The agreement may also include both of the following: 36993

(1) Provisions for certification by the district to the 36994
~~chancellor~~ director, prior to the deadline for payment of the 36995
applicable bond service charges, whether the district and the 36996
community or technical college it operates are able to pay those 36997
bond service charges when due; 36998

(2) Requirements that the district or the community or 36999
technical college it operates deposits amounts for the payment of 37000
those bond service charges with the primary paying agent or fiscal 37001
agent for the obligations prior to the date on which the bond 37002
service charges are due to the owners or holders of the 37003
obligations. 37004

(D) Whenever a district or the community or technical college 37005
it operates notifies the ~~chancellor~~ director that it will not be 37006
able to pay the bond service charges when they are due, subject to 37007
the withholding provisions of this section, or whenever the 37008
applicable paying agent or fiscal agent notifies the ~~chancellor~~ 37009
director that it has not timely received from a district or from 37010
the college it operates the full amount needed for payment of the 37011
bond service charges when due to the holders or owners of such 37012
obligations, the ~~chancellor~~ director shall immediately contact the 37013
district or college and the paying agent or fiscal agent to 37014
confirm that the district and the college are not able to make the 37015
required payment by the date on which it is due. 37016

If the ~~chancellor~~ director confirms that the district and the 37017
college are not able to make the payment and the payment will not 37018
be made pursuant to a credit enhancement facility, the ~~chancellor~~ 37019
director shall promptly pay to the applicable primary paying agent 37020

or fiscal agent the lesser of the amount due for bond service 37021
charges or the amount of the next periodic distribution scheduled 37022
to be made to the district or to the college in respect of its 37023
allocated state share of instruction. If this amount is 37024
insufficient to pay the total amount then due the agent for the 37025
payment of bond service charges, the ~~chancellor~~ director shall 37026
continue to pay to the agent from each periodic distribution 37027
thereafter, and until the full amount due the agent for unpaid 37028
bond service charges is paid in full, the lesser of the remaining 37029
amount due the agent for bond service charges or the amount of the 37030
next periodic distribution scheduled to be made to the district or 37031
college in respect of its allocated state share of instruction. 37032

(E) The ~~chancellor~~ director may make any payments under this 37033
section by direct deposit of funds by electronic transfer. 37034

Any amount received by a paying agent or fiscal agent under 37035
this section shall be applied only to the payment of bond service 37036
charges on the obligations of the community or technical college 37037
district or community or technical college subject to this section 37038
or to the reimbursement of the provider of a credit enhancement 37039
facility that has paid the bond service charges. 37040

(F) The ~~chancellor~~ director may make payments under this 37041
section to paying agents or fiscal agents during any fiscal 37042
biennium of the state only from and to the extent that money is 37043
appropriated to the ~~board of regents~~ department by the general 37044
assembly for distribution during such biennium for the state share 37045
of instruction and only to the extent that a portion of the state 37046
share of instruction has been allocated to the community or 37047
technical college district or community or technical college. 37048
Obligations of the issuing authority or of a community or 37049
technical college district to which this section is made 37050
applicable do not constitute an obligation or a debt or a pledge 37051
of the faith, credit, or taxing power of the state, and the 37052

holders or owners of those obligations have no right to have 37053
excises or taxes levied or appropriations made by the general 37054
assembly for the payment of bond service charges on the 37055
obligations, and the obligations shall contain a statement to that 37056
effect. The agreement for or the actual withholding and payment of 37057
money under this section does not constitute the assumption by the 37058
state of any debt of a community or technical college district or 37059
a community or technical college, and bond service charges on the 37060
related obligations are not anticipated to be paid from the state 37061
general revenue fund for purposes of Section 17 of Article VIII, 37062
Ohio Constitution. 37063

(G) In the case of obligations subject to the withholding 37064
provisions of this section, the issuing community or technical 37065
college district, or the issuing authority in the case of 37066
obligations issued by the issuing authority, shall appoint a 37067
paying agent or fiscal agent who is not an officer or employee of 37068
the district or college. 37069

(H) The ~~chancellor~~ director, with the advice and consent of 37070
the office of budget and management, may adopt reasonable rules 37071
not inconsistent with this section for the implementation of this 37072
section to secure payment of bond service charges on obligations 37073
issued by a community or technical college district or by the 37074
issuing authority for the benefit of a community or technical 37075
college district or the community or technical college it 37076
operates. Those rules shall include criteria for the evaluation 37077
and approval or denial of community or technical college district 37078
requests for withholding under this section. 37079

(I) The authority granted by this section is in addition to 37080
and not a limitation on any other authorizations granted by or 37081
pursuant to law for the same or similar purposes. 37082

Sec. 3333.61. The ~~chancellor of the Ohio board of regents~~ 37083

director of higher education shall establish and administer the 37084
Ohio innovation partnership, which shall consist of the choose 37085
Ohio first scholarship program and the Ohio research scholars 37086
program. Under the programs, the ~~chancellor~~ director, subject to 37087
approval by the controlling board, shall make awards to state 37088
universities or colleges for programs and initiatives that recruit 37089
students and scientists in the fields of science, technology, 37090
engineering, mathematics, medicine, and dentistry to state 37091
universities or colleges, in order to enhance regional educational 37092
and economic strengths and meet the needs of the state's regional 37093
economies. Awards may be granted for programs and initiatives to 37094
be implemented by a state university or college alone or in 37095
collaboration with other state institutions of higher education, 37096
nonpublic Ohio universities and colleges, or other public or 37097
private Ohio entities. If the ~~chancellor~~ director makes an award 37098
to a program or initiative that is intended to be implemented by a 37099
state university or college in collaboration with other state 37100
institutions of higher education or nonpublic Ohio universities or 37101
colleges, the ~~chancellor~~ director may provide that some portion of 37102
the award be received directly by the collaborating universities 37103
or colleges consistent with all terms of the Ohio innovation 37104
partnership. 37105

The choose Ohio first scholarship program shall assign a 37106
number of scholarships to state universities and colleges to 37107
recruit Ohio residents as undergraduate, or as provided in section 37108
3333.66 of the Revised Code graduate, students in the fields of 37109
science, technology, engineering, mathematics, medicine, and 37110
dentistry, or in science, technology, engineering, mathematics, 37111
medical, or dental education. Choose Ohio first scholarships shall 37112
be awarded to each participating eligible student as a grant to 37113
the state university or college the student is attending and shall 37114
be reflected on the student's tuition bill. Choose Ohio first 37115
scholarships are student-centered grants from the state to 37116

students to use to attend a university or college and are not 37117
grants from the state to universities or colleges. 37118

Notwithstanding any other provision of this section or 37119
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 37120
four-year Ohio institution of higher education may submit a 37121
proposal for choose Ohio first scholarships or Ohio research 37122
scholars grants. If the ~~chancellor~~ director awards a nonpublic 37123
institution scholarships or grants, the nonpublic institution 37124
shall comply with all requirements of this section, sections 37125
3333.62 to 3333.69 of the Revised Code, and the rules adopted 37126
under this section that apply to state universities or colleges 37127
awarded choose Ohio first scholarships or Ohio research scholars 37128
grants. 37129

The Ohio research scholars program shall award grants to use 37130
in recruiting scientists to the faculties of state universities or 37131
colleges. 37132

The ~~chancellor~~ director shall adopt rules in accordance with 37133
Chapter 119. of the Revised Code to administer the programs. 37134

Sec. 3333.611. (A) All of the following individuals shall 37135
jointly develop a proposal for the creation of a primary care 37136
medical student component of the choose Ohio first scholarship 37137
program operated under section 3333.61 of the Revised Code under 37138
which scholarships are annually made available and awarded to 37139
medical students who meet the requirements specified in division 37140
(D) of this section: 37141

(1) The dean of the Ohio state university school of medicine; 37142

(2) The dean of the Case western reserve university school of 37143
medicine; 37144

(3) The dean of the university of Toledo college of medicine; 37145

(4) The president and dean of the northeast Ohio medical 37146

university;	37147
(5) The dean of the university of Cincinnati college of medicine;	37148 37149
(6) The dean of the Boonshoft school of medicine at Wright state university;	37150 37151
(7) The dean of the Ohio university college of osteopathic medicine.	37152 37153
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	37154 37155
(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships;	37156 37157 37158
(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years.	37159 37160
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of the Ohio board of regents <u>director of higher education</u> not later than March 6, 2011. The chancellor <u>director</u> shall review the proposal and determine whether to implement the component as part of the program.	37161 37162 37163 37164 37165 37166
(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:	37167 37168 37169
(1) Participate in identified patient centered medical home model training opportunities during medical school;	37170 37171
(2) Commit to a post-residency primary care practice in this state for not less than three years;	37172 37173
(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.	37174 37175 37176

Sec. 3333.612. (A) All of the following individuals shall 37177
jointly develop a proposal for the creation of a primary care 37178
nursing student component of the choose Ohio first scholarship 37179
program operated under section 3333.61 of the Revised Code under 37180
which scholarships are annually made available and awarded to 37181
advanced practice nursing students who meet the requirements 37182
specified in division (D) of this section: 37183

(1) The dean of the college of nursing at the university of 37184
Toledo; 37185

(2) The dean of the Wright state university college of 37186
nursing and health; 37187

(3) The dean of the college of nursing at Kent state 37188
university; 37189

(4) The dean of the university of Akron college of nursing; 37190

(5) The director of the school of nursing at Ohio university. 37191

(B) The individuals specified in division (A) of this section 37192
shall consider including the following provisions in the proposal: 37193

(1) Establishing a scholarship of sufficient size to permit 37194
annually not more than thirty advanced practice nursing students 37195
to receive scholarships; 37196

(2) Specifying that a scholarship, once granted, may be 37197
provided to an advanced practice nursing student for not more than 37198
three years. 37199

(C) The individuals specified in division (A) of this section 37200
shall submit the proposal for the component to the ~~chancellor of~~ 37201
~~the Ohio board of regents~~ director of higher education not later 37202
than six months after ~~the effective date of this section~~ September 37203
6, 2010. The ~~chancellor~~ director shall review the proposal and 37204
determine whether to implement the component as part of the 37205
program. 37206

(D) To be eligible for a scholarship made available under the component, an advanced practice nursing student shall meet all of the following requirements:

(1) Participate in identified patient centered medical home model training opportunities during nursing school;

(2) Commit to an advanced practice nursing primary care practice in this state after completing nursing school for not less than three years;

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. ~~Not later than the first day of July~~ As soon as possible following the end of each fiscal year, the ~~chancellor of the Ohio board of regents~~ director of higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director of budget and management may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund.

If it is determined that general revenue fund appropriations

are insufficient to meet the obligations for the choose Ohio first 37237
scholarship in a fiscal year, the director of budget and 37238
management may transfer funds from the choose Ohio first 37239
scholarship reserve fund to the general revenue fund in order to 37240
meet those obligations. The amount transferred is hereby 37241
appropriated. If the funds transferred from the choose Ohio first 37242
scholarship reserve fund are not needed, the director of budget 37243
and management may transfer the unexpended balance from the 37244
general revenue fund back to the choose Ohio first scholarship 37245
reserve fund. 37246

Sec. 3333.62. ~~The chancellor of the Ohio board of regents~~ 37247
director of higher education shall establish a competitive process 37248
for making awards under the choose Ohio first scholarship program 37249
and the Ohio research scholars program. ~~The chancellor~~ director, 37250
on completion of that process, shall make a recommendation to the 37251
controlling board asking for approval of each award selected by 37252
the ~~chancellor~~ director. 37253

Any state university or college may apply for one or more 37254
awards under one or both programs. The state university or college 37255
shall submit a proposal and other documentation required by the 37256
~~chancellor~~ director, in the form and manner prescribed by the 37257
~~chancellor~~ director, for each award it seeks. A proposal may 37258
propose an initiative to be implemented solely by the state 37259
university or college or in collaboration with other state 37260
institutions of higher education, nonpublic Ohio universities or 37261
colleges, or other public or nonpublic Ohio entities. A single 37262
proposal may seek an award under one or both programs. 37263

The ~~chancellor~~ director shall determine which proposals will 37264
receive awards each fiscal year, and the amount of each award, on 37265
the basis of the merit of each proposal, which the ~~chancellor~~ 37266
director, subject to approval by the controlling board, shall 37267

determine based on one or more of the following criteria:	37268
(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;	37269 37270 37271
(B) The extent to which the proposal is integrated with the strengths of the regional economy;	37272 37273
(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;	37274 37275
(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;	37276 37277 37278
(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;	37279 37280
(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;	37281 37282 37283
(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	37284 37285
(H) The extent to which the proposal meets a statewide educational need;	37286 37287
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	37288 37289
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	37290 37291
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	37292 37293 37294 37295 37296 37297

(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	37298 37299 37300
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	37301 37302 37303 37304 37305
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	37306 37307 37308
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	37309 37310 37311 37312
(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;	37313 37314 37315 37316 37317
(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;	37318 37319 37320 37321 37322
(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program.	37323 37324 37325
Sec. 3333.63. The chancellor of the Ohio board of regents <u>director of higher education</u> shall conduct at least one public	37326 37327

meeting annually, prior to deciding awards under the Ohio 37328
innovation partnership. At the meeting, an employee of the 37329
~~chancellor~~ director shall summarize the proposals submitted for 37330
consideration, and each state university or college that has a 37331
proposal pending shall have the opportunity to review the summary 37332
of their proposal prepared by the ~~chancellor's~~ director's staff 37333
and answer questions or respond to concerns about the proposal 37334
raised by the ~~chancellor's~~ director's staff. 37335

Sec. 3333.64. The ~~chancellor of the Ohio board of regents~~ 37336
director of higher education shall endeavor to make awards under 37337
the choose Ohio first scholarship program and the Ohio research 37338
scholars program such that the aggregate, statewide amount of 37339
other institutional, public, and private money pledged to the 37340
proposals in each fiscal year equals at least one hundred per cent 37341
of the aggregate amount of the money awarded under both programs 37342
that year. The ~~chancellor~~ director shall endeavor to make awards 37343
under the choose Ohio first scholarship program in such a way that 37344
at least fifty per cent of the students receiving the scholarships 37345
are involved in a co-op or internship program in a private 37346
industry or a university laboratory. The value of institutional, 37347
public, or private industry co-ops and internships shall count 37348
toward the statewide aggregate amount of other institutional, 37349
public, or private money specified in this paragraph. 37350

The ~~chancellor~~ director also shall endeavor to distribute 37351
awards in such a way that all regions of the state benefit from 37352
the economic development impact of the programs and shall 37353
guarantee that students from all regions of the state are able to 37354
participate in the scholarship program. 37355

Sec. 3333.65. The ~~chancellor of the Ohio board of regents~~ 37356
director of higher education shall require each state university 37357
or college that the controlling board approves to receive an award 37358

under the Ohio innovation partnership to enter into an agreement 37359
governing the use of the award. The agreement shall contain terms 37360
the ~~chancellor~~ director determines to be necessary, which shall 37361
include performance measures, reporting requirements, and an 37362
obligation to fulfill pledges of other institutional, public, or 37363
nonpublic resources for the proposal. 37364

The ~~chancellor~~ director may require a state university or 37365
college that violates the terms of its agreement to repay the 37366
award plus interest at the rate required by section 5703.47 of the 37367
Revised Code to the ~~chancellor~~ director. 37368

If the ~~chancellor~~ director makes an award to a program or 37369
initiative that is intended to be implemented by a state 37370
university or college in collaboration with other state 37371
institutions of higher education or nonpublic Ohio universities or 37372
colleges, the ~~chancellor~~ director may enter into an agreement with 37373
the collaborating universities or colleges that permits awards to 37374
be received directly by the collaborating universities or colleges 37375
consistent with the terms of the program or initiative. In that 37376
case, the ~~chancellor~~ director shall incorporate into the agreement 37377
terms consistent with the requirements of this section. 37378
37379

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of 37380
this section, in each academic year, no student who receives a 37381
choose Ohio first scholarship shall receive less than one thousand 37382
five hundred dollars or more than one-half of the highest in-state 37383
undergraduate instructional and general fees charged by all state 37384
universities. For this purpose, if Miami university is 37385
implementing the pilot tuition restructuring plan originally 37386
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 37387
university's instructional and general fees shall be considered to 37388
be the average full-time in-state undergraduate instructional and 37389

general fee amount after taking into account the Ohio resident and 37390
Ohio leader scholarships and any other credit provided to all Ohio 37391
residents. 37392

(2) The ~~chancellor of the Ohio board of regents~~ director of 37393
higher education may authorize a state university or college or a 37394
nonpublic Ohio institution of higher education to award a choose 37395
Ohio first scholarship in an amount greater than one-half of the 37396
highest in-state undergraduate instructional and general fees 37397
charged by all state universities to either of the following: 37398

(a) Any undergraduate student who qualifies for a scholarship 37399
and is enrolled in a program leading to a teaching profession in 37400
science, technology, engineering, mathematics, or medicine; 37401

(b) Any graduate student who qualifies for a scholarship, if 37402
any initiatives are selected for award under division (B) of this 37403
section. 37404

(B) The ~~chancellor~~ director shall encourage state 37405
universities and colleges, alone or in collaboration with other 37406
state institutions of higher education, nonpublic Ohio 37407
universities and colleges, or other public or private Ohio 37408
entities, to submit proposals under the choose Ohio first 37409
scholarship program for initiatives that recruit either of the 37410
following: 37411

(1) Ohio residents who enrolled in colleges and universities 37412
in other states or other countries to return to Ohio and enroll in 37413
state universities or colleges as graduate students in the fields 37414
of science, technology, engineering, mathematics, and medicine, or 37415
in the fields of science, technology, engineering, mathematics, or 37416
medical education. If such proposals are submitted and meet the 37417
~~chancellor's~~ director's competitive criteria for awards, the 37418
~~chancellor~~ director, subject to approval by the controlling board, 37419
shall give at least one of the proposals preference for an award. 37420

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The ~~chancellor~~ director may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the ~~chancellor of the Ohio board of regents~~ director of higher education and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the ~~chancellor of the Ohio board of regents~~ director of higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards 37451
remains conditional on all of the following: 37452

(A) Future appropriations of the general assembly; 37453

(B) The university's or college's adherence to the agreement 37454
entered into under section 3333.65 of the Revised Code, including 37455
its fulfillment of pledges of other institutional, public, or 37456
nonpublic resources; 37457

(C) With respect to the choose Ohio first scholarship 37458
program, a demonstration that the students receiving the 37459
scholarship are satisfied with the state universities or colleges 37460
selected by the ~~chancellor~~ director to offer the scholarships. 37461

The ~~chancellor~~ director and the controlling board shall not 37462
commit to awarding any proposal for more than five fiscal years at 37463
a time. However, when a commitment for future awards expires, a 37464
state university or college may reapply. 37465

Sec. 3333.69. The ~~chancellor of the Ohio board of regents~~ 37466
director of higher education shall monitor each initiative for 37467
which an award is granted under the Ohio innovation partnership to 37468
ensure the following: 37469

(A) Fiscal accountability, so that the award is used in 37470
accordance with the agreement entered into under section 3333.65 37471
of the Revised Code; 37472

(B) Operating progress, so that the initiative is managed to 37473
achieve the goals stated in the proposal and in the agreement, and 37474
so that problems may be promptly identified and remedied; 37475

(C) Desired outcomes, so that the initiative contributes to 37476
the programs' goals of enhancing regional educational and economic 37477
strengths and meeting regional economic needs. 37478

Sec. 3333.70. (A) The director of higher education shall 37479

establish and administer the Ohio higher education innovation 37480
grant program to promote educational excellence and economic 37481
efficiency throughout the state in order to stabilize or reduce 37482
student tuition rates at institutions of higher education. Under 37483
the program, the director shall award grants to state institutions 37484
of higher education, as defined in section 3345.011 of the Revised 37485
Code, and private nonprofit institutions for innovative projects 37486
that incorporate academic achievement and economic efficiencies. 37487
State institutions of higher education and private nonprofit 37488
institutions may apply for grants and initiate collaboration with 37489
other institutions of higher education, either public or private, 37490
on such projects. 37491

(B) The director shall adopt rules to administer the program 37492
including, but not limited to, requirements that each grant 37493
application provides for all of the following: 37494

(1) A system by which to measure academic achievement and 37495
reductions in expenditures, both in funding and administration; 37496

(2) Demonstration of how the project will be sustained beyond 37497
the grant period and continue to provide substantial value and 37498
lasting impact; 37499

(3) Proof of commitment from all parties responsible for the 37500
implementation of the project; 37501

(4) Implementation of an ongoing evaluation process and 37502
improvement plans, as necessary. 37503

(C) As used in this section, "private nonprofit institution" 37504
means a nonprofit institution in this state that has a certificate 37505
of authorization pursuant to Chapter 1713. of the Revised Code. 37506

Sec. 3333.71. As used in sections 3333.71 to 3333.79 of the 37507
Revised Code: 37508

(A) "Cooperative education program" means a partnership 37509

between students, institutions of higher education, and employers 37510
that formally integrates students' academic study with work 37511
experience in cooperating employer organizations and that meets 37512
all of the following conditions: 37513

(1) Alternates or combines periods of academic study and work 37514
experience in appropriate fields as an integral part of student 37515
education; 37516

(2) Provides students with compensation from the cooperative 37517
employer in the form of wages or salaries for work performed; 37518

(3) Evaluates each participating student's performance in the 37519
cooperative position, both from the perspective of the student's 37520
institution of higher education and the student's cooperative 37521
employer; 37522

(4) Provides participating students with academic credit from 37523
the institution of higher education upon successful completion of 37524
their cooperative education; 37525

(5) Is part of an overall degree or certificate program for 37526
which a percentage of the total program acceptable to the 37527
~~chancellor of the Ohio board of regents~~ director of higher 37528
education involves cooperative education. 37529

(B) "Internship program" means a partnership between 37530
students, institutions of higher education, and employers that 37531
formally integrates students' academic study with work or 37532
community service experience and that does both of the following: 37533

(1) Offers internships of specified and definite duration; 37534

(2) Evaluates each participating student's performance in the 37535
internship position, both from the perspective of the student's 37536
institution of higher education and the student's internship 37537
employer. 37538

An internship program may provide participating students with 37539

academic credit upon successful completion of the internship, and 37540
may provide students with compensation in the form of wages or 37541
salaries, stipends, or scholarships. 37542

(C) "Nonpublic university or college" means a nonprofit 37543
institution holding a certificate of authorization issued under 37544
Chapter 1713. of the Revised Code. 37545

(D) "State institution of higher education" has the same 37546
meaning as in section 3345.011 of the Revised Code. 37547

Sec. 3333.72. The ~~chancellor of the Ohio board of regents~~ 37548
director of higher education shall establish and administer the 37549
Ohio co-op/internship program to promote and encourage cooperative 37550
education programs or internship programs at Ohio institutions of 37551
higher education for the purpose of recruiting Ohio students to 37552
stay in the state, and recruiting Ohio residents who left Ohio to 37553
attend out-of-state institutions of higher education back to Ohio 37554
institutions of higher education, to participate in high quality 37555
academic programs that use cooperative education programs or 37556
significant internship programs, in order to support the growth of 37557
Ohio's businesses by providing businesses with Ohio's most 37558
talented students and providing Ohio graduates with job 37559
opportunities with Ohio's growing companies. 37560

The ~~chancellor~~ director, subject to approval by the 37561
controlling board, shall make awards to state institutions of 37562
higher education for new or existing programs and initiatives 37563
meeting the goals of the Ohio co-op/internship program. Awards may 37564
be granted for programs and initiatives to be implemented by a 37565
state institution of higher education alone or in collaboration 37566
with other state institutions of higher education or nonpublic 37567
Ohio universities and colleges. If the ~~chancellor~~ director makes 37568
an award to a program or initiative that is intended to be 37569
implemented by a state institution of higher education in 37570

collaboration with other state institutions of higher education or 37571
nonpublic Ohio universities or colleges, the ~~chancellor~~ director 37572
may provide that some portion of the award be received directly by 37573
the collaborating universities or colleges consistent with all 37574
terms of the Ohio co-op/internship program. 37575

The Ohio co-op/internship program shall support the creation 37576
and maintenance of high quality academic programs that utilize an 37577
intensive cooperative education or internship program for students 37578
at state institutions of higher education, or assign a number of 37579
scholarships to institutions to recruit Ohio residents as students 37580
in a high quality academic program, or both. If scholarships are 37581
included in an award to an institution of higher education, the 37582
scholarships shall be awarded to each participating eligible 37583
student as a grant to the state institution of higher education 37584
the student is attending and shall be reflected on the student's 37585
tuition bill. 37586

Notwithstanding any other provision of this section or 37587
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 37588
nonpublic university or college may submit a proposal as lead 37589
applicant or co-lead applicant for an award under the Ohio 37590
co-op/internship program if the proposal is to be implemented in 37591
collaboration with a state institution of higher education. If the 37592
~~chancellor~~ director grants a nonpublic university or college an 37593
award, the nonpublic university or college shall comply with all 37594
requirements of this section, sections 3333.73 to 3333.79 of the 37595
Revised Code, and the rules adopted under this section that apply 37596
to state institutions of higher education that receive awards 37597
under the program. 37598

The ~~chancellor~~ director shall adopt rules in accordance with 37599
Chapter 119. of the Revised Code to administer the Ohio 37600
co-op/internship program. 37601

Sec. 3333.73. The ~~chancellor of the Ohio board of regents~~ 37602
director of higher education shall establish a competitive process 37603
for making awards under the Ohio co-op/internship program. The 37604
~~chancellor~~ director, on completion of that process, shall make a 37605
recommendation to the controlling board asking for approval of 37606
each award selected by the ~~chancellor~~ director. 37607

The state institution of higher education shall submit a 37608
proposal and other documentation required by the ~~chancellor~~ 37609
director, in the form and manner prescribed by the ~~chancellor~~ 37610
director, for each award it seeks. A proposal may propose an 37611
initiative to be implemented solely by the state institution of 37612
higher education or in collaboration with other state institutions 37613
of higher education or nonpublic Ohio universities or colleges. 37614

The ~~chancellor~~ director shall determine which proposals will 37615
receive awards each fiscal year, and the amount of each award, on 37616
the basis of the merit of each proposal, which the ~~chancellor~~ 37617
director, subject to approval by the controlling board, shall 37618
determine based on one or more of the following criteria: 37619

(A) The extent to which the proposal will keep Ohio students 37620
in Ohio institutions of higher education; 37621

(B) The extent to which the proposal will attract Ohio 37622
residents who left Ohio to attend out-of-state institutions of 37623
higher education to return to Ohio institutions of higher 37624
education; 37625

(C) The extent to which the proposal will increase the number 37626
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 37627

(D) The quality of the program that is the subject of the 37628
proposal and the extent to which additional resources will enhance 37629
its quality; 37630

(E) The extent to which the proposal is integrated with the 37631

strengths of the regional economy; 37632

(F) The extent to which the proposal supports the workforce 37633
policies of the governor's office of workforce transformation to 37634
meet the workforce needs of the state and to provide a student 37635
participating in the program with the skills needed for workplace 37636
success; 37637

(G) The extent to which the proposal facilitates the 37638
development of high quality academic programs with a cooperative 37639
education program or a significant internship program at state 37640
institutions of higher education; 37641

(H) The extent to which the proposal is integrated with 37642
supporting private companies to fill potential job growth, is 37643
responsive to the needs of employers, aligns with the skills 37644
identified by employers as necessary to fill high-demand job 37645
openings, particularly job openings in targeted industry sectors 37646
as identified by the governor's office of workforce 37647
transformation; 37648

(I) The amount of other institutional, public, or private 37649
resources, whether monetary or nonmonetary, the proposal pledges 37650
to leverage that are in addition to the monetary cost-sharing 37651
requirement prescribed in section 3333.74 of the Revised Code; 37652

(J) The extent to which the proposal is collaborative with 37653
other Ohio institutions of higher education; 37654

(K) The extent to which the proposal is integrated with the 37655
institution's mission; 37656

(L) The extent to which the proposal meets a statewide 37657
educational need at the undergraduate or graduate level; 37658

(M) The demonstrated productivity or future capacity of the 37659
students to be recruited; 37660

(N) The extent to which the proposal will create additional 37661

capacity in a high quality academic program with a cooperative 37662
education program or significant internship program; 37663

(O) The extent to which the proposal will encourage students 37664
who received degrees from two-year institutions to pursue 37665
baccalaureate degrees; 37666

(P) The extent to which the proposal facilitates the 37667
completion of a baccalaureate degree in a cost-effective manner; 37668

(Q) The extent to which other institutional, public, or 37669
private resources that are pledged to the proposal, in addition to 37670
the monetary cost-sharing requirement prescribed in section 37671
3333.74 of the Revised Code, will be deployed to assist in 37672
sustaining the academic program of excellence; 37673

(R) The extent to which the proposal increases the likelihood 37674
that students will successfully complete their degree programs or 37675
certificate programs; 37676

(S) The extent to which the proposal ensures that a student 37677
participating in the high quality academic program funded by the 37678
Ohio co-op/internship program is appropriately qualified and 37679
prepared to successfully transition into professions in Ohio's 37680
growing companies and industries. 37681

Sec. 3333.731. (A) The co-op/internship program advisory 37682
committee is hereby created. The committee shall consist of the 37683
following members: 37684

(1) Five members appointed by the governor, two of whom shall 37685
represent academia, two of whom shall be representatives of 37686
private industry, and one of whom shall be a member of the public; 37687

(2) The director of development, or the director's designee; 37688

(3) Five members appointed by the president of the senate, 37689
three of whom shall be members of the senate, but not more than 37690
two from the same political party, one of whom shall represent 37691

academia, and one of whom shall be a member of the public; 37692

(4) Five members appointed by the speaker of the house of 37693
representatives, three of whom shall be members of the house of 37694
representatives, but not more than two from the same political 37695
party, one of whom shall represent private industry, and one of 37696
whom shall be a member of the public. 37697

(B) Members of the committee who are members of the general 37698
assembly shall serve for terms of four years or until their 37699
legislative terms end, whichever is sooner. The director of 37700
development or the director's designee shall serve as an 37701
ex-officio, voting member. Otherwise, initial members shall serve 37702
the following terms: 37703

(1) Of the initial members appointed by the governor, the 37704
member representing the public and one member representing 37705
academia shall serve for terms of one year; one member 37706
representing private industry shall serve for a term of two years; 37707
and one member representing private industry and one member 37708
representing academia shall serve for terms of three years. 37709

(2) The member representing academia and the representative 37710
of the public initially appointed by the president of the senate 37711
shall serve for terms of two years. 37712

(3) The member representing private industry initially 37713
appointed by the speaker of the house of representatives shall 37714
serve for a term of one year. 37715

(4) The representative of the public initially appointed by 37716
the speaker of the house of representatives shall serve for a term 37717
of three years. 37718

Thereafter, terms shall be for three years, with each term 37719
ending on the same day of the same month as did the term that it 37720
succeeds. Each member shall serve from the date of appointment 37721
until the end of the term for which the member was appointed. 37722

Members may be reappointed. Vacancies shall be filled in the same 37723
manner as provided for original appointments. Any member appointed 37724
to fill a vacancy occurring prior to the expiration date of the 37725
term for which the member was appointed shall hold office for the 37726
remainder of that term. A member shall continue to serve after the 37727
expiration date of the member's term until the member's successor 37728
is appointed or until a period of sixty days has elapsed, 37729
whichever occurs first. The appointing authority may remove a 37730
member from the committee for failure to attend two consecutive 37731
meetings without showing good cause for the absences. 37732

(C) The committee annually shall select a chairperson and a 37733
vice-chairperson. Only the members who represent academia and 37734
private industry may serve as chairperson and vice-chairperson. 37735
For this purpose, any committee member appointed as a member of 37736
the public who is a trustee, officer, employee, or student of an 37737
institution of higher education shall be included among the 37738
representatives of academia who may serve as chairperson or 37739
vice-chairperson, and any committee member appointed as a member 37740
of the public who is a director, officer, or employee of a private 37741
business shall be included among the representatives of private 37742
industry who may serve as chairperson or vice-chairperson. The 37743
committee annually shall rotate the selection of the chairperson 37744
between these two groups and shall select a member of the other 37745
group to serve as vice-chairperson. 37746

The committee annually shall select one of its members to 37747
serve as secretary to keep a record of the committee's 37748
proceedings. 37749

(D) A majority vote of the members of the full committee is 37750
necessary to take action on any matter. The committee may adopt 37751
bylaws governing its operation, including bylaws that establish 37752
the frequency of meetings. 37753

(E) Members of the committee shall serve without 37754

compensation. 37755

(F) A member of the committee shall not participate in 37756
discussions or votes concerning a proposed initiative or an actual 37757
award under the Ohio co-op/internship program that involves an 37758
institution of higher education of which the member is a trustee, 37759
officer, employee, or student; an organization of which the member 37760
is a trustee, director, officer, or employee; or a business of 37761
which the member is a director, officer, or employee or a 37762
shareholder of more than five per cent of the business' stock. 37763

(G) The committee shall advise the ~~chancellor of the Ohio~~ 37764
~~board of regents~~ director of higher education on growing 37765
industries well-suited for awards under the Ohio co-op/internship 37766
program. The ~~chancellor~~ director shall consult with the committee 37767
and request the committee's advice at each of the following times: 37768

(1) Prior to issuing each request for applications under the 37769
program; 37770

(2) While the ~~chancellor~~ director is reviewing applications 37771
and before deciding on awards to submit for the controlling 37772
board's approval; 37773

(3) After deciding on awards to submit for the controlling 37774
board's approval and prior to submitting them. 37775

The committee shall advise the ~~chancellor~~ director on other 37776
matters the ~~chancellor~~ director considers appropriate. 37777

(H) The ~~chancellor~~ director shall provide meeting space for 37778
the committee. The committee shall be assisted in its duties by 37779
the ~~chancellor's~~ director's staff. 37780

(I) Sections 101.82 to 101.87 of the Revised Code do not 37781
apply to the committee. 37782

Sec. 3333.74. (A) Except as provided in division (B) of this 37783
section, each award under the Ohio co-op/internship program shall 37784

require a pledge of private funds equal to the following: 37785

(1) In the case of a program, initiative, or scholarships for 37786
undergraduate students, at least one hundred per cent of the money 37787
awarded; 37788

(2) In the case of a program, initiative, or scholarships for 37789
graduate students, at least one hundred fifty per cent of the 37790
money awarded. 37791

(B) The ~~chancellor of the Ohio board of regents~~ director of 37792
higher education may waive the requirement of division (A) of this 37793
section if the ~~chancellor~~ director finds that exceptional 37794
circumstances exist to do so, provided that the ~~chancellor~~ 37795
director reviews the proposal with the advisory committee 37796
established under section 3333.731 of the Revised Code and 37797
provides an explanation for the waiver to the controlling board. 37798

(C) The ~~chancellor~~ director shall endeavor to distribute 37799
awards in such a way that a wide range of disciplines is supported 37800
and that all regions of the state benefit from the economic 37801
development impact of the program. 37802

Sec. 3333.75. The ~~chancellor of the Ohio board of regents~~ 37803
director of higher education shall require each state institution 37804
of higher education that the controlling board approves to receive 37805
an award under the Ohio co-op/internship program to enter into an 37806
agreement governing the use of the award. The agreement shall 37807
contain terms the ~~chancellor~~ director determines to be necessary, 37808
which shall include performance measures, reporting requirements, 37809
and an obligation to fulfill pledges of other institutional, 37810
public, or nonpublic resources for the proposal. 37811

The ~~chancellor~~ director may require a state institution of 37812
higher education that violates the terms of its agreement to repay 37813
the award plus interest at the rate required by section 5703.47 of 37814

the Revised Code to the ~~chancellor~~ director. 37815

If the ~~chancellor~~ director makes an award to a program or 37816
initiative that is intended to be implemented by a state 37817
institution of higher education in collaboration with other state 37818
institutions of higher education or nonpublic Ohio universities or 37819
colleges, the ~~chancellor~~ director may enter into an agreement with 37820
the collaborating universities or colleges that permits awards to 37821
be received directly by the collaborating universities or colleges 37822
consistent with the terms of the program or initiative. In that 37823
case, the ~~chancellor~~ director shall incorporate into the agreement 37824
terms consistent with the requirements of this section. 37825
37826

Sec. 3333.76. The ~~chancellor of the Ohio board of regents~~ 37827
director of higher education shall encourage state institutions of 37828
higher education, alone or in collaboration with other state 37829
institutions of higher education or nonpublic Ohio universities 37830
and colleges, to submit proposals under the Ohio co-op/internship 37831
program for initiatives that recruit Ohio residents enrolled in 37832
colleges and universities in other states or other countries to 37833
return to Ohio and enroll in state institutions of higher 37834
education or nonpublic Ohio universities and colleges as graduate 37835
students in a high quality academic program that uses a 37836
cooperative education program, a significant internship program in 37837
a private industry or institutional laboratory, or a similar model 37838
involving a variation of cooperative education or internship 37839
programs common to graduate education, and is in an educational 37840
area, industry, or industry sector of need. 37841

The ~~chancellor~~ director may encourage state institutions of 37842
higher education, alone or in collaboration with other state 37843
institutions of higher education or nonpublic Ohio universities 37844
and colleges, to submit proposals for initiatives that recruit 37845

Ohio residents who have received baccalaureate degrees to remain 37846
in Ohio and enroll in state institutions of higher education or 37847
nonpublic Ohio universities and colleges as graduate students in a 37848
high quality academic program of the type described in the 37849
preceding paragraph. 37850

Sec. 3333.77. When making an award under the Ohio 37851
co-op/internship program, the ~~chancellor of the Ohio board of~~ 37852
~~regents~~ director of higher education, subject to approval by the 37853
controlling board, may commit to giving a state institution of 37854
higher education's proposal preference for future awards after the 37855
current fiscal year or fiscal biennium. A proposal's eligibility 37856
for future awards remains conditional on all of the following: 37857

(A) Future appropriations of the general assembly; 37858

(B) The institution's adherence to the agreement entered into 37859
under section 3333.75 of the Revised Code, including its 37860
fulfillment of pledges of other institutional, public, or 37861
nonpublic resources; 37862

(C) A demonstration that the students participating in the 37863
programs and initiatives or receiving scholarships financed by the 37864
awards are satisfied with the institutions selected by the 37865
~~chancellor~~ director to offer the programs, initiatives, or 37866
scholarships financed by the awards. 37867

The ~~chancellor~~ director and the controlling board shall not 37868
commit to awarding any proposal for a period that exceeds five 37869
fiscal years. However, when an award, or the commitment for an 37870
award, expires, a state institution of higher education may apply 37871
for a new award. 37872

Sec. 3333.78. The ~~chancellor of the Ohio board of regents~~ 37873
director of higher education shall monitor each initiative for 37874
which an award is granted under the Ohio co-op/internship program 37875

to ensure the following: 37876

(A) Fiscal accountability, so that the award is used in 37877
accordance with the agreement entered into under section 3333.75 37878
of the Revised Code; 37879

(B) Operating progress, so that the initiative is managed to 37880
achieve the goals stated in the proposal and in the agreement, and 37881
so that problems may be promptly identified and remedied; 37882

(C) Desired outcomes, so that the initiative contributes to 37883
the program's goal of retaining Ohio's students after graduation. 37884

Sec. 3333.79. (A) As used in this section, "minority" has the 37885
same meaning as in section 184.17 of the Revised Code. The term 37886
also includes an individual who is economically disadvantaged. 37887

(B) The ~~chancellor of the board of regents~~ director of higher 37888
education shall conduct outreach activities in Ohio that seek to 37889
include minorities in the Ohio co-op/internship program 37890
established under section 3333.72 of the Revised Code. The 37891
outreach activities shall include the following, when appropriate: 37892

(1) Identifying and partnering with historically black 37893
colleges and universities; 37894

(2) Working with all institutions of higher education in the 37895
state to support minority faculty and students involved in 37896
cooperative and intern programs; 37897

(3) Developing a plan to contact by telephone minorities and 37898
other economically disadvantaged individuals to notify them of 37899
opportunities to participate in the co-op/internship program; 37900

(4) Identifying minority professional and trade associations 37901
and economic development assistance organizations and notifying 37902
them of the co-op/internship program; 37903

(5) Partnering with regional technology councils to foster 37904

local efforts to support minority participation in the 37905
co-op/internship program. 37906

(C) To the extent possible, outreach activities described in 37907
this section shall be conducted in conjunction with the EDGE 37908
program created in section 123.152 of the Revised Code. 37909

Sec. 3333.82. (A) The ~~chancellor of the Ohio board of regents~~ 37910
director of higher education shall establish a clearinghouse of 37911
digital texts, interactive distance learning courses, and other 37912
distance learning courses delivered via a computer-based method 37913
offered by school districts, community schools, STEM schools, 37914
state institutions of higher education, private colleges and 37915
universities, and other nonprofit and for-profit course providers 37916
for sharing with other school districts, community schools, STEM 37917
schools, state institutions of higher education, private colleges 37918
and universities, and individuals for the fee set pursuant to 37919
section 3333.84 of the Revised Code. The director shall not be 37920
responsible for the content of digital texts or courses offered 37921
through the clearinghouse; however, all such digital texts and 37922
courses shall be delivered only in accordance with technical 37923
specifications approved by the ~~chancellor~~ director and on a common 37924
statewide platform administered by the ~~chancellor~~ director. The 37925
~~chancellor~~ director may provide professional development and 37926
training on the use of the distance learning clearinghouse. 37927

The clearinghouse's distance learning program for students in 37928
grades kindergarten to twelve shall be based on the following 37929
principles: 37930
37931

(1) All Ohio students shall have access to high quality 37932
digital texts and distance learning courses at any point in their 37933
educational careers. 37934

(2) All students shall be able to customize their education 37935

using digital texts and distance learning courses offered through 37936
the clearinghouse and no student shall be denied access to any 37937
digital text or course in the clearinghouse in which the student 37938
is eligible to enroll. 37939

(3) Students may take distance learning courses for all or 37940
any portion of their curriculum requirements and may utilize a 37941
combination of digital texts and distance learning courses and 37942
courses taught in a traditional classroom setting. 37943

(4) Students may earn an unlimited number of academic credits 37944
through distance learning courses. 37945

(5) Students may take distance learning courses at any time 37946
of the calendar year. 37947

(6) Student advancement to higher coursework shall be based 37948
on a demonstration of subject area competency instead of 37949
completion of any particular number of hours of instruction. 37950

(B) To offer digital texts or a course through the 37951
clearinghouse, a provider shall apply to the ~~chancellor~~ director 37952
in a form and manner prescribed by the ~~chancellor~~ director. The 37953
application for each digital text or course shall describe the 37954
digital text or course of study in as much detail as required by 37955
the ~~chancellor~~ director, whether an instructor is provided, the 37956
qualification and credentials of the instructor, the number of 37957
hours of instruction, and any other information required by the 37958
~~chancellor~~ director. The ~~chancellor~~ director may require course 37959
providers to include in their applications information recommended 37960
by the state board of education under former section 3353.30 of 37961
the Revised Code. 37962

(C) The ~~chancellor~~ director shall review the technical 37963
specifications of each application submitted under division (B) of 37964
this section. In reviewing applications, the ~~chancellor~~ director 37965
may consult with the department of education; however, the 37966

responsibility to either approve or not approve a digital text or 37967
course for the clearinghouse belongs to the ~~chancellor~~ director. 37968
The ~~chancellor~~ director may request additional information from a 37969
provider that submits an application under division (B) of this 37970
section, if the ~~chancellor~~ director determines that such 37971
information is necessary. The ~~chancellor~~ director may negotiate 37972
changes in the proposal to offer a digital text or course, if the 37973
~~chancellor~~ director determines that changes are necessary in order 37974
to approve the digital text or course. 37975

(D) The ~~chancellor~~ director shall catalog each digital text 37976
or course approved for the clearinghouse, through a print or 37977
electronic medium, displaying the following: 37978

(1) Information necessary for a student and the student's 37979
parent, guardian, or custodian and the student's school district, 37980
community school, STEM school, college, or university to decide 37981
whether to enroll in or subscribe to the course; 37982

(2) Instructions for enrolling in that digital text or 37983
course, including deadlines for enrollment. 37984

(E) Any expenses related to the installation of a course into 37985
the common statewide platform shall be borne by the course 37986
provider. 37987

(F) The ~~chancellor~~ director may contract with an entity to 37988
perform any or all of the ~~chancellor's~~ director's duties under 37989
sections 3333.81 to 3333.88 of the Revised Code. 37990

Sec. 3333.83. (A) Each school district, community school, and 37991
STEM school shall encourage students to take advantage of the 37992
distance learning opportunities offered through the clearinghouse 37993
and shall assist any student electing to participate in the 37994
clearinghouse with the selection and scheduling of courses that 37995
satisfy the district's or school's curriculum requirements and 37996

promote the student's post-secondary college or career plans. 37997

(B) For each student enrolled in a school operated by a 37998
school district or in a community school or STEM school who is 37999
enrolling in a course provided through the clearinghouse by 38000
another school district, community school, or STEM school, the 38001
student's school district, community school, or STEM school shall 38002
transmit the student's name to the course provider. 38003

The course provider may request from the student's school 38004
district, community school, or STEM school other information from 38005
the student's school record. The district or school shall provide 38006
the requested information only in accordance with section 3319.321 38007
of the Revised Code. 38008

(C) The student's school district, community school, or STEM 38009
school shall determine the manner in which and facilities at which 38010
the student shall participate in the course consistent with 38011
specifications for technology and connectivity adopted by the 38012
~~ehancellor of the Ohio board of regents~~ director of higher 38013
education. 38014

(D) A student may withdraw from a course prior to the end of 38015
the course only by a date and in a manner prescribed by the 38016
student's school district, community school, or STEM school. 38017

(E) A student who is enrolled in a school operated by a 38018
school district or in a community school or STEM school and who 38019
takes a course through the clearinghouse shall be counted in the 38020
formula ADM of a school district under section 3317.03 of the 38021
Revised Code as if the student were taking the course from the 38022
student's school district, community school, or STEM school. 38023

Sec. 3333.84. (A) The fee charged for any digital ~~texts~~ text 38024
or course offered through the clearinghouse shall be set by the 38025
provider. 38026

(B) The ~~chancellor of the Ohio board of regents~~ director of higher education shall prescribe the manner in which the fee for a digital ~~texts~~ text or course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the digital ~~texts~~ text or course and in which manner the fee shall be paid to the provider.

(C) The ~~chancellor~~ director may retain a percentage of the fee charged for a digital ~~texts~~ text or course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the ~~chancellor~~ director under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the ~~chancellor~~ director.

(D) Nothing in this section shall be construed to require the school district, community school, or STEM school in which a student is enrolled to pay the fee charged for a digital ~~texts~~ text or course taken by the student.

Sec. 3333.86. The ~~chancellor of the Ohio board of regents~~ director of higher education may determine the manner in which a course included in the clearinghouse may be offered as an advanced standing program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

Sec. 3333.87. The ~~chancellor of the Ohio board of regents~~ director of higher education and the state board of education jointly, and in consultation with the director of the governor's office of 21st century education, shall adopt rules in accordance

with Chapter 119. of the Revised Code prescribing procedures for 38057
the implementation of sections 3333.81 to 3333.86 of the Revised 38058
Code. 38059

Sec. 3333.90. (A) The ~~chancellor of the Ohio board of regents~~ 38060
director of higher education shall establish a course and program 38061
sharing network that enables members of the university system of 38062
Ohio and adult career centers to share curricula for existing 38063
courses and academic programs with one another. The purpose of the 38064
network shall be to increase course availability across the state 38065
and to avoid unnecessary course duplication through the sharing of 38066
existing curricula. 38067

(B) The ~~chancellor~~ director shall adopt rules to administer 38068
the course and program sharing network established under this 38069
section. 38070

(C) As used in this section, "member of the university system 38071
of Ohio" has the same meaning as in section 3345.011 of the 38072
Revised Code. 38073

Sec. 3333.91. Not later than December 31, 2014, the 38074
governor's office of workforce transformation, in collaboration 38075
with the ~~chancellor of the Ohio board of regents~~ director of 38076
higher education, the superintendent of public instruction, and 38077
the department of job and family services, shall develop and 38078
submit to the appropriate federal agency a single, state unified 38079
plan for the adult basic and literacy education program 38080
administered by the United States secretary of education, the 38081
"Carl D. Perkins Vocational and Technical Education Act," 20 38082
U.S.C. 2301, et seq., as amended, and the "Workforce Investment 38083
Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the 38084
plan's initial submission to the appropriate federal agency, the 38085
governor's office of workforce transformation may update it as 38086

necessary. If the plan is updated, the governor's office of 38087
workforce transformation shall submit the updated plan to the 38088
appropriate federal agency. 38089

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 38090
has the same meaning as in section 6301.01 of the Revised Code. 38091

(B)(1) Beginning January 1, 2016, each participant in an 38092
adult basic and literacy education funded training or education 38093
program shall create an account with OhioMeansJobs at the twelfth 38094
week of the program. 38095

(2) Beginning January 1, 2016, each participant in an Ohio 38096
technical center funded training or education program shall create 38097
an account with OhioMeansJobs at the time of enrollment in the 38098
program. 38099

(C) Division (B) of this section does not apply to any 38100
individual who is legally prohibited from using a computer, has a 38101
physical or visual impairment that makes the individual unable to 38102
use a computer, or has a limited ability to read, write, speak, or 38103
understand a language in which OhioMeansJobs is available. 38104

Sec. 3334.08. (A) Subject to division (B) of this section, in 38105
addition to any other powers conferred by this chapter, the Ohio 38106
tuition trust authority may do any of the following: 38107

(1) Impose reasonable residency requirements for 38108
beneficiaries of tuition units; 38109

(2) Impose reasonable limits on the number of tuition unit 38110
participants; 38111

(3) Impose and collect administrative fees and charges in 38112
connection with any transaction under this chapter; 38113

(4) Purchase insurance from insurers licensed to do business 38114

in this state providing for coverage against any loss in 38115
connection with the authority's property, assets, or activities or 38116
to further ensure the value of tuition units; 38117

(5) Indemnify or purchase policies of insurance on behalf of 38118
members, officers, and employees of the authority from insurers 38119
licensed to do business in this state providing for coverage for 38120
any liability incurred in connection with any civil action, 38121
demand, or claim against a director, officer, or employee by 38122
reason of an act or omission by the director, officer, or employee 38123
that was not manifestly outside the scope of the employment or 38124
official duties of the director, officer, or employee or with 38125
malicious purpose, in bad faith, or in a wanton or reckless 38126
manner; 38127

(6) Make, execute, and deliver contracts, conveyances, and 38128
other instruments necessary to the exercise and discharge of the 38129
powers and duties of the authority; 38130

(7) Promote, advertise, and publicize the Ohio college 38131
savings program and the variable college savings program; 38132

(8) Adopt rules under section 111.15 of the Revised Code for 38133
the implementation of the Ohio college savings program; 38134

(9) Contract, for the provision of all or part of the 38135
services necessary for the management and operation of the Ohio 38136
college savings program and the variable college savings program, 38137
with a bank, trust company, savings and loan association, 38138
insurance company, or licensed dealer in securities if the bank, 38139
company, association, or dealer is authorized to do business in 38140
this state and information about the contract is filed with the 38141
controlling board pursuant to division (D)(6) of section 127.16 of 38142
the Revised Code; provided, however, that any funds of the Ohio 38143
college savings program and the variable college savings program 38144
that are not needed for immediate use shall be deposited by the 38145

treasurer of state in the same manner provided under Chapter 135. 38146
of the Revised Code for public moneys of the state. All interest 38147
earned on those deposits shall be credited to the Ohio college 38148
savings program or the variable college savings program, as 38149
applicable. 38150

(10) Contract for other services, or for goods, needed by the 38151
authority in the conduct of its business, including but not 38152
limited to credit card services; 38153

(11) Employ an executive director and other personnel as 38154
necessary to carry out its responsibilities under this chapter, 38155
and fix the compensation of these persons. All employees of the 38156
authority shall be in the unclassified civil service and shall be 38157
eligible for membership in the public employees retirement system. 38158
In the hiring of the executive director, the Ohio tuition trust 38159
authority shall obtain the advice and consent of the Ohio tuition 38160
trust board created in section 3334.03 of the Revised Code, 38161
provided that the executive director shall not be hired unless a 38162
majority of the board votes in favor of the hiring. In addition, 38163
the board may remove the executive director at any time subject to 38164
the advice and consent of the ~~chancellor of the Ohio board of~~ 38165
~~regents~~ director of higher education. 38166

(12) Contract with financial consultants, actuaries, 38167
auditors, and other consultants as necessary to carry out its 38168
responsibilities under this chapter; 38169

(13) Enter into agreements with any agency of the state or 38170
its political subdivisions or with private employers under which 38171
an employee may agree to have a designated amount deducted in each 38172
payroll period from the wages or salary due the employee for the 38173
purpose of purchasing tuition units pursuant to a tuition payment 38174
contract or making contributions pursuant to a variable college 38175
savings program contract; 38176

(14) Enter into an agreement with the treasurer of state	38177
under which the treasurer of state will receive, and credit to the	38178
Ohio tuition trust fund or variable college savings program fund,	38179
from any bank or savings and loan association authorized to do	38180
business in this state, amounts that a depositor of the bank or	38181
association authorizes the bank or association to withdraw	38182
periodically from the depositor's account for the purpose of	38183
purchasing tuition units pursuant to a tuition payment contract or	38184
making contributions pursuant to a variable college savings	38185
program contract;	38186
(15) Solicit and accept gifts, grants, and loans from any	38187
person or governmental agency and participate in any governmental	38188
program;	38189
(16) Impose limits on the number of units which may be	38190
purchased on behalf of or assigned or awarded to any beneficiary	38191
and on the total amount of contributions that may be made on	38192
behalf of a beneficiary;	38193
(17) Impose restrictions on the substitution of another	38194
individual for the original beneficiary under the Ohio college	38195
savings program;	38196
(18) Impose a limit on the age of a beneficiary, above which	38197
tuition units may not be purchased on behalf of that beneficiary;	38198
(19) Enter into a cooperative agreement with the treasurer of	38199
state to provide for the direct disbursement of payments under	38200
tuition payment or variable college savings program contracts;	38201
(20) Determine the other higher education expenses for which	38202
tuition units or contributions may be used;	38203
(21) Terminate any tuition payment or variable college	38204
savings program contract if no purchases or contributions are made	38205
for a period of three years or more and there are fewer than a	38206
total of five tuition units or less than a dollar amount set by	38207

rule on account, provided that notice of a possible termination 38208
shall be provided in advance, explaining any options to prevent 38209
termination, and a reasonable amount of time shall be provided 38210
within which to act to prevent a termination; 38211

(22) Maintain a separate account for each tuition payment or 38212
variable college savings program contract; 38213

(23) Perform all acts necessary and proper to carry out the 38214
duties and responsibilities of the authority pursuant to this 38215
chapter. 38216

(B) The authority shall adopt rules under section 111.15 of 38217
the Revised Code for the implementation and administration of the 38218
variable college savings program. The rules shall provide 38219
taxpayers with the maximum tax advantages and flexibility 38220
consistent with section 529 of the Internal Revenue Code and 38221
regulations adopted thereunder with regard to disposition of 38222
contributions and earnings, designation of beneficiaries, and 38223
rollover of account assets to other programs. 38224

(C) Except as otherwise specified in this chapter, the 38225
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 38226
shall not apply to the authority and Chapter 125. of the Revised 38227
Code shall not apply to contracts approved under the powers of the 38228
Ohio tuition trust authority board under section 3334.03 of the 38229
Revised Code. ~~The department of administrative services shall,~~ 38230
~~upon the request of the authority, act as the authority's agent~~ 38231
~~for the purchase of equipment, supplies, insurance, or services,~~ 38232
~~or the performance of administrative services pursuant to Chapter~~ 38233
~~125. of the Revised Code.~~ 38234

Sec. 3335.02. (A) The government of the Ohio state university 38235
shall be vested in a board of fourteen trustees in 2005, and 38236
seventeen trustees beginning in 2006, who shall be appointed by 38237
the governor, with the advice and consent of the senate. Two of 38238

the seventeen trustees shall be students at the Ohio state 38239
university, and their selection and terms shall be in accordance 38240
with division (B) of this section. Except as provided in division 38241
(C)(D) of this section and except for the terms of student 38242
members, terms of office shall be for nine years, commencing on 38243
the fourteenth day of May and ending on the thirteenth day of May. 38244
Each trustee shall hold office from the date of appointment until 38245
the end of the term for which the trustee was appointed. Any 38246
trustee appointed to fill a vacancy occurring prior to the 38247
expiration of the term for which the trustee's predecessor was 38248
appointed shall hold office for the remainder of such term. Any 38249
trustee shall continue in office subsequent to the expiration date 38250
of the trustee's term until the trustee's successor takes office, 38251
or until a period of sixty days has elapsed, whichever occurs 38252
first. No person who has served a full nine-year term or more than 38253
six years of such a term shall be eligible for reappointment until 38254
a period of four years has elapsed since the last day of the term 38255
for which the person previously served. The trustees shall not 38256
receive compensation for their services, but shall be paid their 38257
reasonable necessary expenses while engaged in the discharge of 38258
their official duties. 38259

(B) The student members of the board of trustees of the Ohio 38260
state university shall be students at the Ohio state university. 38261
Unless student members have been granted voting power under 38262
division (C) of this section, they shall have no voting power on 38263
the board. ~~Student members,~~ shall not be considered as members of 38264
the board in determining whether a quorum is present. ~~Student~~ 38265
~~members, and~~ shall not be entitled to attend executive sessions of 38266
the board. The student members of the board shall be appointed by 38267
the governor, with the advice and consent of the senate, from a 38268
group of five candidates selected pursuant to a procedure adopted 38269
by the university's student governments and approved by the 38270
university's board of trustees. The initial term of office of one 38271

of the student members shall commence on May 14, 1988, and shall 38272
expire on May 13, 1989, and the initial term of office of the 38273
other student member shall commence on May 14, 1988, and expire on 38274
May 13, 1990. Thereafter, terms of office of student members shall 38275
be for two years, each term ending on the same day of the same 38276
month of the year as the term it succeeds. In the event a student 38277
member cannot fulfill a two-year term, a replacement shall be 38278
selected to fill the unexpired term in the same manner used to 38279
make the original selection. 38280

(C) Not later than ninety days after the effective date of 38281
this amendment, the board of trustees shall adopt a resolution 38282
that does one of the following: 38283

(1) Grants the student members of the board voting power on 38284
the board. If so granted, in addition to having voting power, the 38285
student members shall be considered as members of the board in 38286
determining whether a quorum is present and shall be entitled to 38287
attend executive sessions of the board. 38288

(2) Declares that student members do not have voting power on 38289
the board. 38290

Thereafter, the board may change the voting status of student 38291
trustees by adopting a subsequent resolution. Each resolution 38292
adopted under this division shall take effect on the fourteenth 38293
day of May following the adoption of the resolution. All members 38294
with voting power at the time of the adoption of a resolution may 38295
vote on the resolution. 38296

If student members are granted voting power under this 38297
division, no student shall be disqualified from membership on the 38298
board of trustees because the student receives a scholarship, 38299
grant, loan, or any other financial assistance payable out of the 38300
state treasury or a university fund, or because the student is 38301
employed by the university in a position pursuant to a work-study 38302

program or other student employment, including as a graduate 38303
teaching assistant, graduate administrative assistant, or graduate 38304
research assistant, the compensation for which is payable out of 38305
the state treasury or a university fund. 38306

Acceptance of such financial assistance or employment by a 38307
student trustee shall not be considered a violation of Chapter 38308
102. or section 2921.42 or 2921.43 of the Revised Code. 38309

~~(C)~~(D)(1) The initial terms of office for the three 38310
additional trustees appointed in 2005 shall commence on a date in 38311
2005 that is selected by the governor with one term of office 38312
expiring on May 13, 2009, one term of office expiring on May 13, 38313
2010, and one term of office expiring on May 13, 2011, as 38314
designated by the governor upon appointment. Thereafter terms of 38315
office shall be for nine years, as provided in division (A) of 38316
this section. 38317

(2) The initial terms of office for the three additional 38318
trustees appointed in 2006 shall commence on May 14, 2006, with 38319
one term of office expiring on May 13, 2012, one term of office 38320
expiring on May 13, 2013, and one term of office expiring on May 38321
13, 2014, as designated by the governor upon appointment. 38322
Thereafter terms of office shall be for nine years, as provided in 38323
division (A) of this section. 38324

Sec. 3335.09. The board of trustees of the Ohio state 38325
university shall elect, fix the compensation of, and remove, the 38326
president and such number of professors, teachers, and other 38327
employees as are necessary; ~~but~~. Except as provided under division 38328
(C) of section 3335.02 of the Revised Code, no trustee, or his 38329
~~relation~~ relative of a trustee by blood or marriage, shall be 38330
eligible to a professorship or position in the university, the 38331
compensation for which is payable out of the state treasury or a 38332
university fund. The board shall fix and regulate the course of 38333

instruction and prescribe the extent and character of experiments 38334
to be made at the university. 38335

Sec. 3335.361. Any policy or guideline established by OSU 38336
extension that requires volunteers for 4-H programs to be 38337
fingerprinted shall do both of the following: 38338

(A) Require only individuals who become volunteers for those 38339
programs on or after the effective date of this section to be 38340
fingerprinted; 38341

(B) Require those individuals to be fingerprinted only one 38342
time. 38343

OSU extension shall modify any policy or guideline regarding 38344
fingerprinting of volunteers for 4-H programs that has been 38345
established prior to the effective date of this section to comply 38346
with this section. 38347

Sec. 3337.10. There is hereby established the Ohio university 38348
college of osteopathic medicine the purpose of which shall be to 38349
provide instruction in the practice of osteopathic medicine. The 38350
college shall be a component college of Ohio university. The 38351
clinical instruction portions of the medical program shall be 38352
provided through the facilities of existing osteopathic and joint 38353
staff hospitals. ~~The college shall have an advisory committee of 38354~~
~~ten members, which shall consist of the president of Ohio 38355~~
~~university or the president's designee and nine members appointed 38356~~
~~by the governor with the advice and consent of the senate. Within 38357~~
~~one hundred twenty days of November 17, 1975, the governor shall 38358~~
~~make initial appointments to the advisory committee. Of these, 38359~~
~~three shall be for terms ending two years after November 17, 1975, 38360~~
~~three shall be for terms ending four years after that date, and 38361~~
~~three shall be for terms ending six years after that date. 38362~~
Thereafter, terms of office shall be for six years, each term 38363

~~ending on the same day of the same month of the year as did the 38364
term that it succeeds. Each member shall hold office from the date 38365
of appointment until the end of the term for which the member was 38366
appointed. Any member appointed to fill a vacancy occurring prior 38367
to the expiration of the term for which the member's predecessor 38368
was appointed shall hold office for the remainder of such term. 38369
Any member shall continue in office subsequent to the expiration 38370
date of the member's term until the member's successor takes 38371
office, or until a period of sixty days has elapsed, whichever 38372
occurs first. 38373~~

Sec. 3345.022. The board of trustees of any college or 38374
university supported in part or in whole by state funds, or two or 38375
more such boards, may enter into a contract, upon such terms as 38376
shall be determined to be in the best interests of students, for 38377
the provision of legal services to students through a group legal 38378
services insurance plan approved by the superintendent of 38379
insurance or through a prepaid legal services plan established by 38380
attorneys admitted to the practice of law in this state. The fees 38381
or charges to students who participate in the plan shall be 38382
established by the board or boards and shall be sufficient to 38383
defray the college's or university's cost of administering the 38384
plan. No student shall be required to pay any such fee or charge 38385
unless ~~he~~ the student elects to participate in the plan, and no 38386
revenue from any other student fees or charges shall be used to 38387
finance any portion of the cost of any plan or the college's or 38388
university's cost of administering the plan. Legal representation 38389
under the plan shall be limited to services determined by the 38390
board to be reasonably related to student welfare, to the 38391
advancement or successful completion of student education, or to 38392
serve a public purpose within the powers of the college or 38393
university. 38394

A plan shall not provide or pay for the cost of 38395

representation of a student in an action against a state officer 38396
or agency arising out of the performance of the duties of the 38397
officer or agency, against a law enforcement officer arising out 38398
of the performance of the duties of the officer, against a college 38399
or university participating in the plan, against a student of such 38400
a college or university, or against the director of higher 38401
education or a member of the board of regents or of the board of 38402
trustees, faculty, or staff of such a college or university, if 38403
the cause of action arises out of the performance of the duties of 38404
the office of the member or in the course of the member's 38405
employment by the college or university. As used in this section, 38406
"law enforcement officer" means a sheriff, deputy sheriff, 38407
constable, marshal, deputy marshal, municipal police officer, 38408
state highway patrol trooper, or state university law enforcement 38409
officer appointed under section 3345.04 of the Revised Code. 38410

Sec. 3345.05. (A) All registration fees, nonresident tuition 38411
fees, academic fees for the support of off-campus instruction, 38412
laboratory and course fees when so assessed and collected, student 38413
health fees for the support of a student health service, all other 38414
fees, deposits, charges, receipts, and income from all or part of 38415
the students, all subsidy or other payments from state 38416
appropriations, and all other fees, deposits, charges, receipts, 38417
income, and revenue received by each state institution of higher 38418
education, the Ohio state university hospitals and their ancillary 38419
facilities, the Ohio agricultural research and development center, 38420
and OSU extension shall be held and administered by the respective 38421
boards of trustees of the state institution of higher education; 38422
provided, that such fees, deposits, charges, receipts, income and 38423
revenue, to the extent required by resolutions, trust agreements, 38424
indentures, leases, and agreements adopted, made, or entered into 38425
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 38426
Revised Code, shall be held, administered, transferred, and 38427

applied in accordance therewith. 38428

(B) The ~~Ohio board of regents~~ director of higher education 38429
shall require annual reporting by the Ohio agricultural research 38430
and development center and by each university and college 38431
receiving state aid in such form and detail as determined by the 38432
~~board~~ director of higher education in consultation with such 38433
center, universities and colleges, and the director of budget and 38434
management. 38435

(C) Notwithstanding any provision of the Revised Code to the 38436
contrary, the title to investments made by the board of trustees 38437
of a state institution of higher education with funds derived from 38438
any of the sources described in division (A) of this section shall 38439
not be vested in the state or the political subdivision but shall 38440
be held in trust by the board. Such investments shall be made 38441
pursuant to an investment policy adopted by the board in public 38442
session that requires all fiduciaries to discharge their duties 38443
with the care, skill, prudence, and diligence under the 38444
circumstances then prevailing that a prudent person acting in like 38445
capacity and familiar with such matters would use in the conduct 38446
of an enterprise of a like character and with like aims. The 38447
policy also shall require at least the following: 38448

(1) A stipulation that investment of at least twenty-five per 38449
cent of the average amount of the investment portfolio over the 38450
course of the previous fiscal year be invested in securities of 38451
the United States government or of its agencies or 38452
instrumentalities, the treasurer of state's pooled investment 38453
program, obligations of this state or any political subdivision of 38454
this state, certificates of deposit of any national bank located 38455
in this state, written repurchase agreements with any eligible 38456
Ohio financial institution that is a member of the federal reserve 38457
system or federal home loan bank, money market funds, or bankers 38458
acceptances maturing in two hundred seventy days or less which are 38459

eligible for purchase by the federal reserve system, as a reserve;	38460
(2) Eligible funds above those that meet the conditions of	38461
division (C)(1) of this section may be pooled with other	38462
institutional funds and invested in accordance with section	38463
1715.52 of the Revised Code.	38464
(3) The establishment of an investment committee.	38465
(D) The investment committee established under division	38466
(C)(3) of this section shall meet at least quarterly. The	38467
committee shall review and recommend revisions to the board's	38468
investment policy and shall advise the board on its investments	38469
made under division (C) of this section in an effort to assist it	38470
in meeting its obligations as a fiduciary as described in division	38471
(C) of this section. The committee shall be authorized to retain	38472
the services of an investment advisor who meets both of the	38473
following qualifications:	38474
(1) The advisor is either:	38475
(a) Licensed by the division of securities under section	38476
1707.141 of the Revised Code;	38477
(b) Registered with the securities and exchange commission.	38478
(2) The advisor either:	38479
(a) Has experience in the management of investments of public	38480
funds, especially in the investment of state-government investment	38481
portfolios;	38482
(b) Is an eligible institution referenced in section 135.03	38483
of the Revised Code.	38484
(E) As used in this section, "state institution of higher	38485
education" means a state institution of higher education as	38486
defined in section 3345.011 of the Revised Code.	38487
Sec. 3345.06. (A) Subject to divisions (B) and (C) of this	38488

section, a graduate of the twelfth grade shall be entitled to 38489
admission without examination to any college or university which 38490
is supported wholly or in part by the state, but for unconditional 38491
admission may be required to complete such units not included in 38492
the graduate's high school course as may be prescribed, not less 38493
than two years prior to the graduate's entrance, by the faculty of 38494
the institution. 38495

(B) Beginning with the 2014-2015 academic year, each state 38496
university listed in section 3345.011 of the Revised Code, except 38497
for Central state university, Shawnee state university, and 38498
Youngstown state university, shall permit a resident of this state 38499
who entered ninth grade for the first time on or after July 1, 38500
2010, to begin undergraduate coursework at the university only if 38501
the person has successfully completed the requirements for high 38502
school graduation prescribed in division (C) of section 3313.603 38503
of the Revised Code, unless one of the following applies: 38504

(1) The person has earned at least ten semester hours, or the 38505
equivalent, at a community college, state community college, 38506
university branch, technical college, or another post-secondary 38507
institution except a state university to which division (B) of 38508
this section applies, in courses that are college-credit-bearing 38509
and may be applied toward the requirements for a degree. The 38510
university shall grant credit for successful completion of those 38511
courses pursuant to any applicable articulation and transfer 38512
policy of the ~~Ohio board of regents~~ director of higher education 38513
or any agreements the university has entered into in accordance 38514
with policies and procedures adopted under section 3333.16, 38515
3333.161, or 3333.162 of the Revised Code. The university may 38516
count college credit that the student earned while in high school 38517
through the college credit plus program under Chapter 3365. of the 38518
Revised Code, or through other advanced standing programs, toward 38519
the requirements of division (B)(1) of this section if the credit 38520

may be applied toward a degree. 38521

(2) The person qualified to graduate from high school under 38522
division (D) or (F) of section 3313.603 of the Revised Code and 38523
has successfully completed the topics or courses that the person 38524
lacked to graduate under division (C) of that section at any 38525
post-secondary institution or at a summer program at the state 38526
university. A state university may admit a person for enrollment 38527
contingent upon completion of such topics or courses or summer 38528
program. 38529

(3) The person met the high school graduation requirements by 38530
successfully completing the person's individualized education 38531
program developed under section 3323.08 of the Revised Code. 38532

(4) The person is receiving or has completed the final year 38533
of instruction at home as authorized under section 3321.04 of the 38534
Revised Code, or has graduated from a nonchartered, nonpublic 38535
school in Ohio, and demonstrates mastery of the academic content 38536
and skills in reading, writing, and mathematics needed to 38537
successfully complete introductory level coursework at an 38538
institution of higher education and to avoid remedial coursework. 38539

(5) The person is a high school student participating in the 38540
college credit plus program under Chapter 3365. of the Revised 38541
Code or another advanced standing program. 38542

(C) A state university subject to division (B) of this 38543
section may delay admission for or admit conditionally an 38544
undergraduate student who has successfully completed the 38545
requirements prescribed in division (C) of section 3313.603 of the 38546
Revised Code if the university determines the student requires 38547
academic remedial or developmental coursework. The university may 38548
delay admission pending, or make admission conditional upon, the 38549
student's successful completion of the academic remedial or 38550
developmental coursework at a university branch, community 38551

college, state community college, or technical college. 38552

(D) This section does not deny the right of a college of law, 38553
medicine, or other specialized education to require college 38554
training for admission, or the right of a department of music or 38555
other art to require particular preliminary training or talent. 38556

Sec. 3345.061. (A) Ohio's two-year institutions of higher 38557
education are respected points of entry for students embarking on 38558
post-secondary careers and courses completed at those institutions 38559
are transferable to state universities in accordance with 38560
articulation and transfer agreements developed under sections 38561
3333.16, 3333.161, and 3333.162 of the Revised Code. 38562

(B) Beginning with undergraduate students who commence 38563
undergraduate studies in the 2014-2015 academic year, no state 38564
university listed in section 3345.011 of the Revised Code, except 38565
Central state university, Shawnee state university, and Youngstown 38566
state university, shall receive any state operating subsidies for 38567
any academic remedial or developmental courses for undergraduate 38568
students, including courses prescribed in division (C) of section 38569
3313.603 of the Revised Code, offered at its main campus, except 38570
as provided in divisions (B)(1) to (4) of this section. 38571

(1) In the 2014-2015 and 2015-2016 academic years, a state 38572
university may receive state operating subsidies for academic 38573
remedial or developmental courses for not more than three per cent 38574
of the total undergraduate credit hours provided by the university 38575
at its main campus. 38576

(2) In the 2016-2017 academic year, a state university may 38577
receive state operating subsidies for academic remedial or 38578
developmental courses for not more than fifteen per cent of the 38579
first-year students who have graduated from high school within the 38580
previous twelve months and who are enrolled in the university at 38581
its main campus, as calculated on a full-time-equivalent basis. 38582

(3) In the 2017-2018 academic year, a state university may 38583
receive state operating subsidies for academic remedial or 38584
developmental courses for not more than ten per cent of the 38585
first-year students who have graduated from high school within the 38586
previous twelve months and who are enrolled in the university at 38587
its main campus, as calculated on a full-time-equivalent basis. 38588

(4) In the 2018-2019 academic year, a state university may 38589
receive state operating subsidies for academic remedial or 38590
developmental courses for not more than five per cent of the 38591
first-year students who have graduated from high school within the 38592
previous twelve months and who are enrolled in the university at 38593
its main campus, as calculated on a full-time-equivalent basis. 38594

Each state university may continue to offer academic remedial 38595
and developmental courses at its main campus beyond the extent for 38596
which state operating subsidies may be paid under this division 38597
and may continue to offer such courses beyond the 2018-2019 38598
academic year. However, the university shall not receive any state 38599
operating subsidies for such courses above the maximum amounts 38600
permitted in this division. 38601

(C) Except as otherwise provided in division (B) of this 38602
section, beginning with students who commence undergraduate 38603
studies in the 2014-2015 academic year, state operating subsidies 38604
for academic remedial or developmental courses offered by state 38605
institutions of higher education may be paid only to Central state 38606
university, Shawnee state university, Youngstown state university, 38607
any university branch, any community college, any state community 38608
college, or any technical college. 38609

(D) Each state university shall grant credit for academic 38610
remedial or developmental courses successfully completed at an 38611
institution described in division (C) of this section pursuant to 38612
any applicable articulation and transfer agreements the university 38613
has entered into in accordance with policies and procedures 38614

adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The ~~chancellor of the Ohio board of regents~~ director of higher education shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the

presidents. The board of trustees or managing authority of each 38646
state institution of higher education shall adopt the 38647
remediation-free status standard, and any related assessments, 38648
into the institution's policies. 38649

The ~~chancellor~~ director shall assist in coordinating the work 38650
of the presidents under this division. The ~~chancellor~~ director 38651
shall monitor the standards in mathematics, science, reading, and 38652
writing established under division (F) of this section to ensure 38653
that the standards adequately demonstrate a student's 38654
remediation-free status. 38655

(G) Each year, not later than a date established by the 38656
~~chancellor~~ director, each state institution of higher education 38657
shall report to the governor, the general assembly, the ~~chancellor~~ 38658
director, and the superintendent of public instruction all of the 38659
following for the prior academic year: 38660

(1) The institution's aggregate costs for providing academic 38661
remedial or developmental courses; 38662

(2) The amount of those costs disaggregated according to the 38663
city, local, or exempted village school districts from which the 38664
students taking those courses received their high school diplomas; 38665

(3) Any other information with respect to academic remedial 38666
and developmental courses that the ~~chancellor~~ director considers 38667
appropriate. 38668

(H) Not later than December 31, 2011, and the thirty-first 38669
day of each December thereafter, the ~~chancellor~~ director and the 38670
superintendent of public instruction shall issue a report 38671
recommending policies and strategies for reducing the need for 38672
academic remediation and developmental courses at state 38673
institutions of higher education. 38674

(I) As used in this section, "state institution of higher 38675
education" has the same meaning as in section 3345.011 of the 38676

Revised Code.	38677
Sec. 3345.32. (A) As used in this section:	38678
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	38679 38680 38681
(2) "Resident" has the meaning specified by rule of the chancellor of the Ohio board of regents <u>director of higher education</u> .	38682 38683 38684
(3) "Statement of selective service status" means a statement certifying one of the following:	38685 38686
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	38687 38688 38689 38690
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	38691 38692 38693
(i) The individual is under eighteen or over twenty-six years of age.	38694 38695
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	38696 38697 38698
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	38699 38700 38701
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	38702 38703 38704
(4) "Institution of higher education" means any eligible	38705

institution approved by the United States department of education 38706
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 38707
amended, or any institution whose students are eligible for 38708
financial assistance under any of the programs described by 38709
division (E) of this section. 38710

(B) The ~~chancellor~~ director shall, by rule, specify the form 38711
of statements of selective service status to be filed in 38712
compliance with divisions (C) to (E) of this section. Each 38713
statement of selective service status shall contain a section 38714
wherein a male student born after December 31, 1959, certifies 38715
that the student has registered with the selective service system 38716
in accordance with the "Military Selective Service Act," 62 Stat. 38717
604, 50 U.S.C. App. 453, as amended. For those students not 38718
required to register with the selective service, as specified in 38719
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 38720
provided on the statement of selective service status for the 38721
certification of nonregistration and for an explanation of the 38722
reason for the exemption. The ~~chancellor~~ director may require that 38723
such statements be accompanied by documentation specified by rule 38724
of the ~~chancellor~~ director. 38725

(C) A state university or college that enrolls in any course, 38726
class, or program a male student born after December 31, 1959, who 38727
has not filed a statement of selective service status with the 38728
university or college shall, regardless of the student's 38729
residency, charge the student any tuition surcharge charged 38730
students who are not residents of this state. 38731

(D) No male born after December 31, 1959, shall be eligible 38732
to receive any loan, grant, scholarship, or other financial 38733
assistance for educational expenses granted under section 3315.33, 38734
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 38735
5910.032, or 5919.34 of the Revised Code, financed by an award 38736
under the choose Ohio first scholarship program established under 38737

section 3333.61 of the Revised Code, or financed by an award under 38738
the Ohio co-op/internship program established under section 38739
3333.72 of the Revised Code, unless that person has filed a 38740
statement of selective service status with that person's 38741
institution of higher education. 38742

(E) If an institution of higher education receives a 38743
statement from an individual certifying that the individual has 38744
registered with the selective service system in accordance with 38745
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 38746
453, as amended, or that the individual is exempt from 38747
registration for a reason other than that the individual is under 38748
eighteen years of age, the institution shall not require the 38749
individual to file any further statements. If it receives a 38750
statement certifying that the individual is not required to 38751
register because the individual is under eighteen years of age, 38752
the institution shall require the individual to file a new 38753
statement of selective service status each time the individual 38754
seeks to enroll for a new academic term or makes application for a 38755
new loan or loan guarantee or for any form of financial assistance 38756
for educational expenses, until it receives a statement certifying 38757
that the individual has registered with the selective service 38758
system or is exempt from registration for a reason other than that 38759
the individual is under eighteen years of age. 38760

Sec. 3345.35. Not later than January 1, 2016, and by the 38761
first day of January of every fifth year thereafter, the board of 38762
trustees of each state institution of higher education, as defined 38763
in section 3345.011 of the Revised Code, shall evaluate all 38764
courses and programs the institution offers based on enrollment 38765
and student performance in each course or program. For courses 38766
with low enrollment, as defined by the director of higher 38767
education, the board of trustees shall evaluate the benefits of 38768
collaboration with other institutions of higher education, based 38769

on geographic region, to deliver the course. 38770

Each board of trustees shall submit its findings under this 38771
section to the director not later than thirty days after the 38772
completion of the evaluations. 38773

Sec. 3345.38. (A) The board of trustees of each state 38774
institution of higher education shall adopt and implement a policy 38775
to grant undergraduate course credit to a student who has 38776
successfully completed an international baccalaureate diploma 38777
program. 38778

(B) The policy adopted by each institution under this section 38779
shall do all of the following: 38780

(1) Establish conditions for granting course credit, 38781
including the minimum scores required on examinations constituting 38782
the international baccalaureate diploma program in order to 38783
receive credit; 38784

(2) Identify specific course credit or other academic 38785
requirements of the institution, including the number of credit 38786
hours or other course credit that the institution will grant to a 38787
student who completes the diploma program. 38788

(C) As used in this section: 38789

(1) "State institution of higher education" has the same 38790
meaning as in section 3345.011 of the Revised Code. 38791

(2) "International baccalaureate diploma program" means the 38792
curriculum and examinations leading to an international 38793
baccalaureate diploma awarded by the international baccalaureate 38794
organization. 38795

Sec. 3345.421. Not later than December 31, 2014, the board of 38796
trustees of each state institution of higher education, as defined 38797

in section 3345.011 of the Revised Code, shall do all of the 38798
following: 38799

(A) Designate at least one person employed by the institution 38800
to serve as the contact person for veterans and service member 38801
affairs. Such a person shall assist and advise veterans and 38802
service members on issues related to earning college credit for 38803
military training, experience, and coursework. 38804

(B) Adopt a policy regarding the support and assistance the 38805
institution will provide to veterans and service members. 38806

(C) Allow for the establishment of a student-led group on 38807
campus for student service members and veterans and encourage 38808
other service member- and veteran-friendly organizations. 38809

(D) Integrate existing career services to create and 38810
encourage meaningful collaborative relationships between student 38811
service members and veterans and alumni of the institution, that 38812
links student service members and veterans with prospective 38813
employers, and that provides student service members and veterans 38814
with social opportunities; and, if the institution has career 38815
services programs, encourage the responsible office to seek and 38816
promote partnership opportunities for internships and employment 38817
of student service members and veterans with state, local, 38818
national, and international employers. 38819

(E) Survey student service members and veterans to identify 38820
their needs and challenges and make the survey available to 38821
faculty and staff at the state institution of higher education. 38822
And periodically conduct follow-up surveys, at a frequency 38823
determined by the board, to gauge the institution's progress 38824
toward meeting identified needs and challenges. 38825

The ~~chancellor of the Ohio board of regents~~ director of 38826
higher education shall provide guidance to state institutions of 38827

higher education in their compliance with this section, including 38828
the recommendation of standardized policies on support and 38829
assistance to veterans and service members. 38830

The person or persons designated under division (A) of this 38831
section shall not be a person currently designated by the 38832
institution as a veterans administration certifying official. 38833

Sec. 3345.45. On or before January 1, 1994, the ~~Ohio board of~~ 38834
~~regents~~ director of higher education jointly with all state 38835
universities, as defined in section 3345.011 of the Revised Code, 38836
shall develop standards for instructional workloads for full-time 38837
and part-time faculty in keeping with the universities' missions 38838
and with special emphasis on the undergraduate learning 38839
experience. The standards shall contain clear guidelines for 38840
institutions to determine a range of acceptable undergraduate 38841
teaching by faculty. 38842

On or before June 30, 1994, the board of trustees of each 38843
state university shall take formal action to adopt a faculty 38844
workload policy consistent with the standards developed under this 38845
section. Notwithstanding section 4117.08 of the Revised Code, the 38846
policies adopted under this section are not appropriate subjects 38847
for collective bargaining. Notwithstanding division (A) of section 38848
4117.10 of the Revised Code, any policy adopted under this section 38849
by a board of trustees prevails over any conflicting provisions of 38850
any collective bargaining agreement between an employees 38851
organization and that board of trustees. 38852

Sec. 3345.46. (A) As used in this section: 38853

(1) "Full course load" shall be defined by the board of 38854
trustees of each state institution of higher education. 38855

(2) "Overload fee" means a fee or increased tuition rate 38856
charged to students who enroll in courses for a total number of 38857

credit hours in excess of a full course load. 38858

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 38859
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(B) No state institution of higher education shall charge an overload fee to any student for courses in which that student is enrolled that exceed the full course load per semester or per quarter, whichever is applicable, except as follows: 38861
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(1) If a student is enrolled in more than eighteen credit hours per semester, or the equivalent number of credit hours per quarter as determined by the board of trustees of the institution, the institution may charge an overload fee to the student for only those credit hours taken in excess of eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable. 38865
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(2) If a student is enrolled in a course load that exceeds the full course load but is less than or equal to eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable, the institution may charge an overload fee to any student for a course from which the student withdraws prior to a date specified by the board of trustees of the state institution. 38872
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Sec. 3345.48. (A) As used in this section: 38879

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university. 38880
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(2) "Eligible student" means an undergraduate student who: 38886

(a) Is enrolled full-time in a bachelor's degree program at a 38887

state university; 38888

(b) Is a resident of this state, as defined by the ~~chancellor~~ 38889
~~of the Ohio board of regents~~ director of higher education under 38890
section 3333.31 of the Revised Code. 38891

(3) "State university" has the same meaning as in section 38892
3345.011 of the Revised Code. 38893

(B) The board of trustees of a state university may establish 38894
an undergraduate tuition guarantee program that allows eligible 38895
students in the same cohort to pay a fixed rate for general and 38896
instructional fees for four years. A board of trustees may include 38897
room and board and any additional fees in the program. 38898

If the board of trustees chooses to establish such a program, 38899
the board shall adopt rules for the program that include, but are 38900
not limited to, all of the following: 38901

(1) The number of credit hours required to earn an 38902
undergraduate degree in each major; 38903

(2) A guarantee that the general and instructional fees for 38904
each student in the cohort shall remain constant for four years so 38905
long as the student complies with the requirements of the program, 38906
except that, notwithstanding any law to the contrary, the board 38907
may increase the guaranteed amount by up to six per cent above 38908
what has been charged in the previous academic year one time for 38909
the first cohort enrolled under the tuition guarantee program. If 38910
the board of trustees determines that economic conditions or other 38911
circumstances require an increase for the first cohort of above 38912
six per cent, the board shall submit a request to increase the 38913
amount by a specified percentage to the ~~chancellor~~ director. The 38914
~~chancellor~~ director, based on information the ~~chancellor~~ director 38915
requires from the board of trustees, shall approve or disapprove 38916
such a request. Thereafter, the board of trustees may increase the 38917
guaranteed amount by up to the sum of the following above what has 38918

been charged in the previous academic year one time per subsequent cohort: 38919
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(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous sixty-month period; and 38921
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(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit. 38925
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If, beginning with the academic year that starts four years after ~~the effective date of this section~~ September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the ~~chancellor~~ director, who shall approve or disapprove such a request. 38932
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(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the ~~chancellor~~ director. 38940
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(4) Eligibility requirements for students to participate in the program; 38944
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(5) Student rights and privileges under the program; 38946

(6) Consequences to the university for students unable to complete a degree program within four years, as follows: 38947
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(a) For a student who could not complete the program in four 38949
years due to a lack of available classes or space in classes 38950
provided by the university, the university shall provide the 38951
necessary course or courses for completion to the student free of 38952
charge. 38953

(b) For a student who could not complete the program in four 38954
years due to military service or other circumstances beyond a 38955
student's control, as determined by the board of trustees, the 38956
university shall provide the necessary course or courses for 38957
completion to the student at the student's initial cohort rate. 38958

(c) For a student who did not complete the program in four 38959
years for any other reason, as determined by the board of 38960
trustees, the university shall provide the necessary course or 38961
courses for completion to the student at a rate determined through 38962
a method established by the board under division (B)(7) of this 38963
section. 38964

(7) Guidelines for adjusting a student's annual charges if 38965
the student, due to circumstances under the student's control, is 38966
unable to complete a degree program within four years; 38967

(8) A requirement that the rules adopted under division (B) 38968
of this section be published or posted in the university handbook, 38969
course catalog, and web site. 38970

(C) If a board of trustees implements a program under this 38971
section, the board shall submit the rules adopted under division 38972
(B) of this section to the ~~chancellor~~ director for approval before 38973
beginning implementation of the program. 38974

The ~~chancellor~~ director shall not unreasonably withhold 38975
approval of a program if the program conforms in principle with 38976
the parameters and guidelines of this section. 38977

(D) A board of trustees of a state university may establish 38978
an undergraduate tuition guarantee program for nonresident 38979

students. 38980

(E) Within five years after ~~the effective date of this~~ 38981
~~section September 29, 2013,~~ the ~~chancellor~~ director shall publish 38982
on the ~~board of regents~~ director's web site a report that includes 38983
all of the following: 38984

(1) The state universities that have adopted an undergraduate 38985
tuition guarantee program under this section; 38986

(2) The details of each undergraduate tuition guarantee 38987
program established under this section; 38988

(3) Comparative data, including general and instructional 38989
fees, room and board, graduation rates, and retention rates, from 38990
all state universities. 38991

(F) Except as provided in this section, no other limitation 38992
on the increase of in-state undergraduate instructional and 38993
general fees shall apply to a state university that has 38994
established an undergraduate tuition guarantee program under this 38995
section. 38996

Sec. 3345.50. Notwithstanding anything to the contrary in 38997
sections 123.01 and 123.10 of the Revised Code, a state 38998
university, a state community college, or the northeast Ohio 38999
medical university not certified pursuant to section 123.24 of the 39000
Revised Code may administer any capital facilities project for the 39001
construction, reconstruction, improvement, renovation, 39002
enlargement, or alteration of a public improvement under its 39003
jurisdiction for which the total amount of funds expected to be 39004
appropriated by the general assembly does not exceed four million 39005
dollars without the supervision, control, or approval of the Ohio 39006
facilities construction commission as specified in those sections, 39007
if both of the following occur: 39008

(A) Within sixty days after the effective date of the section 39009

of an act in which the general assembly initially makes an 39010
appropriation for the project, the board of trustees of the 39011
institution notifies the ~~chancellor of the Ohio board of regents~~ 39012
director of higher education in writing of its intent to 39013
administer the capital facilities project; 39014

(B) The board of trustees complies with the guidelines 39015
established pursuant to section 153.16 of the Revised Code and all 39016
laws that govern the selection of consultants, preparation and 39017
approval of contract documents, receipt of bids, and award of 39018
contracts with respect to the project. 39019

The ~~chancellor~~ director shall adopt rules in accordance with 39020
Chapter 119. of the Revised Code that establish criteria for the 39021
administration by any such institution of higher education of a 39022
capital facilities project for which the total amount of funds 39023
expected to be appropriated by the general assembly exceeds four 39024
million dollars. The criteria, to be developed with the Ohio 39025
facilities construction commission and higher education 39026
representatives selected by the ~~chancellor~~ director, shall include 39027
such matters as the adequacy of the staffing levels and expertise 39028
needed for the institution to administer the project, past 39029
performance of the institution in administering such projects, and 39030
the amount of institutional or other nonstate money to be used in 39031
financing the project. The ~~chancellor~~ director and the Ohio 39032
facilities construction commission shall approve the request of 39033
any such institution of higher education that seeks to administer 39034
any such capital facilities project and meets the criteria set 39035
forth in the rules and in the requirements of division (B) of this 39036
section. 39037

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 39038
sections 123.20 and 123.21 of the Revised Code, a state 39039
university, the northeast Ohio medical university, or a state 39040

community college may administer any capital facilities project 39041
for the construction, reconstruction, improvement, renovation, 39042
enlargement, or alteration of a public improvement under its 39043
jurisdiction for which funds are appropriated by the general 39044
assembly without the supervision, control, or approval of the Ohio 39045
facilities construction commission as specified in those sections, 39046
if all of the following occur: 39047

(1) The institution is certified by the commission under 39048
section 123.24 of the Revised Code; 39049

(2) Within sixty days after the effective date of the section 39050
of an act in which the general assembly initially makes an 39051
appropriation for the project, the board of trustees of the 39052
institution notifies the ~~chancellor of the Ohio board of regents~~ 39053
director of higher education in writing of its request to 39054
administer the capital facilities project and the ~~chancellor~~ 39055
director approves that request pursuant to division (B) of this 39056
section; 39057

(3) The board of trustees passes a resolution stating its 39058
intent to comply with section 153.13 of the Revised Code and the 39059
guidelines established pursuant to section 153.16 of the Revised 39060
Code and all laws that govern the selection of consultants, 39061
preparation and approval of contract documents, receipt of bids, 39062
and award of contracts with respect to the project. 39063

(B) The ~~chancellor~~ director shall adopt rules in accordance 39064
with Chapter 119. of the Revised Code that establish criteria for 39065
the administration by any such institution of higher education of 39066
a capital facilities project for which the general assembly 39067
appropriates funds. The criteria, to be developed with the 39068
commission and higher education representatives selected by the 39069
~~chancellor~~ director, shall include such matters as the adequacy of 39070
the staffing levels and expertise needed for the institution to 39071
administer the project, past performance of the institution in 39072

administering such projects, and the amount of institutional or 39073
other nonstate money to be used in financing the project. The 39074
~~chancellor~~ director shall approve the request of any such 39075
institution of higher education that seeks to administer any such 39076
capital facilities project and meets the criteria set forth in the 39077
rules and the requirements of division (A) of this section. 39078

(C) Any institution that administers a capital facilities 39079
project under this section shall conduct biennial audits for the 39080
duration of the project to ensure that the institution is 39081
complying with Chapters 9., 123., and 153. of the Revised Code and 39082
that the institution is using its certification issued under 39083
section 123.24 of the Revised Code appropriately. The ~~chancellor~~ 39084
director, in consultation with higher education representatives 39085
selected by the ~~chancellor~~ director, shall adopt rules in 39086
accordance with Chapter 119. of the Revised Code that establish 39087
criteria for the conduct of the audits. The criteria shall include 39088
documentation necessary to determine compliance with Chapters 9., 39089
123., and 153. of the Revised Code and a method to determine 39090
whether an institution is using its certification issued under 39091
section 123.24 of the Revised Code appropriately. 39092

(D) The ~~chancellor~~ director, in consultation with higher 39093
education representatives selected by the ~~chancellor~~ director, 39094
shall adopt rules in accordance with Chapter 119. of the Revised 39095
Code establishing criteria for monitoring capital facilities 39096
projects administered by institutions under this section. The 39097
criteria shall include the following: 39098

(1) Conditions under which the ~~chancellor~~ director may revoke 39099
the authority of an institution to administer a capital facilities 39100
project under this section, including the failure of an 39101
institution to maintain a sufficient number of employees who have 39102
successfully completed the certification program under section 39103
123.24 of the Revised Code; 39104

(2) A process for institutions to remedy any problems found 39105
by an audit conducted pursuant to division (C) of this section, 39106
including the improper use of state funds or violations of Chapter 39107
9., 123., or 153. of the Revised Code. 39108

(E) If the ~~chancellor~~ director revokes an institution's 39109
authority to administer a capital facilities project, the 39110
commission shall administer the capital facilities project. The 39111
~~chancellor~~ director also may require an institution, for which the 39112
~~chancellor~~ director revoked authority to administer a capital 39113
facilities project, to acquire a new local administration 39114
competency certification pursuant to section 123.24 of the Revised 39115
Code. 39116

Sec. 3345.54. (A) As used in this section: 39117

(1) "Auxiliary facilities" has the same meaning as in section 39118
3345.12 of the Revised Code. 39119

(2) "Conduit entity" means an organization described in 39120
section 501(c)(3) of the Internal Revenue Code qualified as a 39121
public charity under section 509(a)(2) or 509(a)(3) of the 39122
Internal Revenue Code, or any other appropriate legal entity 39123
selected by the state institution, whose corporate purpose allows 39124
it to perform the functions and obligations of a conduit entity 39125
pursuant to the terms of a financing agreement. 39126

(3) "Conveyed property" means auxiliary facilities conveyed 39127
by a state institution to a conduit entity pursuant to a financing 39128
agreement. 39129

(4) "Financing agreement" means a contract described in 39130
division (C) of this section. 39131

(5) "Independent funding source" means a private entity that 39132
enters into a financing agreement with a conduit entity and a 39133
state institution. 39134

(6) "State institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code.	39135 39136
(B) The board of trustees of a state institution, with the approval of the chancellor of the Ohio board of regents <u>director of higher education</u> and the controlling board, may enter into a financing agreement with a conduit entity and an independent funding source selected either through a competitive selection process or by direct negotiations, and may convey to the conduit entity title to any auxiliary facilities owned by the state institution pursuant to the terms of a financing agreement.	39137 39138 39139 39140 39141 39142 39143 39144
(C) A financing agreement under this section is a written contract entered into among a state institution, a conduit entity, and an independent funding source that provides for:	39145 39146 39147
(1) The conveyance of auxiliary facilities owned by a state institution to the conduit entity for consideration deemed adequate by the state institution;	39148 39149 39150
(2) The lease of the conveyed property by the conduit entity to the independent funding source and leaseback of the conveyed property to the conduit entity for a term not to exceed ninety-nine years;	39151 39152 39153 39154
(3) Such other terms and conditions that may be negotiated and agreed upon by the parties, including, but not limited to, terms regarding:	39155 39156 39157
(a) Payment to the state institution by the conduit entity of revenues received by it from the operations of the conveyed property in excess of the payments it is required to make to the independent funding source under the lease-leaseback arrangement described in division (C)(2) of this section;	39158 39159 39160 39161 39162
(b) Pledge, assignment, or creation of a lien in favor of the independent funding source by the conduit entity of any revenues derived from the conveyed property;	39163 39164 39165

(c) Reverter or conveyance of title to the conveyed property	39166
to the state institution when the conveyed property is no longer	39167
subject to a lease with the independent funding source.	39168
(4) Terms and conditions required by the chancellor <u>director</u>	39169
or the controlling board as a condition of approval of the	39170
financing agreement.	39171
(D) The state institution and the conduit entity may enter	39172
into such other management agreements or other contracts regarding	39173
the conveyed property the parties deem appropriate, including	39174
agreements pursuant to which the state institution may maintain or	39175
administer the conveyed property and collect and disburse revenues	39176
from the conveyed property on behalf of the conduit entity.	39177
(E) The parties may modify or extend the term of the	39178
financing agreement with the approval of the chancellor <u>director</u>	39179
and the controlling board.	39180
(F) The conveyed property shall retain its exemption from	39181
property taxes and assessments as though title to the conveyed	39182
property were held by the state institution during any part of a	39183
tax year that title is held by the state institution or the	39184
conduit entity and, if held by the conduit entity, remains subject	39185
to the lease-leaseback arrangement described in division (C)(2) of	39186
this section. However, as a condition of the continued exemption	39187
of the conveyed property during the term of the lease-leaseback	39188
arrangement the conduit entity shall apply for and maintain the	39189
exemption as provided by law.	39190
(G) Nothing in this section is intended to abrogate, amend,	39191
limit, or replace any existing authority state institutions may	39192
have with respect to the conveyance, lease, lease-leaseback,	39193
finance, or acquisition of auxiliary facilities including, but not	39194
limited to, authority granted under sections 3345.07, 3345.11, and	39195
3345.12 of the Revised Code.	39196

Sec. 3345.692. (A) Not later than September 15, 2010, and the
fifteenth day of September each year thereafter, a state
institution of higher education shall prepare and submit to the
~~chancellor of the board of regents~~ director of higher education a
report that describes the number and types of biobased products
purchased under section 125.092 of the Revised Code and the amount
of money spent by the state institution of higher education for
those biobased products.

(B) As used in this section, "state institution of higher
education" has the same meaning as in section 3345.011 of the
Revised Code.

Sec. 3345.70. (A) Whenever the board of trustees of a state
university, as defined under section 3345.011 of the Revised Code,
declares that the university is in a state of fiscal exigency, the
board shall do all of the following until it declares that the
university is no longer in such a state:

(1) File quarterly reports on an annualized budget, comparing
the budget to actual spending with projected expenses for the
remainder of the year. Such reports shall include narrative
explanations as appropriate.

(2) Place all residence hall and meal fees in a rotary
account dedicated to the upkeep and maintenance of the dormitory
buildings and to fund meal programs;

(3) Place moneys for the operation of residence hall and meal
programs in separately maintained auxiliary funds in the
university accounting system;

(4) File the minutes from their board of trustees meetings
with the ~~board of regents~~ director of higher education within
thirty days of their meetings.

(B) No state university described under division (A) of this

section shall do any of the following:	39227
(1) Use state funds for the purpose of providing grants or scholarships to out-of-state students;	39228 39229
(2) Use state funds to subsidize off-campus housing or subsidize transportation to and from off-campus housing.	39230 39231
(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of the Revised Code and to any applicable pledge made as authorized by division (R) of section 3345.12 of the Revised Code.	39232 39233 39234 39235 39236
Sec. 3345.72. (A) The office of budget and management shall work with the auditor of state, the Ohio board of regents <u>director of higher education</u> , and two representatives of state universities and colleges appointed by the chancellor of the board of regents <u>director</u> to develop rules under this division, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the chancellor's <u>director's</u> appointments shall represent a four-year institution and one a two-year institution. The rules shall include all of the following:	39237 39238 39239 39240 39241 39242 39243 39244 39245
(1) Criteria for determining when to declare a state university or college under a fiscal watch, which criteria shall include all of the following:	39246 39247 39248
(a) A requirement for the submission of a quarterly report from each state university or college, within thirty days after the end of each calendar quarter, to the board of regents <u>director of higher education</u> , the director of budget and management, the legislative budget office of the legislative service commission, and the chairpersons and ranking minority members of the finance committees of the house of representatives and the senate;	39249 39250 39251 39252 39253 39254 39255
(b) A requirement that each state university and college	39256

shall prepare at the end of each fiscal year a financial statement 39257
consistent with audit requirements prescribed by the auditor of 39258
state, and shall submit the financial statement to the auditor of 39259
state within four months after the end of the fiscal year; 39260

(c) A requirement that the auditor of state shall send 39261
written notice to the agencies and persons mentioned in division 39262
(A)(1)(a) of this section if a state university or college fails 39263
to submit its financial statement within the time required under 39264
division (A)(1)(b) of this section; 39265

(d) A requirement that the auditor of state shall send 39266
written notice to the agencies and persons mentioned in division 39267
(A)(1)(a) of this section if an audit of a state university or 39268
college reveals any of the following: 39269

(i) Substantive audit findings, such as an inability to make 39270
timely payments to vendors, delays in pension retirement 39271
contributions, or requests for advanced state funding; 39272

(ii) A significant variance between budgeted and actual 39273
spending for a fiscal year; 39274

(iii) A significant operating budget deficit for a fiscal 39275
year. 39276

(2) Actions to be taken by the board of trustees of a state 39277
university or college while under a fiscal watch; 39278

(3) Criteria for determining when to declare the termination 39279
of the fiscal watch of a state university or college; 39280

(4) The fiscal information to be reported to the ~~board of~~ 39281
~~regents~~ director of higher education by each state university or 39282
college under a fiscal watch for purposes of making determinations 39283
under division (D) of this section and division (A) of section 39284
3345.74 of the Revised Code, and the frequency and deadlines for 39285
reporting this information. 39286

(B) The ~~board of regents~~ director shall adopt a resolution 39287
declaring a state university or college to be in a state of fiscal 39288
watch if the ~~board of regents~~ director determines that the 39289
criteria adopted under division (A)(1) of this section are 39290
satisfied with respect to that state university or college. For 39291
purposes of making this determination, the ~~board of regents~~ 39292
director shall establish a financial tracking system and shall use 39293
the system to regularly assess each state university or college 39294
with respect to the criteria adopted under division (A)(1) of this 39295
section. 39296

(C) While a state university or college is under a fiscal 39297
watch, the board of trustees of the university or college shall 39298
take the actions and report the fiscal information prescribed 39299
under divisions (A)(2) and (4) of this section. 39300

(D) The ~~board of regents~~ director shall adopt a resolution 39301
declaring the termination of the fiscal watch of a state 39302
university or college if the ~~board of regents~~ director determines 39303
that the criteria adopted under division (A)(3) of this section 39304
are satisfied with respect to that state university or college. 39305

(E) In making assessments and determinations under division 39306
(B) or (D) of this section, the ~~board of regents~~ director shall 39307
use financial reports required under section 3345.05 of the 39308
Revised Code or any other documents, records, or information 39309
available to ~~it~~ the director or the auditor of state related to 39310
the criteria adopted under division (A)(1) or (3) of this section. 39311
In making determinations under division (D) of this section, the 39312
~~board of regents~~ director shall also use the fiscal information 39313
reported under division (C) of this section. 39314

(F) The ~~board of regents~~ director of higher education shall 39315
certify each action taken under division (B) or (D) of this 39316
section to the governor, the director of budget and management, 39317
the speaker and minority leader of the house of representatives, 39318

the president and minority leader of the senate, ~~the legislative~~ 39319
~~budget office~~ of the legislative service commission, and the 39320
chairpersons and ranking minority members of the finance 39321
committees of the house and senate. 39322

(G) A determination by the ~~board of regents~~ director of 39323
higher education under this section that a fiscal watch exists or 39324
does not exist, or that a fiscal watch is terminated or is not 39325
terminated, is final and conclusive and not appealable. 39326

(H) If a state university or college fails to submit the 39327
quarterly report required under division (A)(1) of this section 39328
within thirty days after the end of a calendar quarter, the ~~board~~ 39329
~~of regents~~ director shall withhold payment of any instructional 39330
subsidies to the university or college until it submits the 39331
report. Upon submission of the report, the ~~board of regents~~ 39332
director shall pay the withheld subsidies to the university or 39333
college. 39334

Sec. 3345.73. The office of budget and management shall work 39335
with the auditor of state, the ~~Ohio board of regents~~ director of 39336
higher education, and two representatives of state universities 39337
and colleges appointed by the ~~chancellor of the board of regents~~ 39338
director to develop rules under this section, and shall adopt the 39339
rules in accordance with section 111.15 of the Revised Code. One 39340
of the ~~chancellor's~~ director's appointments shall represent a 39341
four-year institution and one a two-year institution. The rules 39342
shall establish the following: 39343

(A) The financial indicators and the standards for using 39344
those indicators that the ~~board of regents~~ director is to employ 39345
to determine whether a university or college under a fiscal watch 39346
is experiencing sufficient fiscal difficulties to warrant 39347
appointing a conservator under section 3345.74 of the Revised 39348
Code; 39349

(B) The financial indicators and the standards for using 39350
those indicators that a governance authority established for a 39351
state university or college under section 3345.75 of the Revised 39352
Code is to employ to determine whether the university or college 39353
is experiencing sufficient fiscal stability to warrant terminating 39354
that governance authority in accordance with section 3345.76 of 39355
the Revised Code. 39356

The indicators and standards adopted under this section shall 39357
be designed so as to take into account at least the revenues, 39358
expenditures, assets, liabilities, and fund balances of a state 39359
university or college, and shall be designed so as to indicate the 39360
financial performance and position of a state university or 39361
college. 39362

Sec. 3345.74. (A) The ~~Ohio board of regents~~ director of 39363
higher education at least annually shall apply the indicators and 39364
standards adopted under division (A) of section 3345.73 of the 39365
Revised Code to determine whether a state university or college 39366
under a fiscal watch is experiencing sufficient fiscal 39367
difficulties to warrant the appointment of a conservator under 39368
this section. Upon making a determination that appointment of a 39369
conservator is warranted, the ~~board of regents~~ director shall 39370
request from the office of budget and management, which shall 39371
provide, certification that sufficient fiscal difficulties exist 39372
to warrant appointment of a conservator. The ~~board of regents~~ 39373
director shall then certify this determination to the governor. 39374

Notwithstanding section 3333.021 of the Revised Code, that 39375
section does not apply to certification by the ~~board of regents~~ 39376
director under this section or to the declaration of a fiscal 39377
watch under section 3345.72 of the Revised Code. 39378

A determination by the ~~board of regents~~ director under this 39379
division that sufficient fiscal difficulties exist or do not exist 39380

to warrant appointing a conservator is final and conclusive and 39381
not appealable. 39382

(B) The governor may appoint a conservator for any state 39383
university or college under a fiscal watch, upon certification by 39384
the ~~Ohio board of regents~~ director under division (A) of this 39385
section that the appointment is warranted. The governor shall 39386
consult with the speaker ~~and~~ and minority leader of the house of 39387
representatives and the president and minority leader of the 39388
senate before making the appointment. From the time a conservator 39389
is appointed until the time the governor issues an order 39390
terminating the governance authority under division (B) of section 39391
3345.76 of the Revised Code, the governor may remove any member of 39392
the board of trustees of the state university or college from 39393
office and not fill the vacancy. 39394

(C) Upon appointment of a conservator under this section for 39395
a state university or college, all of the following shall occur 39396
effective immediately: 39397

(1) All duties, responsibilities, and powers of the board of 39398
trustees of the university or college are suspended; 39399

(2) The management and control of the state university or 39400
college is assumed by the conservator; 39401

(3) Notwithstanding any section of the Revised Code, all 39402
duties, responsibilities, and powers assigned by law to the board 39403
of trustees are assigned to the conservator, and the conservator 39404
becomes the successor to, assumes the lawful obligations of, and 39405
otherwise constitutes the continuation of the board of trustees 39406
for purposes of all pending legal actions, contracts or other 39407
agreements, and obligations of the university or college; 39408

(4) Wherever the board of trustees is referred to in any 39409
contract or legal document, the reference is deemed to refer to 39410
the conservator. No validation, cure, right, privilege, remedy, 39411

obligation, or liability is lost or impaired by reason of the 39412
assumption of the board's authority by the conservator under this 39413
section and any such validation, cure, right, privilege, remedy, 39414
obligation, or liability shall be administered by the conservator. 39415
No action or proceeding pending on the effective date of the 39416
assumption by the conservator of the board's authority is affected 39417
by that assumption and any such action or proceeding shall be 39418
prosecuted or defended in the name of the conservator. 39419

(5) The conservator assumes custody of all equipment, 39420
records, files, effects, and all other property real or personal 39421
of the state university or college; 39422

(6) All authority and duties of the president or chief 39423
executive officer, and the pay of the president or chief executive 39424
officer, are suspended. 39425

(D) The conservator for a state university or college shall 39426
conduct a preliminary performance evaluation of the president or 39427
chief executive officer of the university or college and provide a 39428
copy of findings and any recommendations to the governance 39429
authority established for the university or college under section 39430
3345.75 of the Revised Code. 39431

(E) A conservator appointed under this section shall be 39432
immune, indemnified, and held harmless from civil liability, 39433
including any cause of action, legal, equitable, or otherwise, for 39434
any action taken or duties performed by the conservator in good 39435
faith and in furtherance of the performance of the duties of the 39436
conservator under this section. 39437

(F) The governor shall set the compensation for a conservator 39438
appointed for a state university or college. The expenses and 39439
compensation of the conservator and others employed by the 39440
conservator shall be paid out of the operating funds and revenues 39441
of that university or college. 39442

Sec. 3345.75. (A) Not later than thirty days after the date 39443
of the appointment of a conservator for a state university or 39444
college under section 3345.74 of the Revised Code, the governor 39445
shall appoint, with the advice and consent of the senate, a 39446
governance authority for the university or college consisting of 39447
five members. The members shall serve at the pleasure of the 39448
governor and any vacancies shall be filled in the same manner as 39449
an original appointment. 39450

The governor shall designate one of the members of the 39451
governance authority as the chairperson and shall call the first 39452
meeting of the authority. A majority of the members of a 39453
governance authority constitutes a quorum and the affirmative vote 39454
of a majority of the members shall be necessary for any action 39455
taken by an authority. Meetings of a governance authority shall be 39456
called in the manner and at the times prescribed by the authority, 39457
but the authority shall meet at least four times annually and at 39458
other times necessary for the best interest of the university or 39459
college. A governance authority may adopt procedures for the 39460
conduct of its business. 39461

The members of a governance authority shall not receive 39462
compensation for their services, but shall be paid their 39463
reasonable and necessary expenses while engaged in the discharge 39464
of their official duties. 39465

(B)(1) A governance authority established under this section 39466
shall appoint an executive director who shall serve at the 39467
pleasure of the authority and with the compensation and other 39468
terms and conditions established by it. With the approval of the 39469
chairperson of the authority, the executive director may appoint 39470
additional personnel as the director considers appropriate. The 39471
executive director shall oversee the day-to-day operation of the 39472
university or college under the direction and supervision of the 39473

authority. 39474

(2) The governance authority shall conduct a final 39475
performance evaluation of the president or chief executive officer 39476
of the university or college. Following the evaluation, the 39477
governance authority may reinstate any duties, authority, or pay 39478
previously suspended under division (C)(6) of section 3345.74 of 39479
the Revised Code, or may terminate the president or chief 39480
executive officer in accordance with the terms of the person's 39481
employment contract. 39482

(C) Upon appointment of all members of a governance authority 39483
under this section and upon the effective date for the 39484
commencement of the duties of the executive director appointed by 39485
that authority under this section, all authority, 39486
responsibilities, duties, and references assumed by or conferred 39487
upon the conservator under divisions (C)(2) to (6) of section 39488
3345.74 of the Revised Code terminate and all of the following 39489
shall occur, effective immediately: 39490

(1) The management and control of the state university or 39491
college is assumed by the governance authority; 39492

(2) Notwithstanding any section of the Revised Code, all 39493
duties, responsibilities, and powers assigned by law to the board 39494
of trustees or to the conservator are assigned to the governance 39495
authority and the governance authority becomes the successor to, 39496
assumes the lawful obligations of, and otherwise constitutes the 39497
continuation of the board of trustees and the conservator for 39498
purposes of all pending legal actions, contracts or other 39499
agreements, and obligations of the university or college; 39500

(3) Wherever the board of trustees or conservator is referred 39501
to in any contract or legal document, the reference is deemed to 39502
refer to the governance authority. No validation, cure, right, 39503
privilege, remedy, obligation, or liability is lost or impaired by 39504

reason of the assumption of the authority of the board of trustees 39505
and the conservator by the governance authority under this section 39506
and any such validation, cure, right, privilege, remedy, 39507
obligation, or liability shall be administered by the governance 39508
authority. No action or proceeding pending on the effective date 39509
of the assumption by the governance authority of the authority of 39510
the board of trustees and the conservator is affected by that 39511
assumption and any such action or proceeding shall be prosecuted 39512
or defended in the name of the governance authority. 39513

(4) The governance authority assumes custody of all 39514
equipment, records, files, effects, and all other property real or 39515
personal of the state university or college. 39516

(D) A governance authority and executive director appointed 39517
under this section shall be immune, indemnified, and held harmless 39518
from civil liability, including any cause of action, legal, 39519
equitable, or otherwise, for any action taken or duties performed 39520
by the governance authority and executive director in good faith 39521
and in furtherance of the performance of the duties of the 39522
governance authority and executive director under this section. 39523

(E) The expenses of a governance authority and the expenses 39524
and compensation of an executive director appointed for a state 39525
university or college under this section and others employed by 39526
the executive director under this section shall be paid out of the 39527
operating funds and revenues of that university or college. 39528

(F) A governance authority appointed under this section shall 39529
prepare, in accordance with rules adopted by the office of budget 39530
and management, and submit to the ~~board of regents~~ director of 39531
higher education, the governor, the speaker and minority leader of 39532
the house of representatives, and the president and minority 39533
leader of the senate a quarterly report setting forth all of the 39534
following: 39535

(1) The general condition of the university or college;	39536
(2) The amounts of receipts and disbursements and the items for which the disbursements were made;	39537 39538
(3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;	39539 39540 39541
(4) An estimate of expenses for the ensuing quarter;	39542
(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;	39543 39544 39545 39546
(6) Any other matters the governance authority considers useful to report.	39547 39548
(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.	39549 39550 39551 39552 39553 39554 39555
Sec. 3345.76. (A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.	39556 39557 39558 39559 39560 39561 39562 39563 39564 39565

A determination by a governance authority under this division 39566
that sufficient fiscal stability exists or does not exist to 39567
warrant terminating that governance authority is final and 39568
conclusive and not appealable. 39569

(B) The governor may issue an order, effective as provided 39570
under division (D) of this section, terminating the governance 39571
authority appointed under section 3345.75 of the Revised Code, 39572
upon the occurrence of either of the following: 39573

(1) Certification by the governance authority for that state 39574
university or college the termination of that governance authority 39575
is warranted; 39576

(2) A finding that in the governor's opinion termination of 39577
the governance authority is in the best interests of the state, 39578
that state university or college, and the students of that state 39579
university or college. 39580

(C) Upon issuance of an order under division (B) of this 39581
section, the governor shall fill each vacancy on the board of 39582
trustees of the university or college for the unexpired portion of 39583
the member's term or, if the term for the member has already 39584
expired, for the unexpired portion of the succeeding term. 39585

(D) Thirty days after the date on which the ~~Ohio board of~~ 39586
~~regents~~ director of higher education determines that all vacancies 39587
on the board of trustees have been filled, all authority, 39588
responsibilities, duties, and references assumed by or conferred 39589
upon the governance authority of that university or college under 39590
division (C) of section 3345.75 of the Revised Code terminate and 39591
all of the following shall occur: 39592

(1) The management and control of the state university or 39593
college by the board of trustees shall be resumed; 39594

(2) The board becomes the successor to, assumes the lawful 39595
obligations of, and otherwise constitutes the continuation of the 39596

conservator and the governance authority for purposes of all 39597
pending legal actions, contracts or other agreements, and 39598
obligations of the university or college; 39599

(3) Wherever the conservator or the governance authority is 39600
referred to in any contract or legal document, the reference is 39601
deemed to refer to the board of trustees. No validation, cure, 39602
right, privilege, remedy, obligation, or liability is lost or 39603
impaired by reason of the resumption by the board of trustees of 39604
the authority of the conservator and the governance authority, and 39605
any such validation, cure, right, privilege, remedy, obligation, 39606
or liability shall be administered by the board of trustees. No 39607
action or proceeding pending on the effective date of the 39608
resumption by the board of trustees of the authority of the 39609
conservator and the governance authority is affected by that 39610
resumption, and any such action or proceeding shall be prosecuted 39611
or defended in the name of the board of trustees. 39612

(4) The board of trustees resumes custody of all equipment, 39613
records, files, effects, and all other property real or personal 39614
of the state university or college; 39615

(5) Employment of the executive director appointed for the 39616
university or college under section 3345.75 of the Revised Code is 39617
terminated; 39618

(6) The duties, authority, and pay of the president or chief 39619
executive officer of the university or college suspended under 39620
division (C)(6) of section 3345.74 and not reinstated under 39621
division (B)(2) of section 3345.75 of the Revised Code are 39622
reinstated to the person holding that position, unless otherwise 39623
provided for by the board of trustees. 39624

Sec. 3345.81. Not later than June 30, 2014, the board of 39625
trustees of each institution of higher education, as defined by 39626
section 3345.12 of the Revised Code, shall adopt an 39627

institution-specific strategic completion plan designed to 39628
increase the number of degrees and certificates awarded to 39629
students. The plan shall be consistent with the mission and 39630
strategic priorities of the institution, include measureable 39631
student completion goals, and align with the state's workforce 39632
development priorities. Upon adoption by the board of trustees, 39633
each institution of higher education shall provide a copy of its 39634
plan to the ~~chancellor of the Ohio board of regents~~ director of 39635
higher education. 39636

The board of trustees of each institution of higher education 39637
shall update its plan at least once every two years and provide a 39638
copy of their updated plan to the ~~chancellor~~ director upon 39639
adoption. 39640

Sec. 3345.86. (A) As used in this section, an "eligible 39641
institution" means a community college established under Chapter 39642
3354. of the Revised Code, a university branch established under 39643
Chapter 3355. of the Revised Code, a technical college established 39644
under Chapter 3357. of the Revised Code, or a state community 39645
college established under Chapter 3358. of the Revised Code. 39646

(B) An individual who is at least twenty-two years of age and 39647
who is an eligible individual as defined in section 3317.23 of the 39648
Revised Code may enroll in an eligible institution for up to two 39649
~~eumulative~~ consecutive school years for the purpose of completing 39650
the requirements to earn a high school diploma. An individual 39651
enrolled under this division may elect to satisfy these 39652
requirements by successfully completing a competency-based 39653
~~instructional~~ educational program, as defined in section 3317.02 39654
of the Revised Code, that complies with the standards adopted by 39655
the ~~state board~~ department of education under section 3317.231 of 39656
the Revised Code. 39657

The eligible institution in which the individual enrolls 39658
shall report that individual's enrollment on a full-time 39659
equivalency basis to the department ~~of education~~. 39660

(C)(1) For each eligible institution that enrolls individuals 39661
under division (B) of this section, the department annually shall 39662
certify the enrollment and attendance, on a full-time equivalency 39663
basis, of each individual reported by the institution under that 39664
division. 39665

(2) For each individual enrolled in an eligible institution 39666
under division (B) of this section, the department annually shall 39667
pay ~~to the institution an amount equal to the following:~~ 39668

~~\$5,000 X the individual's enrollment on a full-time 39669
equivalency basis as certified under division (C)(1) of this 39670
section X the portion of the school year in which the individual 39671
is enrolled in the institution expressed as a percentage up to 39672
\$5,000, as determined by the department based on the extent of the 39673
individual's successful completion of the graduation requirements 39674
prescribed under sections 3313.603, 3313.61, 3313.611, and 39675
3313.614 of the Revised Code. 39676~~

(D) If an individual enrolled in an eligible institution 39677
under division (B) of this section completes the requirements to 39678
earn a high school diploma, the institution shall certify the 39679
completion of those requirements to the city, local, or exempted 39680
village school district in which the individual resides. Upon 39681
receiving certification under this division, the city, local, or 39682
exempted village school district in which the individual resides 39683
shall issue a high school diploma to the individual within sixty 39684
days of receipt of the certification. 39685

(E) An eligible institution that enrolls individuals under 39686
division (B) of this section shall be subject to the program 39687
administration standards adopted by the ~~state board~~ department 39688

under section 3317.231 of the Revised Code, as applicable. 39689

Sec. 3354.01. As used in sections 3354.01 to 3354.18~~7~~ 39690
~~inclusive~~, of the Revised Code: 39691

(A) "Community college district" means a political 39692
subdivision of the state and a body corporate with all the powers 39693
of a corporation, comprised of the territory of one or more 39694
contiguous counties having together a total population of not less 39695
than seventy-five thousand preceding the establishment of such 39696
district, and organized for the purpose of establishing, owning, 39697
and operating a community college within the territory of such 39698
district. 39699

(B) "Contiguous counties" means counties so located that each 39700
such county shares at least one boundary in common with at least 39701
one other such county in the group of counties referred to as 39702
being "contiguous." 39703

(C) "Community college" means a public institution of 39704
education beyond the high school organized for the principal 39705
purpose of providing for the people of the community college 39706
district wherein such college is situated the instructional 39707
programs defined in this section as "arts and sciences" and 39708
"technical," or either, and may include the "adult-education" 39709
program as defined in this section~~7~~. Except for bachelor's 39710
programs offered under section 3354.071 of the Revised Code, 39711
instructional programs shall not exceeding exceed two years~~±~~ in 39712
duration. 39713

A university maintained and operated by a municipality 39714
located in a county having a total population equal to the 39715
requirement for a community college district as set forth in 39716
division (A) of section 3354.01 of the Revised Code and is found 39717
by the ~~Ohio board of regents~~ director of higher education to offer 39718
instructional programs which are needed in the community and which 39719

are equivalent to those required of community colleges shall be, 39720
for the purposes of receiving state or federal financial aid only, 39721
considered a community college and shall receive the same state 39722
financial assistance granted to community colleges but only in 39723
respect to students enrolled in their first and second year of 39724
post high school education in the kinds of instructional programs 39725
offered by the municipal university. 39726

(D) "Arts and sciences program" means a both of the 39727
following: 39728

(1) A curricular program of two years or less duration, 39729
provided within a community college, planned and intended to 39730
enable students to gain academic credit for courses generally 39731
comparable to courses offered in the first two years in accredited 39732
colleges and universities in the state, and designed either to 39733
enable students to transfer to such colleges and universities for 39734
the purpose of earning baccalaureate degrees or to enable students 39735
to terminate academic study after two years with a proportionate 39736
recognition of academic achievement. 39737

(2) A bachelor's degree program approved and offered under 39738
section 3354.071 of the Revised Code. 39739

(E) "Adult-education program" means the dissemination of post 39740
high school educational service and knowledge, by a community 39741
college, for the occupational, cultural, or general educational 39742
benefit of adult persons, such educational service and knowledge 39743
not being offered for the primary purpose of enabling such persons 39744
to obtain academic credit or other formal academic recognition. 39745

(F) "Charter amendment" means a change in the official plan 39746
of a community college for the purpose of acquiring additional 39747
lands or structures, disposing of or transferring lands or 39748
structures, erection of structures, or creating or abolishing of 39749
one or more academic departments corresponding to generally 39750

recognized fields of academic study. 39751

(G) "Technical program" means a post high school curricular 39752
program of two years or less duration, provided within a community 39753
college, planned and intended to enable students to gain academic 39754
credit for courses designed to prepare such students to meet the 39755
occupational requirements of the community. 39756

(H) "Operating costs" means all expenses for all purposes of 39757
the community college district except expenditures for permanent 39758
improvements having an estimated life of usefulness of five years 39759
or more as certified by the fiscal officer of the community 39760
college district. 39761

Sec. 3354.071. (A) The board of trustees of any community 39762
college established under this chapter may apply to the director 39763
of higher education for approval to offer bachelor's degree 39764
programs in subject areas that are not either of the following: 39765

(1) The same or substantially similar subject areas currently 39766
offered at any state university, either on its main campus or a 39767
regional campus, or university branch, that is within thirty miles 39768
of the main campus of the community college, as determined by the 39769
director; 39770

(2) The same or substantially similar subject areas that a 39771
state university plans to offer on its main campus, regional 39772
campus, or university branch within one year of the date the 39773
community college submits its application for approval to the 39774
director. 39775

Before granting approval to a program under this section, the 39776
director shall determine and certify that there is a demonstrated 39777
need for such a program in the geographic area of the community 39778
college. If the director grants approval, the community college 39779
may offer such programs and award the appropriate bachelor's 39780

<u>degrees to students upon completion of the programs.</u>	39781
<u>(B) As used in this section:</u>	39782
<u>(1) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	39783 39784
<u>(2) "University branch" has the same meaning as in section 3355.01 of the Revised Code.</u>	39785 39786
Sec. 3354.09. The board of trustees of a community college district may:	39787 39788
(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code;	39789 39790 39791 39792 39793 39794 39795
(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college;	39796 39797 39798 39799 39800
(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college;	39801 39802 39803
(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district;	39804 39805 39806 39807 39808 39809
(E) Provide for a community college necessary lands,	39810

buildings or other structures, equipment, means, and appliances; 39811

(F) Develop and adopt, pursuant to the official plan, the 39812
curricular programs identified in section 3354.01 of the Revised 39813
Code as arts and sciences programs and technical programs, or 39814
either. Such programs may include adult-education programs. 39815

(G) Except as provided in sections 3333.17 and 3333.32 of the 39816
Revised Code, establish schedules of fees and tuition for students 39817
who are residents of the district, residents of Ohio but not of 39818
the district, and students who are nonresidents of Ohio. The 39819
establishment of rules governing the determination of residence 39820
shall be subject to approval of the ~~Ohio board of regents~~ director 39821
of higher education. Students who are nonresidents of Ohio shall 39822
be required to pay higher rates of fees and tuition than the rates 39823
required of students who are residents of Ohio but not of the 39824
district, and students who are residents of the district shall pay 39825
a smaller tuition and fee rate than the rate for either category 39826
of nonresident students. 39827

(H) Authorize, approve, ratify, or confirm any agreement 39828
relating to any such community college with the United States 39829
government, acting through any agency of such government 39830
designated or created to aid in the financing of such projects, or 39831
with any person or agency offering grants in aid in financing such 39832
educational facilities or the operation of such facilities except 39833
as prohibited in division (K) of this section. 39834

Such agreement may include a provision for repayment of 39835
advances, grants, or loans made to any community college district 39836
from funds which may become available to it. 39837

When the United States government or its agent makes a grant 39838
of money to any community college district to aid in paying the 39839
cost of any projects of such district, or enters into an agreement 39840
with the community college district for the making of any such 39841

grant of money, the amount thereof is deemed appropriated for such 39842
purpose by the community college district and is deemed in process 39843
of collection within the meaning of section 5705.41 of the Revised 39844
Code. 39845

(I) Grant appropriate certificates of achievement or degrees 39846
to students successfully completing the community college 39847
programs; 39848

(J) Prescribe rules for the effective operation of a 39849
community college and exercise such other powers as are necessary 39850
for the efficient management of such college; 39851

(K) Receive and expend gifts or grants from the state for the 39852
payment of operating costs, for the acquisition, construction, or 39853
improvement of buildings or other structures, or for the 39854
acquisition or use of land. In no event shall state gifts or 39855
grants be expended for the support of adult-education programs. 39856
Gifts or grants from the state for operating costs shall not in 39857
any biennium exceed the amount recommended by the ~~Ohio board of~~ 39858
~~regents~~ director of higher education to the governor as provided 39859
in Chapter 3333. of the Revised Code. Such gifts or grants shall 39860
be distributed to such districts in equal quarter-annual payments, 39861
unless otherwise provided or authorized in any act appropriating 39862
moneys for such purposes, on or before the last day of February, 39863
May, August, and November in each year. 39864

(L) Retain consultants in the fields of education, planning, 39865
architecture, law, engineering, or other fields of professional 39866
skill; 39867

(M) Purchase: 39868

(1) A policy or policies of insurance insuring the district 39869
against loss of or damage to property, whether real, personal, or 39870
mixed, which is owned by the district or leased by it as lessee or 39871
which is in the process of construction by or for the district; 39872

(2) A policy or policies of fidelity insurance in such 39873
amounts and covering such trustees, officers, and employees of the 39874
district as it considers necessary or desirable; 39875

(3) A policy or policies of liability insurance from an 39876
insurer or insurers licensed to do business in this state insuring 39877
its members, officers, and employees against all civil liability 39878
arising from an act or omission by the member, officer, or 39879
employee when the member, officer, or employee is not acting 39880
manifestly outside the scope of employment or official 39881
responsibilities with the institution, with malicious purpose or 39882
bad faith, or in a wanton or reckless manner, or may otherwise 39883
provide for the indemnification of such persons against such 39884
liability. All or any portion of the cost, premium, or charge for 39885
such a policy or policies or indemnification payment may be paid 39886
from any funds under the institution's control. The policy or 39887
policies of liability insurance or the indemnification policy of 39888
the institution may cover any risks including, but not limited to, 39889
damages resulting from injury to property or person, professional 39890
liability, and other special risks, including legal fees and 39891
expenses incurred in the defense or settlement of claims for such 39892
damages. 39893

(4) A policy or policies of insurance insuring the district 39894
against any liabilities to which it may be subject on account of 39895
damage or injury to persons or property, including liability for 39896
wrongful death. 39897

(N) Designate one or more employees of the institution as 39898
state university law enforcement officers, to serve and have 39899
duties as prescribed in section 3345.04 of the Revised Code. 39900

Any instrument by which real property is acquired pursuant to 39901
this section shall identify the agency of the state that has the 39902
use and benefit of the real property as specified in section 39903
5301.012 of the Revised Code. 39904

Sec. 3357.01. As used in this chapter: 39905

(A) "Technical college" means an institution of education 39906
beyond the high school, including an institution of higher 39907
education, organized for the principal purpose of providing for 39908
the residents of the technical college district, wherein such 39909
college is situated, any one or more of the instructional programs 39910
defined in this section as "technical college," or 39911
"adult-education technical programs," normally not exceeding two 39912
years' duration and not leading to a baccalaureate degree, except 39913
as provided in section 3357.071 of the Revised Code. 39914

(B) "Technical college district" means a political 39915
subdivision of the state and a body corporate with all the powers 39916
of a corporation, comprised of the territory of a city school 39917
district or a county, or two or more contiguous school districts 39918
or counties, which meets the standards prescribed by the ~~Ohio~~ 39919
~~board of regents~~ director of higher education pursuant to section 39920
3357.02 of the Revised Code, and which is organized for the 39921
purpose of establishing, owning, and operating one or more 39922
technical colleges within the territory of such district. 39923

(C) "Contiguous school districts or counties" means school 39924
districts or counties so located that each such school district or 39925
county shares at least one boundary or a portion thereof in common 39926
with at least one other such school district or county in the 39927
group of school districts or counties referred to as being 39928
"contiguous." 39929

(D) "Technical college program" means a post high school 39930
curricular program provided within a technical college, planned 39931
and intended to qualify students, after satisfactory completion of 39932
such a program normally two years in duration, to pursue careers 39933
in which they provide immediate technical assistance to 39934
professional or managerial persons generally required to hold 39935

baccalaureate or higher academic degrees in technical or 39936
professional fields. The technical and professional fields 39937
referred to in this section include, but are not limited to, 39938
engineering and physical, medical, or other sciences. 39939

(E) "Adult-education technical program" means the 39940
dissemination of post high school technical education service and 39941
knowledge, for the occupational, or general educational benefit of 39942
adult persons. 39943

(F) "Charter amendment" means a change in the official plan 39944
of a technical college for the purpose of acquiring additional 39945
lands or structures, disposing of or transferring lands or 39946
structures, erecting structures, creating or abolishing technical 39947
college or adult education technical curricular programs. 39948

(G) "Baccalaureate-oriented associate degree program" means a 39949
curricular program of not more than two years' duration that is 39950
planned and intended to enable students to gain academic credit 39951
for courses comparable to first- and second-year courses offered 39952
by accredited colleges and universities. The purpose of 39953
baccalaureate-oriented associate degree coursework in technical 39954
colleges is to enable students to transfer to colleges and 39955
universities and earn baccalaureate degrees or to enable students 39956
to terminate academic study after two years with a proportionate 39957
recognition of academic achievement through receipt of an 39958
associate degree. 39959

Sec. 3357.071. (A) The board of trustees of any technical 39960
college established under this chapter may apply to the director 39961
of higher education for approval to offer bachelor's degree 39962
programs in subject areas that are not either of the following: 39963

(1) The same or substantially similar subject areas currently 39964
offered at any state university, either on its main campus or a 39965
regional campus, or university branch, that is within thirty miles 39966

of the main campus of the technical college, as determined by the 39967
director; 39968

(2) The same or substantially similar subject areas that a 39969
state university plans to offer on its main campus, regional 39970
campus, or university branch within one year of the date the 39971
technical college submits its application for approval to the 39972
director. 39973

Before granting approval to a program under this section, the 39974
director shall determine and certify that there is a demonstrated 39975
need for such a program in the geographic area of the technical 39976
college. If the director grants approval, the technical college 39977
may offer such programs and award the appropriate bachelor's 39978
degrees to students upon completion of the programs. 39979

(B) As used in this section: 39980

(1) "State university" has the same meaning as in section 39981
3345.011 of the Revised Code. 39982

(2) "University branch" has the same meaning as in section 39983
3355.01 of the Revised Code. 39984

Sec. 3357.09. The board of trustees of a technical college 39985
district may: 39986

(A) Own and operate a technical college, pursuant to an 39987
official plan prepared and approved in accordance with section 39988
3357.07 of the Revised Code; 39989

(B) Hold, encumber, control, acquire by donation, purchase, 39990
or condemnation, construct, own, lease, use, and sell, real and 39991
personal property as necessary for the conduct of the program of 39992
the technical college on whatever terms and for whatever 39993
consideration may be appropriate for the purposes of the 39994
institution; 39995

(C) Accept gifts, grants, bequests, and devises absolutely or 39996

in trust for support of the technical college; 39997

(D) Appoint the president, faculty, and such other employees 39998
as necessary and proper for such technical college, and fix their 39999
compensation; 40000

(E) Provide for a technical college necessary lands, 40001
buildings or other structures, equipment, means, and appliances; 40002

(F) Develop and adopt, pursuant to the official plan, any one 40003
or more of the curricular programs identified in section 3357.01 40004
of the Revised Code as technical-college programs, or 40005
adult-education technical programs, and bachelor's degree programs 40006
approved and offered under section 3357.071 of the Revised Code; 40007

(G) Except as provided in sections 3333.17 and 3333.32 of the 40008
Revised Code, establish schedules of fees and tuition for: 40009
students who are residents of the district; students who are 40010
residents of Ohio but not of the district; students who are 40011
nonresidents of Ohio. The establishment of rules governing the 40012
determination of residence shall be subject to approval of the 40013
~~Ohio board of regents~~ director of higher education. Students who 40014
are nonresidents of Ohio shall be required to pay higher rates of 40015
fees and tuition than the rates required of students who are 40016
residents of Ohio but not of the district, and students who are 40017
residents of the district shall pay smaller tuition and fee rates 40018
than the rates for either of the above categories of nonresident 40019
students, except that students who are residents of Ohio but not 40020
of the district shall be required to pay higher fees and tuition 40021
than students who are residents of the district only when a 40022
district tax levy has been adopted and is in effect under the 40023
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 40024
Code. 40025

(H) Authorize, approve, ratify, or confirm, with approval of 40026
the ~~Ohio board of regents~~ director of higher education, any 40027

agreement with the United States government, acting through any 40028
agency designated to aid in the financing of technical college 40029
projects, or with any person, organization, or agency offering 40030
grants-in-aid for technical college facilities or operation; 40031

(I) Receive assistance for the cost of equipment and for the 40032
operation of such technical colleges from moneys appropriated for 40033
technical education or for matching of Title VIII of the "National 40034
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 40035
Moneys shall be distributed by the ~~Ohio board of regents~~ director 40036
of higher education in accordance with rules which the ~~board~~ 40037
director shall establish governing its allocations to technical 40038
colleges chartered under section 3357.07 of the Revised Code. 40039

(J) Grant appropriate associate degrees to students 40040
successfully completing the technical college programs, 40041
appropriate bachelor's degrees to students successfully completing 40042
bachelor's degree programs, and certificates of achievement to 40043
those students who complete other programs; 40044

(K) Prescribe rules for the effective operation of a 40045
technical college, and exercise such other powers as are necessary 40046
for the efficient management of such college; 40047

(L) Enter into contracts and conduct technical college 40048
programs or technical courses outside the technical college 40049
district; 40050

(M) Enter into contracts with the board of education of any 40051
local, exempted village, or city school district or the governing 40052
board of any educational service center to permit the school 40053
district or service center to use the facilities of the technical 40054
college district; 40055

(N) Designate one or more employees of the institution as 40056
state university law enforcement officers, to serve and have 40057
duties as prescribed in section 3345.04 of the Revised Code; 40058

(O) Subject to the approval of the ~~Ohio board of regents~~ 40059
director of higher education, offer technical college programs or 40060
technical courses for credit at locations outside the technical 40061
college district. For purposes of computing state aid, students 40062
enrolled in such courses shall be deemed to be students enrolled 40063
in programs and courses at off-campus locations in the district. 40064

(P) Purchase a policy or policies of liability insurance from 40065
an insurer or insurers licensed to do business in this state 40066
insuring its members, officers, and employees against all civil 40067
liability arising from an act or omission by the member, officer, 40068
or employee, when the member, officer, or employee is not acting 40069
manifestly outside the scope of the member's, officer's, or 40070
employee's employment or official responsibilities with the 40071
institution, with malicious purpose or bad faith, or in a wanton 40072
or reckless manner, or may otherwise provide for the 40073
indemnification of such persons against such liability. All or any 40074
portion of the cost, premium, or charge for such a policy or 40075
policies or indemnification payment may be paid from any funds 40076
under the institution's control. The policy or policies of 40077
liability insurance or the indemnification policy of the 40078
institution may cover any risks including, but not limited to, 40079
damages resulting from injury to property or person, professional 40080
liability, and other special risks, including legal fees and 40081
expenses incurred in the defense or settlement of claims for such 40082
damages. 40083

Any instrument by which real property is acquired pursuant to 40084
this section shall identify the agency of the state that has the 40085
use and benefit of the real property as specified in section 40086
5301.012 of the Revised Code. 40087

Sec. 3357.19. The ~~Ohio board of regents~~ director of higher 40088
education shall: 40089

(A) Promulgate rules, regulations, and standards in conformity with Chapter 119. of the Revised Code relative to the qualifications of teaching personnel in technical colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such colleges;

(B) Promulgate rules, regulations, and standards relative to the quality and content of instructional courses in technical colleges, and relative to the awarding of certificates of achievement or ~~associate~~ degrees to students in such colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such college;

(C) Conduct studies and examinations of the operation and facilities of technical colleges, and require reports from such colleges, from time to time as the ~~board~~ director deems necessary, and revoke or suspend pursuant to Chapter 119. of the Revised Code, the charter of any technical college found to be in substantial violation of law, of rules, regulations, or standards of the ~~board~~ director, or of the approved official plan of such college;

(D) Employ such professional, administrative, clerical, or secretarial personnel as may be found necessary to assist the ~~board~~ director in the performance of ~~its~~ the director's duties;

(E) Perform biennial examinations of the budget requirements of the technical colleges in the state, and present recommendations to the governor with respect to such budget requirements;

(F) Perform research studies relative to technical college education.

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer bachelor's degree programs pursuant to section 3358.071 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include,

but are not limited to, programs in the technologies of business, 40151
engineering, health, natural science, and public service and are 40152
programs which, after two years of academic study, result in 40153
proportionate recognition of academic achievement through receipt 40154
of an associate degree. 40155

(E) "Adult continuing education program" means the offering 40156
of short courses, seminars, workshops, exhibits, performances, and 40157
other educational activities for the general educational or 40158
occupational benefit of adults. 40159

Sec. 3358.071. (A) The board of trustees of any state 40160
community college established under this chapter may apply to the 40161
director of higher education for approval to offer bachelor's 40162
degree programs in subject areas that are not either of the 40163
following: 40164

(1) The same or substantially similar subject areas currently 40165
offered at any state university, either on its main campus or a 40166
regional campus, or university branch, that is within thirty miles 40167
of the main campus of the state community college, as determined 40168
by the director; 40169

(2) The same or substantially similar subject areas that a 40170
state university plans to offer on its main campus, regional 40171
campus, or university branch within one year of the date the state 40172
community college submits its application for approval to the 40173
director. 40174

Before granting approval to a program under this section, the 40175
director shall determine and certify that there is a demonstrated 40176
need for such a program in the geographic area of the state 40177
community college. If the director grants approval, the state 40178
community college may offer such programs and award the 40179
appropriate bachelor's degrees to students upon completion of the 40180
programs. 40181

<u>(B) As used in this section:</u>	40182
<u>(1) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	40183 40184
<u>(2) "University branch" has the same meaning as in section 3355.01 of the Revised Code.</u>	40185 40186
Sec. 3358.08. The board of trustees of a state community college district may:	40187 40188
(A) Own and operate a state community college;	40189
(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;	40190 40191 40192 40193 40194
(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;	40195 40196
(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.	40197 40198 40199 40200 40201 40202 40203 40204
(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;	40205 40206
(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;	40207 40208 40209
(G) Grant appropriate associate degrees to students	40210

successfully completing the state community college's programs, 40211
and certificates of achievement to students who complete other 40212
programs; 40213

(H) Prescribe policies for the effective operation of the 40214
state community college and exercise such other powers as are 40215
necessary for the efficient management of the college; 40216

(I) Enter into contracts with neighboring colleges and 40217
universities for the conduct of state community college programs 40218
or technical courses outside the state community college district; 40219

(J) Purchase: 40220

(1) A policy or policies of insurance insuring the district 40221
against loss or damage to property, whether real, personal, or 40222
mixed, which is owned by the district or leased by it as lessee or 40223
which is in the process of construction by or for the district; 40224

(2) A policy or policies of fidelity insurance in such 40225
amounts and covering such trustees, officers, and employees of the 40226
district as the board may consider necessary or desirable; 40227

(3) A policy or policies of liability insurance from an 40228
insurer or insurers licensed to do business in this state insuring 40229
its members, officers, and employees against all civil liability 40230
arising from an act or omission by the member, officer, or 40231
employee, when the member, officer, or employee is not acting 40232
manifestly outside the scope of employment or official 40233
responsibilities with the institution, with malicious purpose or 40234
bad faith, or in a wanton or reckless manner, or may otherwise 40235
provide for the indemnification of such persons against such 40236
liability. All or any portion of the cost, premium, or charge for 40237
such a policy or policies or indemnification payment may be paid 40238
from any funds under the institution's control. The policy or 40239
policies of liability insurance or the indemnification policy of 40240
the institution may cover any risks including, but not limited to, 40241

damages resulting from injury to property or person, professional 40242
liability, and other special risks, including legal fees and 40243
expenses incurred in the defense or settlement claims of such 40244
damages. 40245

(4) A policy or policies of insurance insuring the district 40246
against any liabilities to which it may be subject on account of 40247
damage or injury to persons or property, including liability for 40248
wrongful death. 40249

Any instrument by which real property is acquired pursuant to 40250
this section shall identify the agency of the state that has the 40251
use and benefit of the real property as specified in section 40252
5301.012 of the Revised Code. 40253

Sec. 3365.02. (A) There is hereby established the college 40254
credit plus program under which, beginning with the 2015-2016 40255
school year, a secondary grade student who is a resident of this 40256
state may enroll at a college, on a full- or part-time basis, and 40257
complete nonsectarian, nonremedial courses for high school and 40258
college credit. The program shall govern arrangements in which a 40259
secondary grade student enrolls in a college and, upon successful 40260
completion of coursework taken under the program, receives 40261
transcripted credit from the college, ~~except for any of the.~~ The 40262
following are not governed by the college credit plus program: 40263

(1) An agreement governing an early college high school 40264
program that meets any of the exemption criteria under division 40265
(E) of section 3313.6013 of the Revised Code; 40266

(2) An advanced placement course or international 40267
baccalaureate diploma course, as described in divisions (A)(2) and 40268
(3) of section 3313.6013 of the Revised Code; 40269

(3) ~~Until July 1, 2016,~~ a A career-technical education 40270
program that is approved by the department of education under 40271

section 3317.161 of the Revised Code and grants articulated credit 40272
to students participating in that program. However, any portion of 40273
an approved program that results in the conferral of transcribed 40274
credit upon the completion of the course shall be governed by the 40275
college credit plus program. 40276

(B) Any student enrolled in a public or nonpublic secondary 40277
school in the student's ninth, tenth, eleventh, or twelfth grade; 40278
any student enrolled in a nonchartered nonpublic secondary school 40279
in the student's ninth, tenth, eleventh, or twelfth grade; and any 40280
student who has been excused from the compulsory attendance law 40281
for the purpose of home instruction under section 3321.04 of the 40282
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 40283
twelfth grade student, may participate in the program, if the 40284
student meets the applicable eligibility criteria in section 40285
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 40286
school student chooses to participate in the program, that student 40287
shall be subject to the same requirements as a home-instructed 40288
student who chooses to participate in the program under this 40289
chapter. 40290

(C) All public secondary schools and all public colleges 40291
shall participate in the program and are subject to the 40292
requirements of this chapter. Any nonpublic secondary school or 40293
private college that chooses to participate in the program shall 40294
also be subject to the requirements of this chapter. 40295

If a nonpublic secondary school chooses not to participate in 40296
the program, the school shall not be subject to the requirements 40297
of this chapter. Additionally, the school shall not be subject to 40298
any rule adopted by the director of higher education or the state 40299
board of education for purposes of the college credit plus 40300
program. 40301

(D) ~~The chancellor of the Ohio board of regents~~ director, in 40302
accordance with Chapter 119. of the Revised Code and in 40303

consultation with the superintendent of public instruction, shall 40304
adopt rules governing the program. 40305

Sec. 3365.07. The department of education shall calculate and 40306
pay state funds to colleges for participants in the college credit 40307
plus program under division (B) of section 3365.06 of the Revised 40308
Code pursuant to this section. For a nonpublic secondary school 40309
participant, a nonchartered nonpublic secondary school 40310
participant, or a home-instructed participant, the department 40311
shall pay state funds pursuant to this section only if that 40312
participant is awarded funding according to rules adopted by the 40313
~~chancellor of the Ohio board of regents~~ director of higher 40314
education, in consultation with the superintendent of public 40315
instruction, pursuant to section 3365.071 of the Revised Code. The 40316
program shall be the sole mechanism by which state funds are paid 40317
to colleges for students to earn ~~college-level~~ transcribed credit 40318
for college courses while enrolled in both a secondary school and 40319
a college, with the exception of ~~the programs listed~~ state funds 40320
paid to colleges according to an agreement described in division 40321
(A)(1) of section 3365.02 of the Revised Code. 40322

(A) For each public or nonpublic secondary school participant 40323
enrolled in a public college: 40324

(1) If no agreement has been entered into under division 40325
(A)(2) of this section, both of the following shall apply: 40326

(a) The department shall pay to the college the applicable 40327
amount as follows: 40328

(i) For a participant enrolled in a college course delivered 40329
on the college campus, at another location operated by the 40330
college, or online, the default ceiling amount; 40331

(ii) For a participant enrolled in a college course delivered 40332
at the participant's secondary school but taught by college 40333

faculty, fifty per cent of the default ceiling amount; 40334

(iii) For a participant enrolled in a college course 40335
delivered at the participant's secondary school and taught by a 40336
high school teacher who has met the credential requirements 40337
established for purposes of the program in rules adopted by the 40338
~~chancellor of the Ohio board of regents~~ director of higher 40339
education, the default floor amount. 40340

(b) The participant's secondary school shall pay for 40341
textbooks, and the college shall waive payment of all other fees 40342
related to participation in the program. 40343

(2) The governing entity of a participant's secondary school 40344
and the college may enter into an agreement to establish an 40345
alternative payment structure for tuition, textbooks, and fees. 40346
Under such an agreement, payments for each participant made by the 40347
department shall be not less than the default floor amount, unless 40348
approved by the ~~chancellor~~ director of higher education, and not 40349
more than the default ceiling amount. The ~~chancellor~~ director 40350
shall approve an agreement that includes a payment below the 40351
default floor amount, as long as the provisions of the agreement 40352
comply with all other requirements of this chapter to ensure 40353
program quality. If no agreement is entered into under division 40354
(A)(2) of this section, both of the following shall apply: 40355

(a) The department shall pay to the college the applicable 40356
default amounts prescribed by division (A)(1)(a) of this section, 40357
depending upon the method of delivery and instruction. 40358

(b) In accordance with division (A)(1)(b) of this section, 40359
the participant's secondary school shall pay for textbooks, and 40360
the college shall waive payment of all other fees related to 40361
participation in the program. 40362

(3) No participant that is enrolled in a public college shall 40363
be charged for any tuition, textbooks, or other fees related to 40364

participation in the program. 40365

(B) For each public secondary school participant enrolled in 40366
a private college: 40367

(1) If no agreement has been entered into under division 40368
(B)(2) of this section, the department shall pay to the college 40369
the applicable amount calculated in the same manner as in division 40370
(A)(1)(a) of this section. 40371

(2) The governing entity of a participant's secondary school 40372
and the college may enter into an agreement to establish an 40373
alternative payment structure for tuition, textbooks, and fees. 40374
Under such an agreement, payments shall be not less than the 40375
default floor amount, unless approved by the ~~chancellor~~ director 40376
of higher education, and not more than the default ceiling amount. 40377

If an agreement is entered into under division (B)(2) of this 40378
section, both of the following shall apply: 40379

(a) The department shall make a payment to the college for 40380
each participant that is equal to the default floor amount, unless 40381
approved by the ~~chancellor~~ director to pay an amount below the 40382
default floor amount. The ~~chancellor~~ director shall approve an 40383
agreement that includes a payment below the default floor amount, 40384
as long as the provisions of the agreement comply with all other 40385
requirements of this chapter to ensure program quality. 40386

(b) Payment for costs for the participant that exceed the 40387
amount paid by the department pursuant to division (B)(2)(a) of 40388
this section shall be negotiated by the school and the college. 40389
The agreement may include a stipulation permitting the charging of 40390
a participant. 40391

However, under no circumstances shall: 40392

(i) Payments for a participant made by the department under 40393
~~this~~ division (B)(2) of this section exceed the default ceiling 40394

amount; 40395

(ii) The amount charged to a participant under division 40396
(B)(2) of this section exceed the difference between the maximum 40397
per participant charge amount and the default floor amount; 40398

(iii) The sum of the payments made by the department for a 40399
participant and the amount charged to that participant under 40400
division (B)(2) of this section exceed the following amounts, as 40401
applicable: 40402

(I) For a participant enrolled in a college course delivered 40403
on the college campus, at another location operated by the 40404
college, or online, the maximum per participant charge amount; 40405

(II) For a participant enrolled in a college course delivered 40406
at the participant's secondary school but taught by college 40407
faculty, one hundred twenty-five dollars; 40408

(III) For a participant enrolled in a college course 40409
delivered at the participant's secondary school and taught by a 40410
high school teacher who has met the credential requirements 40411
established for purposes of the program in rules adopted by the 40412
~~chancellor of the Ohio board of regents~~ director of higher 40413
education, one hundred dollars. 40414

(iv) A participant that is identified as economically 40415
disadvantaged according to rules adopted by the department be 40416
charged under division (B)(2) of this section for any tuition, 40417
textbooks, or other fees related to participation in the program. 40418

(C) For each nonpublic secondary school participant enrolled 40419
in a private or eligible out-of-state college, the department 40420
shall pay to the college the applicable amount calculated in the 40421
same manner as in division (A)(1)(a) of this section. Payment for 40422
costs for the participant that exceed the amount paid by the 40423
department shall be negotiated by the governing body of the 40424
nonpublic secondary school and the college. 40425

However, under no circumstances shall: 40426

(1) The payments for a participant made by the department 40427
under this division exceed the default ceiling amount. 40428

(2) Any nonpublic secondary school participant, who is 40429
enrolled in that secondary school with a scholarship awarded under 40430
either the educational choice scholarship pilot program, as 40431
prescribed by sections 3310.01 to 3310.17, or the pilot project 40432
scholarship program, as prescribed by sections 3313.974 to 40433
3313.979 of the Revised Code, and who qualifies as a low-income 40434
student under either of those programs, be charged for any 40435
tuition, textbooks, or other fees related to participation in the 40436
college credit plus program. 40437

(D) For each nonchartered nonpublic secondary school 40438
participant and each home-instructed participant enrolled in a 40439
public, private, or eligible out-of-state college, the department 40440
shall pay to the college the default ceiling amount, if that 40441
participant is enrolled in a college course delivered on the 40442
college campus, at another location operated by the college, or 40443
online. 40444

(E) Not later than thirty days after the end of each term, 40445
each college expecting to receive payment for the costs of a 40446
participant under this section shall notify the department of the 40447
number of enrolled credit hours for each participant. 40448

(F) Each January and July, or as soon as possible thereafter, 40449
the department shall make the applicable payments under this 40450
section to each college, which provided proper notification to the 40451
department under division (E) of this section, for the number of 40452
enrolled credit hours for participants enrolled in the college 40453
under division (B) of section 3365.06 of the Revised Code. The 40454
department shall not make any payments to a college under this 40455
section if a participant withdrew from a course prior to the date 40456

on which a withdrawal from the course would have negatively 40457
affected the participant's transcribed grade, as prescribed by 40458
the college's established withdrawal policy. 40459

(1) Payments made for public secondary school participants 40460
under this section shall be deducted from the school foundation 40461
payments made to the participant's school district or, if the 40462
participant is enrolled in a community school, a STEM school, or a 40463
college-preparatory boarding school, from the payments made to 40464
that school under section 3314.08, 3326.33, or 3328.34 of the 40465
Revised Code. If the participant is enrolled in a joint vocational 40466
school district, a portion of the amount shall be deducted from 40467
the payments to the joint vocational school district and a portion 40468
shall be deducted from the payments to the participant's city, 40469
local, or exempted village school district in accordance with the 40470
full-time equivalency of the student's enrollment in each 40471
district. Amounts deducted under division (F)(1) of this section 40472
shall be calculated in accordance with rules adopted by the 40473
~~chancellor~~ director of higher education, in consultation with the 40474
state superintendent, pursuant to division (B) of section 3365.071 40475
of the Revised Code. 40476

(2) Payments made for nonpublic secondary school 40477
participants, nonchartered nonpublic secondary school 40478
participants, and home-instructed participants under this section 40479
shall be deducted from moneys appropriated by the general assembly 40480
for such purpose. Payments shall be allocated and distributed in 40481
accordance with rules adopted by the ~~chancellor~~ director, in 40482
consultation with the state superintendent, pursuant to division 40483
(A) of section 3365.071 of the Revised Code. 40484

(G) Any public college that enrolls a student under division 40485
(B) of section 3365.06 of the Revised Code may include that 40486
student in the calculation used to determine its state share of 40487
instruction funds appropriated to the ~~Ohio board of regents~~ 40488

department of higher education by the general assembly. 40489

Sec. 3365.14. (A) Notwithstanding anything to the contrary in 40490
the Revised Code, all public and participating private colleges, 40491
and eligible out-of-state colleges participating in the program, 40492
shall offer an associate degree pathway that enables participants 40493
to earn an associate degree upon completion of the pathway. In 40494
order to complete the pathway and earn an associate degree, 40495
participants shall be required to earn at least sixty, but not 40496
more than seventy-two, credit hours, or the equivalent number of 40497
hours for colleges operating on a quarter schedule. 40498

(B) Participants enrolled in the associate degree pathway 40499
under this section may enroll in more than sixty credit hours, or 40500
the equivalent number of quarter hours, over a period of two 40501
school years. However, no participant shall enroll in more than 40502
seventy-two credit hours, or the equivalent number of quarter 40503
hours, over that same period. 40504

(C) If a participant enrolls in the pathway under this 40505
section and elects to have the college reimbursed under section 40506
3365.07 of the Revised Code for courses taken under the program, 40507
the department shall reimburse the college in the same manner as 40508
for other participants in accordance with that section. However, 40509
the director of higher education, in accordance with Chapter 119. 40510
of the Revised Code and in consultation with the superintendent of 40511
public instruction, shall adopt rules prescribing a method to 40512
calculate payments made for participants under this section that 40513
reflects the increased number of credit hours required under the 40514
pathway. 40515

Sec. 3365.15. The chancellor of the Ohio board of regents 40516
director of higher education and the superintendent of public 40517
instruction jointly shall do all of the following: 40518

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of 40549
this section. Not later than the thirty-first day of December of 40550
each year, the data from the previous school year shall be posted 40551
in a prominent location on both the ~~board of regents'~~ director of 40552
higher education's and the department of education's web sites. 40553

(C) Submit a biennial report detailing the status of the 40554
college credit plus program, including an analysis of quality 40555
assurance measures related to the program, to the governor, the 40556
president of the senate, the speaker of the house of 40557
representatives, and the chairpersons of the education committees 40558
of the senate and house of representatives. The first report shall 40559
be submitted not later than December 31, 2017, and each subsequent 40560
report shall be submitted not later than the thirty-first day of 40561
December every two years thereafter. 40562

(D) Establish a college credit plus advisory committee to 40563
assist in the development of performance metrics and the 40564
monitoring of the program's progress. At least one member of the 40565
advisory committee shall be a school guidance counselor. 40566

The ~~chancellor~~ director shall also, in consultation with the 40567
superintendent, create a standard packet of information for the 40568
college credit plus program directed toward students and parents 40569
that are interested in the program. 40570

Sec. 3381.01. As used in sections 3381.01 to 3381.22 of the 40571
Revised Code: 40572

(A) "Arts or cultural organization" means: 40573

(1) Any corporation, organization, association, or 40574
institution that: 40575

(a) Provides programs or activities in areas directly 40576
concerned with the arts or cultural heritage; and 40577

(b) Is not for profit and whose net earnings may not lawfully 40578

inure to the benefit of any private shareholder, member, or 40579
individual. 40580

(2) Any arts or cultural councils that satisfy the 40581
requirement of division (A)(1)(b) of this section. 40582

(B) "Arts or cultural heritage" includes, but is not limited 40583
to, literature, theater, music, dance, ballet, painting, 40584
sculpture, photography, motion pictures, architecture, 40585
archaeology, history, natural history, or the natural sciences. 40586

(C) "Arts and cultural district" means the territory of the 40587
counties, municipal corporations, or townships that have created a 40588
regional arts and cultural district under section 3381.03 or 40589
3381.04 of the Revised Code. 40590

(D) "Regional arts and cultural district" or "district" means 40591
a regional arts and cultural district created under section 40592
3381.03 ~~or~~, 3381.04, or 3381.041 of the Revised Code. 40593

(E) "Artistic or cultural facility" or "facility" includes, 40594
but is not limited to, a performing arts center, a concert hall, a 40595
museum, a living arts center, and other property, improvements, or 40596
facilities used in connection therewith. 40597

(F) "Qualifying arts or cultural organization" means any arts 40598
or cultural organization whose income is exempt from federal 40599
income taxation, has been in existence for at least three years or 40600
is a successor to an arts or cultural organization which had been 40601
in existence for at least five years, and has a permanent and 40602
viable base of operations within an arts and cultural district. 40603

Sec. 3381.041. (A) In lieu of the procedure set forth in 40604
section 3381.03 of the Revised Code, the board of commissioners of 40605
any county with a population of not less than three hundred 40606
seventy-five thousand and not greater than three hundred ninety 40607
thousand may create a regional arts and cultural district by 40608

adoption of a resolution by the board of county commissioners of 40609
that county if a district created under that section does not then 40610
exist in the county. The resolution shall state all of the 40611
following: 40612

(1) That the purpose of the district shall be to promote 40613
arts, culture, and excellence within the community with an 40614
emphasis on outreach to children; 40615

(2) That the territory of the district shall be coextensive 40616
with the territory of the county; 40617

(3) The official name by which the district shall be known; 40618

(4) The location of the principal office of the district or 40619
the manner in which the location shall be selected. 40620

(B) The district shall be created upon the adoption of the 40621
resolution by the board of county commissioners. Upon the adoption 40622
of the resolution, the county, the townships in the county, and 40623
the territory of municipal corporations to the extent situated in 40624
the county shall not thereafter be a part of any other regional 40625
arts and cultural district. 40626

(C) The board of trustees of any regional arts and cultural 40627
district formed under this section shall be comprised of five 40628
members appointed by the board of county commissioners. 40629

(D)(1) For one or more of the purposes for which a tax may be 40630
levied under section 3381.16 of the Revised Code and for the 40631
purposes of paying the expenses of administering the tax and the 40632
expenses charged by a board of elections to hold an election on a 40633
question submitted under this section, a board of county 40634
commissioners that creates a regional arts and culture district 40635
under this section may levy a tax not to exceed three dollars on 40636
each gallon of spirituous liquor sold or purchased by liquor 40637
permit holders for resale, and sold at retail by the state or 40638
pursuant to a transfer agreement entered into under Chapter 4313. 40639

of the Revised Code, in the county. The tax shall be levied on the 40640
number of gallons so sold. The tax may be levied for any number of 40641
years not exceeding twenty. 40642

The tax shall be levied pursuant to a resolution of the board 40643
of county commissioners approved by a majority of the electors in 40644
the county voting on the question of levying the tax, which 40645
resolution shall specify the rate of the tax, the number of years 40646
the tax will be levied, and the purposes for which the tax is 40647
levied. The election may be held on the date of a general or 40648
special election held not sooner than ninety days after the date 40649
the board certifies its resolution to the board of elections. If 40650
approved by the electors, the tax takes effect on the first day of 40651
the month specified in the resolution but not sooner than the 40652
first day of the month that is at least sixty days after the 40653
certification of the election results by the board of elections. A 40654
copy of the resolution levying the tax shall be certified to the 40655
division of liquor control at least sixty days before the date on 40656
which the tax is to become effective. 40657

(2) A resolution adopted under division (D) of this section 40658
may be joined on the ballot as a single question with a resolution 40659
adopted under section 4301.425 or 5743.021 of the Revised Code to 40660
levy a tax for the same purposes, and for the purpose of paying 40661
the expenses of administering that tax. 40662

(3) The form of the ballot in an election held pursuant to 40663
this section or section 4301.425 or 5743.021 of the Revised Code 40664
shall be as follows or in any form acceptable to the secretary of 40665
state: 40666

"For the purpose of (insert the purpose or 40667
purposes of the tax), shall (an) excise tax(es) be levied 40668
throughout County for the benefit of the 40669
(name of the regional arts and culture district) at the rate of 40670
..... (dollars on each gallon of spirituous liquor sold in the 40671

county , cents per gallon on the sale of beer at wholesale 40672
in the county, cents per gallon on the sale of wine and 40673
mixed beverages at wholesale in the county, cents per 40674
gallon on the sale of cider at wholesale in the county, or 40675
mills per cigarette on the sale of cigarettes at wholesale in the 40676
county), for years? 40677

Yes 40678

No " 40679

The board of county commissioners shall adjust the ballot 40680
language based on whether the tax authorized under division (D) of 40681
this section is combined with a tax authorized under section 40682
4301.425 or 5743.021 of the Revised Code. 40683

Sec. 3701.045. (A) The department of health, in consultation 40684
with the children's trust fund board established under section 40685
3109.15 of the Revised Code and any bodies acting as child 40686
fatality review boards on October 5, 2000, shall adopt rules in 40687
accordance with Chapter 119. of the Revised Code that establish a 40688
procedure for county or regional child fatality review boards to 40689
follow in conducting a review of the death of a child. The rules 40690
shall do all of the following: 40691

(1) Establish the format for the annual reports required by 40692
section 307.626 of the Revised Code; 40693

(2) Establish guidelines for a county or regional child 40694
fatality review board to follow in compiling statistics for annual 40695
reports so that the reports do not contain any information that 40696
would permit any person's identity to be ascertained from a 40697
report; 40698

(3) Establish guidelines for a county or regional child 40699
fatality review board to follow in creating and maintaining the 40700
comprehensive database of child deaths required by section 307.623 40701

of the Revised Code, including provisions establishing uniform 40702
record-keeping procedures; 40703

(4) Establish guidelines for reporting child fatality review 40704
data to the department of health or a national child death review 40705
database, either of which must maintain the confidentiality of 40706
information that would permit a person's identity to be 40707
ascertained; 40708

(5) Establish guidelines, materials, and training to help 40709
educate members of county or regional child fatality review boards 40710
about the purpose of the review process and the confidentiality of 40711
the information described in section 307.629 of the Revised Code 40712
and to make them aware that such information is not a public 40713
record under section 149.43 of the Revised Code. 40714

(B) On or before the thirtieth day of September of each year, 40715
the department of health and the children's trust fund board 40716
jointly shall prepare and publish a report organizing and setting 40717
forth the data from the department of health child death review 40718
database or the national child death review database, data in all 40719
the reports provided by county or regional child fatality review 40720
boards in their annual reports for the previous calendar year, and 40721
recommendations for any changes to law and policy that might 40722
prevent future deaths. The department and the children's trust 40723
fund board jointly shall provide a copy of the report to the 40724
governor, the speaker of the house of representatives, the 40725
president of the senate, the minority leaders of the house of 40726
representatives and the senate, each county or regional child 40727
fatality review board, and each county or regional family and 40728
children first council. 40729

Sec. 3701.139. (A) The hope for a smile program is hereby 40730
established. The primary objective of the program is to improve 40731
the oral health of school-age children, which the general assembly 40732

declares to be one of the most unmet health care needs of this 40733
state. Services provided under the program shall be targeted at 40734
school-age children who are indigent and uninsured, although other 40735
children may be served. The hope for a smile advisory council 40736
established under division (H) of this section may recommend 40737
additional populations to be targeted. 40738

(B) The program shall be operated as a collaboration between 40739
the department of health and the following: 40740

(1) The Ohio dental association; 40741

(2) The Ohio dental hygienists' association; 40742

(3) The Ohio state university college of dentistry and the 40743
dental hygiene program at that college; 40744

(4) Case western reserve university school of dental 40745
medicine; 40746

(5) Shawnee state university; 40747

(6) James A. Rhodes state college; 40748

(7) Columbus state community college; 40749

(8) Cuyahoga community college, metropolitan campus; 40750

(9) Youngstown state university; 40751

(10) Lorain county community college; 40752

(11) Lakeland community college; 40753

(12) University of Cincinnati; 40754

(13) Sinclair community college; 40755

(14) Owens community college; 40756

(15) Stark state college. 40757

(C) With assistance from the director of administrative 40758
services and using the state's purchasing power, the director of 40759

health shall use money from one or more of the following sources 40760
to purchase or secure the use of, maintain, and operate one bus 40761
equipped as a mobile dental unit: 40762

(1) The economic development programs fund created under 40763
section 3772.17 of the Revised Code; 40764

(2) The hope for a smile program fund created under division 40765
(G) of this section; 40766

(3) Any other source of public funds that the director of 40767
administrative services or director of health determines is 40768
available and may be used for the program. 40769

(D) Dentists, dental hygienists, and the faculty and staff of 40770
the dentistry and dental hygiene educational programs of this 40771
state shall staff the bus. The faculty and staff of the 40772
educational programs may permit students enrolled in the programs 40773
to participate in staffing the bus. 40774

The individuals staffing the bus shall travel to schools in 40775
Ohio. In scheduling visits to those schools, priority shall be 40776
given to schools that are attended by high numbers of children who 40777
are in the program's targeted population. During each visit, the 40778
individuals who provide services to the children shall provide the 40779
services in accordance with their authority to practice under 40780
Chapter 4715. of the Revised Code. 40781

(E) Dentists and dental hygienists who provide services free 40782
of charge under the program may deduct the fair market value of 40783
those services in computing Ohio adjusted gross income under 40784
section 5747.01 of the Revised Code. 40785

Participation in the program by students of dentistry and 40786
dental hygiene educational programs in this state shall be 40787
recognized by the governor and the general assembly as a workforce 40788
and economic development initiative. 40789

(F) The director of health shall apply on the program's behalf to the department of medicaid for a medicaid provider agreement. The director shall make arrangements with private entities that provide health care insurance or other forms of health care coverage in this state as the director considers necessary for the program to be reimbursed for services provided to children who have health care insurance or coverage through those entities. 40790
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(G) The program may accept grants, donations, and awards. The program may seek payments from the medicaid program for services provided to children who are medicaid recipients. The program may seek reimbursement from private entities that provide health care insurance or other forms of health care coverage for services provided to children who have insurance or coverage through those. The program may apply for money allocated by the United States department of labor or other entities for workforce or economic development initiatives. 40798
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Any amounts received from a source described in this division shall be deposited into the state treasury to the credit of the hope for a smile program fund, which is hereby created. Any interest earned on money in the fund shall be credited to the fund. The amounts credited to the fund shall be used solely to pay the costs of the program. 40807
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(H) The director of health shall establish an advisory council, to be known as the hope for a smile advisory council, to advise the director on matters regarding the implementation and administration of the program. The director shall appoint the council's members, which shall include representatives of the Ohio dental association, the Ohio dental hygienists' association, the Ohio state university college of dentistry and the dental hygiene program at that college, the case western reserve university school of dental medicine, the Ohio council of dental hygiene 40813
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directors, and other entities considered appropriate by the 40822
director. 40823

(I) In consultation with the hope for a smile advisory 40824
council, the director of health shall adopt rules as the director 40825
considers necessary to implement and administer this section. The 40826
rules shall be adopted in accordance with Chapter 119. of the 40827
Revised Code. 40828

(J) Not later than the first day of July each year, the 40829
director of health, with input from the hope for a smile advisory 40830
council, shall prepare a report on progress the program has made 40831
in achieving the objective expressed in division (A) of this 40832
section, saving money for the medicaid program and other safety 40833
net programs, and promoting workforce and economic development in 40834
this state. The director shall submit each report to the governor 40835
and, in accordance with section 101.68 of the Revised Code, to the 40836
general assembly. 40837

Sec. 3701.60. Every hospital agency as defined in section 40838
140.01 of the Revised Code, ~~shall~~ may offer a uterine cytologic 40839
examination for cancer to every female in-patient ~~eighteen~~ 40840
~~twenty-one~~ years or of age or over unless contrary orders are 40841
given by the attending physician or unless the examination has 40842
been performed within the preceding year. Any female in-patient 40843
may refuse ~~such~~ the examination. ~~The~~ If the examination is 40844
offered, the hospital agency shall ~~in all cases~~ maintain records 40845
to show the examination results ~~of the examination,~~ or that the 40846
examination ~~was not applicable or~~ was refused. 40847

Sec. 3701.65. (A) There is hereby created in the state 40848
treasury the "choose life" fund. The fund shall consist of the 40849
contributions that are paid to the registrar of motor vehicles by 40850
applicants who voluntarily elect to obtain "choose life" license 40851

plates pursuant to section 4503.91 of the Revised Code and any 40852
money returned to the fund under division (E)(1)(d) of this 40853
section. All investment earnings of the fund shall be credited to 40854
the fund. 40855

(B)(1) At least annually, the director of health shall 40856
distribute the money in the fund to any private, nonprofit 40857
organization that is eligible to receive funds under this section 40858
and that applies for funding under division (C) of this section. 40859

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 40860
~~the county in which the organization applying for funding is~~ 40861
~~located and to each county~~ in proportion to the number of "choose 40862
life" license plates issued during the preceding year to vehicles 40863
registered in each county. The director shall distribute funds 40864
allocated for a county ~~to one or more eligible organizations~~ 40865
~~located in contiguous counties if no eligible organization located~~ 40866
~~within the county applies for funding. Within each county,~~ 40867
~~eligible organizations that apply for funding shall share equally~~ 40868
~~in the funds available for distribution to organizations located~~ 40869
~~within that county~~ as follows: 40870

(a) To one or more eligible organizations located within the 40871
county; 40872

(b) If no eligible organization located within the county 40873
applies for funding, to one or more eligible organizations located 40874
in contiguous counties; 40875

(c) If no eligible organization located within the county or 40876
a contiguous county applies for funding, to one or more eligible 40877
organizations within any other county. 40878

(3) The director shall ensure that any funds allocated for a 40879
county are distributed equally among eligible organizations that 40880
apply for funding within the county. 40881

(C) Any organization seeking funds under this section 40882
annually shall apply for distribution of the funds based on the 40883
county in which the organization is located. An organization also 40884
may apply for funding in a ~~contiguous~~ county in which it is not 40885
located if it demonstrates that it provides services for pregnant 40886
women residing in that ~~contiguous~~ county. The director shall 40887
develop an application form and may determine the schedule and 40888
procedures that an organization shall follow when annually 40889
applying for funds. The application shall inform the applicant of 40890
the conditions for receiving and using funds under division (E) of 40891
this section. The application shall require evidence that the 40892
organization meets all of the following requirements: 40893

(1) Is a private, nonprofit organization; 40894

(2) Is committed to counseling pregnant women about the 40895
option of adoption; 40896

(3) Provides services within the state to pregnant women who 40897
are planning to place their children for adoption, including 40898
counseling and meeting the material needs of the women; 40899

(4) Does not charge women for any services received; 40900

(5) Is not involved or associated with any abortion 40901
activities, including counseling for or referrals to abortion 40902
clinics, providing medical abortion-related procedures, or 40903
pro-abortion advertising; 40904

(6) Does not discriminate in its provision of any services on 40905
the basis of race, religion, color, age, marital status, national 40906
origin, handicap, gender, or age; 40907

(7) If the organization is applying for funding in a county 40908
in which it is not located, provides services for pregnant women 40909
residing in that county. 40910

(D) The director shall not distribute funds to an 40911

organization that does not provide verifiable evidence of the 40912
requirements specified in the application under division (C) of 40913
this section and shall not provide additional funds to any 40914
organization that fails to comply with division (E) of this 40915
section in regard to its previous receipt of funds under this 40916
section. 40917

(E)(1) An organization receiving funds under this section 40918
shall do all of the following: 40919

(a) Use not more than sixty per cent of the funds distributed 40920
to it for the material needs of pregnant women who are planning to 40921
place their children for adoption or for infants awaiting 40922
placement with adoptive parents, including clothing, housing, 40923
medical care, food, utilities, and transportation; 40924

(b) Use not more than forty per cent of the funds distributed 40925
to it for counseling, training, or advertising; 40926

(c) Not use any of the funds distributed to it for 40927
administrative expenses, legal expenses, or capital expenditures; 40928

(d) Annually return to the fund created under division (A) of 40929
this section any unused money that exceeds ten per cent of the 40930
money distributed to the organization. 40931

(2) The organization annually shall submit to the director an 40932
audited financial statement verifying its compliance with division 40933
(E)(1) of this section. 40934

(F) The director, in accordance with Chapter 119. of the 40935
Revised Code, shall adopt rules to implement this section. 40936

It is not the intent of the general assembly that the 40937
department create a new position within the department to 40938
implement and administer this section. It is the intent of the 40939
general assembly that the implementation and administration of 40940
this section be accomplished by existing department personnel. 40941

Sec. 3701.70. (A) The director of health shall establish 40942
guidelines for a state-level review of deaths of children under 40943
eighteen years of age who, at the time of death, were residents of 40944
this state. 40945

(B) The purpose of a review conducted pursuant to guidelines 40946
adopted under this section is to decrease the incidence of 40947
preventable child deaths by doing all of the following: 40948

(1) Promoting cooperation, collaboration, and communication 40949
between all groups, professions, agencies, or entities that serve 40950
families and children; 40951

(2) Maintaining a comprehensive database of child deaths that 40952
occur in this state in order to develop an understanding of the 40953
causes and incidence of those deaths; 40954

(3) Recommending and developing plans for implementing state 40955
and local service and program changes and changes to the groups, 40956
professions, agencies, or entities that serve families and 40957
children that might prevent child deaths. 40958

(C) The guidelines shall provide that the director may not 40959
conduct a review while an investigation of the child's death or 40960
prosecution of a person for causing the death is pending, unless 40961
the prosecuting attorney agrees to allow the review. At the 40962
director's request, the law enforcement agency conducting the 40963
criminal investigation, on the conclusion of the investigation, 40964
and the prosecuting attorney, on the conclusion of the 40965
prosecution, shall notify the director of the conclusion. 40966

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and 40967
any other section of the Revised Code pertaining to 40968
confidentiality, any individual, public children services agency, 40969
private child placing agency, or agency that provides services 40970
specifically to individuals or families, law enforcement agency, 40971

or other public or private entity that provided services to a 40972
child whose death is being reviewed by the director of health 40973
pursuant to guidelines established under section 3701.70 of the 40974
Revised Code, on the request of the director, shall submit to the 40975
director a summary sheet of information. 40976

(a) With respect to a request made to a health care entity, 40977
the summary sheet shall contain only information available and 40978
reasonably drawn from the child's medical record created by the 40979
health care entity. 40980

(b) With respect to a request made to any other individual or 40981
entity, the summary sheet shall contain only information available 40982
and reasonably drawn from any record involving the child that the 40983
individual or entity develops in the normal course of business. 40984

(c) On the request of the director, an individual or entity 40985
may, at the individual's or entity's discretion, make any 40986
additional information, documents, or reports available to the 40987
director. 40988

(2) Notwithstanding section 3701.243 and any other section of 40989
the Revised Code pertaining to confidentiality, in the case of a 40990
child one year of age or younger whose death is being reviewed by 40991
the director, on the request of the director, a health care entity 40992
that provided services to the child's mother shall submit to the 40993
director a summary sheet of information available and reasonably 40994
drawn from the mother's medical record created by the health care 40995
entity. Before submitting the summary sheet, the health care 40996
entity shall attempt to obtain the mother's consent to do so, but 40997
lack of consent shall not preclude the entity from submitting the 40998
summary sheet. 40999

(3) For purposes of the review, the director shall have 41000
access to confidential information provided to the director under 41001
this section or division (H)(4) of section 2151.421 of the Revised 41002

Code, and the director shall preserve the confidentiality of that information. 41003
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to the director pursuant to guidelines established under section 3701.70 of the Revised Code while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. 41005
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Sec. 3701.702. (A) An individual or public or private entity providing information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, document, or reports to the director. 41012
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 41019
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Sec. 3701.703. (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 41024
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 41033
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 41036
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 41039
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Sec. 3701.834. There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay expenses related to public health emergency preparedness and response activities. 41041
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Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract. 41048
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(B) The contract shall include all of the following obligations: 41054
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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract; 41056
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(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following: 41060
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(a) Provide primary care services in an outpatient or ambulatory setting approved by the department of health;	41063 41064
(b) Provide primary care services without regard to a patient's ability to pay;	41065 41066
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide primary care services to medicaid recipients.	41067 41068 41069
(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;	41070 41071 41072 41073 41074 41075 41076
(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.	41077 41078 41079 41080 41081
(C) The contract shall include the following terms as agreed upon by the parties:	41082 41083
(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years;	41084 41085 41086
(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area;	41087 41088 41089
(3) The maximum amount that the department will repay on behalf of the primary care physician;	41090 41091
(4) The extent to which the primary care physician's teaching	41092

activities will be counted toward the physician's full-time 41093
practice or part-time practice hours under the contract. 41094

(D) If the amount specified in division (C)(3) of this 41095
section includes federal funds ~~from the bureau of clinician~~ 41096
~~recruitment and service in the United States department of health~~ 41097
~~and human services~~, the amount of state funds repaid on the 41098
individual's behalf shall be the same as the amount of those 41099
federal funds. 41100

Sec. 3702.91. (A) As used in this section: 41101

(1) "Full-time practice" and "part-time practice" have the 41102
same meanings as in section 3702.71 of the Revised Code; 41103

(2) "Teaching activities" means ~~supervising~~ providing 41104
clinical education to dental students and dental residents and 41105
dental health profession students at the service site specified in 41106
the ~~letter of intent~~ contract described in division (B) of this 41107
section ~~3702.90 of the Revised Code.~~ 41108

(B) An individual who has signed a letter of intent may enter 41109
into a contract with the director of health for participation in 41110
the dentist loan repayment program. The dentist's employer or 41111
other funding source may also be a party to the contract. 41112

(C) The contract shall include all of the following 41113
obligations: 41114

(1) The individual agrees to provide dental services in the 41115
dental health resource shortage area identified in the letter of 41116
intent for the number of hours and duration specified in the 41117
contract. 41118

(2) When providing dental services in the dental health 41119
resource shortage area, the individual agrees to do all of the 41120
following: 41121

(a) Provide dental services in a service site approved by the 41122

department of health;	41123
(b) Provide dental services without regard to a patient's ability to pay;	41124 41125
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide dental services to medicaid recipients.	41126 41127 41128
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (C)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.	41129 41130 41131 41132 41133 41134
(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (C)(1) of this section.	41135 41136 41137 41138
(D) The contract shall include the following terms as agreed upon by the parties:	41139 41140
(1) The individual's required length of service in the dental health resource shortage area, which must be at least two years;	41141 41142
(2) The number of weekly hours the individual will be engaged in full-time practice or part-time practice;	41143 41144
(3) The maximum amount that the department will repay on behalf of the individual;	41145 41146
(4) The extent to which the individual's teaching activities will be counted toward the individual's full-time practice or part-time practice hours under the contract.	41147 41148 41149
(E) If the amount specified in division (D)(3) of this section includes <u>federal</u> funds from the bureau of clinician recruitment and service in the United States department of health	41150 41151 41152

and ~~human services~~, the amount of state funds repaid on the 41153
individual's behalf shall be the same as the amount of those 41154
federal funds. 41155

Sec. 3704.05. (A) No person shall cause, permit, or allow 41156
emission of an air contaminant in violation of any rule adopted by 41157
the director of environmental protection under division (E) of 41158
section 3704.03 of the Revised Code unless the person is the 41159
holder of a variance that is issued under division (H) of that 41160
section and consistent with the federal Clean Air Act permitting 41161
the emission of the contaminant in excess of that permitted by the 41162
rule or the person is the holder of an operating permit that 41163
includes a compliance schedule issued pursuant to rules adopted 41164
under division (G) of section 3704.03 of the Revised Code. 41165

(B) No person who is the holder of a variance issued under 41166
division (H) of section 3704.03 of the Revised Code shall cause, 41167
permit, or allow emission of an air contaminant or contaminants 41168
listed therein in violation of the conditions of the variance or 41169
fail to obey an order of the director issued under authority of 41170
that division. 41171

(C) No person who is the holder of a permit issued under 41172
division (F) or (G) of section 3704.03 of the Revised Code shall 41173
violate any of its terms or conditions. 41174

(D) No person shall fail to install and maintain monitoring 41175
devices or to submit reports or other information as may be 41176
required under division (I) of section 3704.03 of the Revised 41177
Code. 41178

(E) No person to whom a permit or variance has been issued 41179
shall refuse entry to an authorized representative of the director 41180
or the environmental protection agency as provided in division 41181
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 41182
the person in making an investigation. 41183

(F) No person shall fail to submit plans and specifications	41184
as required by section 3704.03 of the Revised Code.	41185
(G) No person shall violate any order, rule, or determination	41186
of the director issued, adopted, or made under this chapter.	41187
(H) No person shall do any of the following:	41188
(1) Falsify any plans, specifications, data, reports,	41189
records, or other information required to be kept or submitted to	41190
the director by this chapter or rules adopted under it;	41191
(2) Make any false material statement, representation, or	41192
certification in any form, notice, or report required by the Title	41193
V permit program;	41194
(3) Render inaccurate any monitoring device required by a	41195
Title V permit.	41196
Violation of division (H)(1), (2), or (3) of this section is	41197
not also falsification under section 2921.13 of the Revised Code.	41198
(I) No person shall knowingly falsify an inspection	41199
certificate submitted to another under section 3704.14 or Chapter	41200
4503. of Revised Code. Violation of this division is not also	41201
falsification under section 2921.13 of the Revised Code.	41202
(J) No person shall do either of the following:	41203
(1) With regard to the Title V permit program, fail to pay	41204
any administrative penalty assessed in accordance with rules	41205
adopted under division (S) of section 3704.03 of the Revised Code	41206
or any fee assessed under section 3745.11 of the Revised Code;	41207
(2) Violate any applicable requirement of a Title V permit or	41208
any permit condition, except for an emergency as defined in 40	41209
C.F.R. 70.6 (g), or filing requirement of the Title V permit	41210
program, any duty to allow or carry out inspection, entry, or	41211
monitoring activities, or any rule adopted or order issued by the	41212
director pursuant to the Title V permit program.	41213

(K) On and after the three hundred sixty-sixth day following 41214
the administrator's final approval of the Title V permit program, 41215
or on and after the three hundred sixty-sixth day following the 41216
commencement of operation of a new major source required to comply 41217
with section 112(g) or part C or D of Title I of the federal Clean 41218
Air Act, whichever is later, no person shall operate any such 41219
source that is required to obtain a Title V permit under section 41220
3704.036 of the Revised Code or rules adopted under it unless such 41221
a permit has been issued authorizing operation of the source or 41222
unless a complete and timely application for the issuance, 41223
renewal, or modification of a Title V permit for the source has 41224
been submitted to the director under that section. 41225

Sec. 3704.14. (A)(1) If the director of environmental 41226
protection determines that implementation of a motor vehicle 41227
inspection and maintenance program is necessary for the state to 41228
effectively comply with the federal Clean Air Act after June 30, 41229
~~2011~~ 2015, the director may provide for the implementation of the 41230
program in those counties in this state in which such a program is 41231
federally mandated. Upon making such a determination, the director 41232
of environmental protection may request the director of 41233
administrative services to extend the terms of the contract that 41234
was entered into under the authority of Am. Sub. H.B. ~~± 153~~ of the 41235
~~128th~~ 129th general assembly. Upon receiving the request, the 41236
director of administrative services shall extend the contract, 41237
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 41238
The contract shall be extended for a period of up to ~~twelve~~ 41239
twenty-four months with the contractor who conducted the motor 41240
vehicle inspection and maintenance program under that contract. 41241

(2) Prior to the expiration of the contract extension that is 41242
authorized by division (A)(1) of this section, the director of 41243
environmental protection shall request the director of 41244
administrative services to enter into a contract with a vendor to 41245

operate a decentralized motor vehicle inspection and maintenance 41246
program in each county in this state in which such a program is 41247
federally mandated through June 30, ~~2015~~ 2019, with an option for 41248
the state to renew the contract for a period of up to twenty-four 41249
months through June 30, ~~2017~~ 2021. The contract shall ensure that 41250
the decentralized motor vehicle inspection and maintenance program 41251
achieves at least the same emission reductions as achieved by the 41252
program operated under the authority of the contract that was 41253
extended under division (A)(1) of this section. The director of 41254
administrative services shall select a vendor through a 41255
competitive selection process in compliance with Chapter 125. of 41256
the Revised Code. 41257

(3) Notwithstanding any law to the contrary, the director of 41258
administrative services shall ensure that a competitive selection 41259
process regarding a contract to operate a decentralized motor 41260
vehicle inspection and maintenance program in this state 41261
incorporates the following, which shall be included in the 41262
contract: 41263

(a) For purposes of expanding the number of testing locations 41264
for consumer convenience, a requirement that the vendor utilize 41265
established local businesses, auto repair facilities, or leased 41266
properties to operate state-approved inspection and maintenance 41267
testing facilities; 41268

(b) A requirement that the vendor selected to operate the 41269
program provide notification of the program's requirements to each 41270
owner of a motor vehicle that is required to be inspected under 41271
the program. The contract shall require the notification to be 41272
provided not later than sixty days prior to the date by which the 41273
owner of the motor vehicle is required to have the motor vehicle 41274
inspected. The director of environmental protection and the vendor 41275
shall jointly agree on the content of the notice. However, the 41276
notice shall include at a minimum the locations of all inspection 41277

facilities within a specified distance of the address that is listed on the owner's motor vehicle registration; 41278
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(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code. 41280
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(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section. 41285
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(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following: 41290
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(1) Comply with the federal Clean Air Act; 41293

(2) Provide for the issuance of inspection certificates; 41294

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period. 41295
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(C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section. 41299
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(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

Sec. 3705.08. (A) The director of health, by rule, shall prescribe the form of records and certificates required by this

chapter. Records and certificates shall include the items and 41339
information prescribed by the director, including the items 41340
recommended by the national center for health statistics of the 41341
United States department of health and human services, subject to 41342
approval of and modification by the director. 41343

(B) All birth certificates shall include a statement setting 41344
forth the names of the child's parents and a line for the mother's 41345
and the father's signature. 41346

(C) All death certificates shall include, in the medical 41347
certification portion of the certificate, a space to indicate, if 41348
the deceased individual is female and the manner of death is 41349
determined to be a suspicious or violent death, whether any of the 41350
following conditions apply to the individual: 41351

(1) Not pregnant within the past year; 41352

(2) Pregnant at the time of death; 41353

(3) Not pregnant, but had been pregnant within forty-two days 41354
prior to the time of death; 41355

(4) Not pregnant, but had been pregnant within forty-three 41356
days to one year prior to the time of death; 41357

(5) Unknown whether pregnant within the past year. 41358

(D)(1) The director shall prescribe methods, forms, and 41359
blanks and shall furnish necessary postage, forms, and blanks for 41360
obtaining registration of births, deaths, and other vital 41361
statistics in each registration district, and for preserving the 41362
records of the office of vital statistics, and no forms or blanks 41363
shall be used other than those prescribed by the director. 41364

(2) All birth, fetal death, and death records and 41365
certificates shall be ~~printed legibly or typewritten in unfading~~ 41366
~~black ink and~~ signed. Except as provided in division (G) of 41367
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 41368

division (D) of section 3705.15, or section 3705.16 of the Revised Code, ~~a signature required on~~ a birth, fetal death, or death certificate shall be ~~written~~ signed by the person required to sign and ~~a facsimile signature shall not be used~~ the certificate.

(3) All vital records shall contain the date received for registration.

(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director.

Sec. 3705.231. (A) A local registrar shall issue, on receipt of a signed application for a birth or death record and the fee specified in division (B) of this section, a noncertified copy of a birth or death record, and the birth or death record shall contain at least the name, sex, date of birth or death, registration date, and place of birth or death of the person to whose birth or death the record attests and shall attest that the person's birth or death has been registered.

(B) A local registrar may charge a fee for providing a noncertified copy, not to exceed twenty-five cents per page when provided in black and white, or, if a local registrar offers to provide a color copy, a reasonable amount not to exceed the amount the local registrar expends in producing the color copy.

Sec. 3714.051. (A)(1) Not later than one hundred eighty days after ~~the effective date of this section~~ December 22, 2005, and in accordance with rules adopted under section 3714.02 of the Revised Code, the director of environmental protection shall establish a program for the issuance of permits to install for new construction and demolition debris facilities.

(2) On and after ~~the effective date of this section~~ December

22, 2005, no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located or from the director if the facility is or is to be located in a health district that is not on the approved list under section 3714.09 of the Revised Code or if a board of health requests the director to issue the permit to install under division (G) of this section.

(B) The director, the director's authorized representative, a board of health, or an authorized representative of the board may assist an applicant for a permit to install during the permitting process by providing guidance and technical assistance.

(C) An applicant for a permit to install shall submit an application to a board of health or the director, as applicable, on a form that the director prescribes. The applicant shall include with the application all of the following:

(1) The name and address of the applicant, of all partners if the applicant is a partnership or of all officers and directors if the applicant is a corporation, and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors, or managers of the applicant;

(2) The designs and plans for the construction and demolition debris facility that include the location or proposed location of the facility, design and construction plans and specifications, anticipated beginning and ending dates for work performed, and any other related information that the director requires by rule;

(3) The information required under section 3714.052 of the Revised Code;

(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this

section into the special fund of the health district created under 41430
section 3714.07 of the Revised Code. The director shall transmit 41431
money collected under division (C)(4) of this section to the 41432
treasurer of state to be credited to the ~~construction and~~ 41433
~~demolition debris facility oversight~~ waste management fund created 41434
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 41435
months after a facility that is issued a permit to install begins 41436
accepting construction and demolition debris for disposal, a board 41437
of health or the director, as applicable, shall refund the 41438
application fee received under division (C)(4) of this section to 41439
the person that submitted the application for the permit to 41440
install. 41441

(5) Any other information required by the director in 41442
accordance with rules adopted under section 3714.02 of the Revised 41443
Code. 41444

(D) A permit to install may be issued with terms and 41445
conditions that a board of health or the director, as applicable, 41446
finds necessary to ensure that the facility will comply with this 41447
chapter and rules adopted under it and to protect public health 41448
and safety and the environment. 41449

(E) A permit to install shall expire after a time period 41450
specified by the director or board of health, as applicable, in 41451
accordance with rules adopted under section 3714.02 of the Revised 41452
Code unless the applicant has undertaken a continuing program of 41453
construction or has entered into a binding contractual obligation 41454
to undertake and complete a continuing program of construction 41455
within a reasonable time, in which case the director or board, as 41456
applicable, may extend the expiration date of a permit to install 41457
upon request of the applicant. 41458

(F) The director or a board of health, as applicable, may 41459
issue, deny, modify, suspend, or revoke a permit to install in 41460
accordance with rules. 41461

(G) A board of health shall notify the director of its receipt of an application for a permit to install. A board of health, or its authorized representative, may request the director to review an application, or part of an application, for a permit to install and also may request that the director issue or deny it when the board determines that additional expertise is required. The director shall comply with such a request.

Upon a board of health's issuance of a permit to install for a new construction and demolition debris facility under this section, the board shall mail a copy of the permit to the director together with approved plans, specifications, and information regarding the facility.

Sec. 3714.07. (A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code.

(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and

demolition debris to the facility or the cubic yards actually 41493
logged for disposal by the owner or operator in accordance with 41494
rules adopted under section 3714.02 of the Revised Code. If basing 41495
the fee on tonnage, the owner or operator shall use certified 41496
scales to determine the tonnage of construction and demolition 41497
debris that is disposed of. 41498

(3) The owner or operator of a construction and demolition 41499
debris facility or a solid waste facility shall calculate the 41500
amount of money generated from the fee levied under division 41501
(A)(1) of this section and shall hold that amount as a trustee for 41502
the health district having jurisdiction over the facility, if that 41503
district is on the approved list under section 3714.09 of the 41504
Revised Code, or for the state. The owner or operator shall 41505
prepare and file with the appropriate board of health or the 41506
director of environmental protection monthly returns indicating 41507
the total volume or weight, as applicable, of construction and 41508
demolition debris and asbestos or asbestos-containing materials or 41509
products disposed of at the facility and the total amount of money 41510
generated during that month from the fee levied under division 41511
(A)(1) of this section on the disposal of construction and 41512
demolition debris and asbestos or asbestos-containing materials or 41513
products. Not later than thirty days after the last day of the 41514
month to which the return applies, the owner or operator shall 41515
mail to the board of health or the director the return for that 41516
month together with the amount of money calculated under division 41517
(A)(3) of this section on the disposal of construction and 41518
demolition debris and asbestos or asbestos-containing materials or 41519
products during that month or may submit the return and money 41520
electronically in a manner approved by the director. The owner or 41521
operator may request, in writing, an extension of not more than 41522
thirty days after the last day of the month to which the return 41523
applies. A request for extension may be denied. If the owner or 41524
operator submits the money late, the owner or operator shall pay a 41525

penalty of ten per cent of the amount of the money due for each 41526
month that it is late. 41527

(4) Of the money that is submitted by a construction and 41528
demolition debris facility or a solid waste facility on a per 41529
cubic yard or per ton basis under this section, a board of health 41530
shall transmit three cents per cubic yard or six cents per ton, as 41531
applicable, to the director not later than forty-five days after 41532
the receipt of the money. The money retained by a board of health 41533
under this section shall be paid into a special fund, which is 41534
hereby created in each health district, and used solely for the 41535
following purposes: 41536

(a) To administer and enforce this chapter and rules adopted 41537
under it; 41538

(b) To abate abandoned accumulations of construction and 41539
demolition debris as provided in section 3714.074 of the Revised 41540
Code. 41541

The director shall transmit all money received under this 41542
section to the treasurer of state to be ~~credited~~ deposited in the 41543
state treasury to the ~~construction and demolition debris facility~~ 41544
~~oversight~~ credit of the waste management fund, which is hereby 41545
created in ~~the state treasury~~ section 3734.061 of the Revised 41546
Code. ~~The fund shall be administered by the director, and money~~ 41547
~~credited to the fund shall be used exclusively for the~~ 41548
~~administration and enforcement of this chapter and rules adopted~~ 41549
~~under it.~~ 41550

(B) The board of health of a health district or the director 41551
may enter into an agreement with the owner or operator of a 41552
construction and demolition debris facility or a solid waste 41553
facility for the quarterly payment of money generated from the 41554
disposal fee as calculated in division (A)(3) of this section. The 41555
board of health shall notify the director of any such agreement. 41556

Not later than forty-five days after receipt of the quarterly 41557
payment, the board of health shall transmit the amount established 41558
in division (A)(4) of this section to the director. The money 41559
retained by the board of health shall be deposited in the special 41560
fund of the district as required under that division. Upon receipt 41561
of the money from a board of health, the director shall transmit 41562
the money to the treasurer of state to be credited to the 41563
~~construction and demolition debris facility oversight~~ waste
management fund. 41564
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(C) If a construction and demolition debris facility or a 41566
solid waste facility is located within the territorial boundaries 41567
of a municipal corporation or the unincorporated area of a 41568
township, the municipal corporation or township may appropriate up 41569
to four cents per cubic yard or up to eight cents per ton of the 41570
disposal fee required to be paid by the facility under division 41571
(A)(1) of this section for the same purposes that a municipal 41572
corporation or township may levy a fee under division (C) of 41573
section 3734.57 of the Revised Code. 41574

The legislative authority of the municipal corporation or 41575
township may appropriate the money from the fee by enacting an 41576
ordinance or adopting a resolution establishing the amount of the 41577
fee to be appropriated. Upon doing so, the legislative authority 41578
shall mail a certified copy of the ordinance or resolution to the 41579
board of health of the health district in which the construction 41580
and demolition debris facility or the solid waste facility is 41581
located or, if the facility is located in a health district that 41582
is not on the approved list under section 3714.09 of the Revised 41583
Code, to the director. Upon receipt of the copy of the ordinance 41584
or resolution and not later than forty-five days after receipt of 41585
money generated from the fee, the board or the director, as 41586
applicable, shall transmit to the treasurer or other appropriate 41587
officer of the municipal corporation or clerk of the township that 41588

portion of the money generated from the disposal fee by the owner 41589
or operator of the facility that is required by the ordinance or 41590
resolution to be paid to that municipal corporation or township. 41591

Money received by the treasurer or other appropriate officer 41592
of a municipal corporation under this division shall be paid into 41593
the general fund of the municipal corporation. Money received by 41594
the clerk of a township under this division shall be paid into the 41595
general fund of the township. The treasurer or other officer of 41596
the municipal corporation or the clerk of the township, as 41597
appropriate, shall maintain separate records of the money received 41598
under this division. 41599

The legislative authority of a municipal corporation or 41600
township may cease appropriating money under this division by 41601
repealing the ordinance or resolution that was enacted or adopted 41602
under this division. 41603

The director shall adopt rules in accordance with Chapter 41604
119. of the Revised Code establishing requirements for prorating 41605
the amount of the fee that may be appropriated under this division 41606
by a municipal corporation or township in which only a portion of 41607
a construction and demolition debris facility is located within 41608
the territorial boundaries of the municipal corporation or 41609
township. 41610

(D) The board of county commissioners of a county in which a 41611
construction and demolition debris facility or a solid waste 41612
facility is located may appropriate up to three cents per cubic 41613
yard or up to six cents per ton of the disposal fee required to be 41614
paid by the facility under division (A)(1) of this section for the 41615
same purposes that a solid waste management district may levy a 41616
fee under division (B) of section 3734.57 of the Revised Code. 41617

The board of county commissioners may appropriate the money 41618
from the fee by adopting a resolution establishing the amount of 41619

the fee to be appropriated. Upon doing so, the board of county 41620
commissioners shall mail a certified copy of the resolution to the 41621
board of health of the health district in which the construction 41622
and demolition debris facility or the solid waste facility is 41623
located or, if the facility is located in a health district that 41624
is not on the approved list under section 3714.09 of the Revised 41625
Code, to the director. Upon receipt of the copy of the resolution 41626
and not later than forty-five days after receipt of money 41627
generated from the fee, the board of health or the director, as 41628
applicable, shall transmit to the treasurer of the county that 41629
portion of the money generated from the disposal fee by the owner 41630
or operator of the facility that is required by the resolution to 41631
be paid to that county. 41632

Money received by a county treasurer under this division 41633
shall be paid into the general fund of the county. The county 41634
treasurer shall maintain separate records of the money received 41635
under this division. 41636

A board of county commissioners may cease appropriating money 41637
under this division by repealing the resolution that was adopted 41638
under this division. 41639

(E)(1) This section does not apply to the disposal of 41640
construction and demolition debris at a solid waste facility that 41641
is licensed under Chapter 3734. of the Revised Code if there is no 41642
construction and demolition debris facility licensed under this 41643
chapter within thirty-five miles of the solid waste facility as 41644
determined by a facility's property boundaries. 41645

(2) This section does not apply to the disposal of 41646
construction and demolition debris at a solid waste facility that 41647
is licensed under Chapter 3734. of the Revised Code if the owner 41648
or operator of the facility chooses to collect fees on the 41649
disposal of the construction and demolition debris and asbestos or 41650
asbestos-containing materials or products that are identical to 41651

the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(3) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(a) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(b) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

Sec. 3714.08. (A) At least annually, the board of health of a health district or the director of environmental protection shall cause each construction and demolition debris facility for which the board or the director, as appropriate, issued a license under section 3714.06 of the Revised Code to be inspected and shall cause a record to be made of each inspection. The board or the director shall require each such facility to be in substantial compliance with this chapter and rules adopted under it.

(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the construction and demolition debris facility has been inspected and is in substantial compliance with this chapter and rules adopted under it. Each board of health shall provide the director with such other information as ~~he~~ the director may require from time to time.

(C) The board of health or its authorized representative and the director or ~~his~~ the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it. The board of health or its authorized representative or the director or ~~his~~ the director's authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility's license.

(D) If the entry authorized by division (C) of this section is refused or if the inspection or investigation so authorized is refused, hindered, or thwarted by intimidation or otherwise and if the director, the board of health, or authorized representative of either applies for and obtains a search warrant under division (C) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is liable to the director or board of health for the reasonable costs

incurred by either for ~~the~~ all of the following: 41715

(1) The regular salaries and fringe benefit costs of 41716
personnel assigned to conduct the inspection or investigation from 41717
the time the entry, inspection, or investigation was refused, 41718
hindered, or thwarted until the search warrant is executed; ~~for~~ 41719
~~the~~ 41720

(2) The salary, fringe benefits, and travel expenses of the 41721
attorney general, prosecuting attorney of the county, or city 41722
director of law, or an authorized assistant, incurred in obtaining 41723
the search warrant; ~~and for expenses~~ 41724

(3) Expenses necessarily incurred for the assistance of local 41725
law enforcement officers in executing the search warrant. ~~In~~ 41726

In the application for a search warrant, the director or 41727
board of health may request and the court, in its order granting 41728
the search warrant, may order the owner or operator of the 41729
premises to reimburse the director or board of health for such of 41730
those costs as the court finds reasonable. From moneys recovered 41731
under this division, the director shall reimburse the attorney 41732
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 41733
the attorney general's authorized assistant in connection with 41734
proceedings for obtaining the search warrant, shall reimburse the 41735
political subdivision in which the premises is located for the 41736
assistance of its law enforcement officers in executing the search 41737
warrant, and shall deposit the remainder in the state treasury to 41738
the credit of the ~~construction and demolition debris facility~~ 41739
~~oversight~~ waste management fund created in section ~~3714.07~~ 41740
3734.061 of the Revised Code. From moneys recovered under this 41741
division, the board of health shall reimburse the prosecuting 41742
attorney of the county or the city director of law for the costs 41743
incurred by ~~him~~ the prosecuting attorney or the city director of 41744
law or ~~his~~ the authorized assistant of the prosecuting attorney or 41745
the city director of law in connection with proceedings for 41746

obtaining the search warrant, shall reimburse the political 41747
subdivision in which the premises is located for the assistance of 41748
its law enforcement officers in executing the search warrant, and 41749
shall deposit the remainder of any such moneys to the credit of 41750
the special fund of the health district created in section 3714.07 41751
of the Revised Code. 41752

Sec. 3714.09. (A) The director of environmental protection 41753
shall place each health district that is on the approved list 41754
under division (A) or (B) of section 3734.08 of the Revised Code 41755
on the approved list for the purposes of issuing permits to 41756
install and licenses under this chapter. Any survey or resurvey of 41757
any such health district conducted under section 3734.08 of the 41758
Revised Code shall also determine whether there is substantial 41759
compliance with this chapter. If the director removes any such 41760
health district from the approved list under division (B) of that 41761
section, the director shall also remove the health district from 41762
the approved list under this division and shall administer and 41763
enforce this chapter in the health district until the health 41764
district is placed on the approved list under division (B) of 41765
section 3734.08 of the Revised Code or division (B)(1) of this 41766
section. 41767

(B)(1) Upon the request of the board of health of a health 41768
district that is not on the approved list under division (A) or 41769
(B) of section 3734.08 of the Revised Code, the director may place 41770
the board on the approved list for the purpose of permitting and 41771
licensing construction and demolition debris facilities under this 41772
chapter if the director determines that the board is both capable 41773
of and willing to enforce all of the applicable requirements of 41774
this chapter and rules adopted under it. 41775

(2) The director shall annually survey each health district 41776
on the approved list under division (B)(1) of this section to 41777

determine whether there is substantial compliance with this 41778
chapter and rules adopted under it. Upon determining that there is 41779
substantial compliance, the director shall place the health 41780
district on the approved list under that division. The director 41781
shall make a resurvey when in the director's opinion a resurvey is 41782
necessary and shall remove from the approved list under division 41783
(B)(1) of this section any health district not substantially 41784
complying with this chapter and rules adopted under it. 41785

(3) If, after a survey or resurvey is made under division 41786
(B)(2) of this section, the director determines that a health 41787
district is not eligible to be placed on the approved list or to 41788
continue on that list, the director shall certify that fact to the 41789
board of health of the health district and shall administer and 41790
enforce this chapter and rules adopted under it in the health 41791
district until such time as the health district is placed on the 41792
approved list. 41793

(4) Whenever the director is required to administer and 41794
enforce this chapter in any health district under division (A) or 41795
(B)(3) of this section, the director is hereby vested with all of 41796
the authority and all the duties granted to or imposed upon a 41797
board of health under this chapter and rules adopted under it 41798
within the health district. All disposal fees required to be paid 41799
to a board of health by section 3714.07 of the Revised Code and 41800
all such previous fees paid to the board, together with any money 41801
from construction and demolition debris facility license fees that 41802
were required to be paid to the board under section 3714.07 of the 41803
Revised Code as that section existed prior to April 15, 2005, that 41804
have not been expended or encumbered shall be paid to the director 41805
and deposited by the director in the state treasury to the credit 41806
of the ~~construction and demolition debris facility oversight~~ waste
management fund created in section ~~3714.07~~ 3734.061 of the Revised 41807
Code. 41808
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(C) Nothing in this chapter limits the authority of the 41810
director to initiate and pursue any administrative remedy or to 41811
request the attorney general, the prosecuting attorney of the 41812
appropriate county, or the city director of law of the appropriate 41813
city to initiate and pursue any appropriate judicial remedy 41814
available under this chapter to enforce any provision of this 41815
chapter and any rules or terms or conditions of any permit or 41816
license or order adopted or issued under this chapter with respect 41817
to any construction and demolition debris facility regardless of 41818
whether the facility is located in a health district that is on 41819
the approved list under this section. 41820

Sec. 3717.49. (A) A licensor may suspend or revoke a food 41821
service operation license on determining that the license holder 41822
is in violation of any requirement of this chapter or the rules 41823
adopted under it applicable to food service operations, including 41824
a violation evidenced by the documented failure to maintain 41825
sanitary conditions within the operation. 41826

(B) A licensor may revoke a food service operation license on 41827
determining that the license holder has three or more violations 41828
that occurred after the effective date of this amendment for 41829
failure to enforce or observe the prohibitions contained in 41830
section 3794.02 of the Revised Code within a two-year period or 41831
failure to pay a civil fine that occurred after the effective date 41832
of this amendment that is in excess of one thousand dollars 41833
associated with a violation of section 3794.02 of the Revised 41834
Code. A decision to revoke a food service operation license under 41835
this division may be appealed under division (C) or (D) of this 41836
section. 41837

(C)(1) Except in the case of a violation that presents an 41838
immediate danger to the public health, prior to initiating action 41839
to suspend or revoke a food service operation license, the 41840

licensor shall give the license holder written notice specifying 41841
each violation and a reasonable time within which each violation 41842
must be corrected to avoid suspension or revocation of the 41843
license. The licensor may extend the time specified in the notice 41844
for correcting a violation if the license holder is making a good 41845
faith effort to correct it. 41846

If the license holder fails to correct the violation in the 41847
time granted by the licensor, the licensor may initiate action to 41848
suspend or revoke the food service operation license by giving the 41849
license holder written notice of the proposed suspension or 41850
revocation. The licensor shall include in the notice a description 41851
of the procedure for appealing the proposed suspension or 41852
revocation. The license holder may appeal the proposed suspension 41853
or revocation by giving written notice to the licensor. The 41854
license holder shall specify in the notice whether a hearing is 41855
requested. The appeal shall be conducted in accordance with 41856
division ~~(B)~~(C)(3) of this section. 41857

Any action that may be taken by a licensor under division 41858
~~(B)~~(C)(1) of this section may be taken by a health commissioner or 41859
other person employed by the licensor if the person or health 41860
commissioner is authorized by the licensor to take the action. 41861

(2)(a) If actions are initiated to revoke or, except in the 41862
case of a violation that presents an immediate danger to the 41863
public health, to suspend a food service operation license, the 41864
licensor shall determine whether to revoke or suspend the license 41865
as follows: 41866

(i) If the licensor is a board of health, by a majority vote 41867
of the members of the board present at a meeting at which there is 41868
a quorum; 41869

(ii) If the director of health is acting as the licensor, by 41870
decision of the director. 41871

(b) If the licensor determines to revoke or suspend the license, the licensor shall issue an order revoking or suspending the license. 41872
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(3) An appeal made under division ~~(B)~~(C)(1) of this section shall be conducted in accordance with procedures established in rules adopted by the director of health under section 3717.52 of the Revised Code. If a hearing is requested, it shall be held prior to the issuance of an order under division ~~(B)~~(C)(2) of this section, but may be conducted at the meeting at which issuance of the order is considered. 41875
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~~(C)~~(D)(1) On determining that a license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to food service operations and that the violation presents an immediate danger to the public health, the licensor may suspend the food service operation license without giving written notice or affording the license holder the opportunity to correct the violation. If the license holder is operating a mobile or catering food service operation, either the licensor that issued the license or the licensor for the health district in which the operation is being operated may suspend the license. 41882
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A suspension under division ~~(C)~~(D)(1) of this section takes effect immediately and remains in effect until the licensor lifts the suspension. When a mobile food service operation license is suspended under this division, the licensor that suspended the license shall hold the license until the suspension is lifted and the licensor receives from the license holder written notice of the next location at which the license holder proposes to operate the food service operation. 41893
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After suspending a license under division ~~(C)~~(D)(1) of this section, the licensor shall give the license holder written notice of the procedure for appealing the suspension. The license holder 41901
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may appeal the suspension by giving written notice to the licensor 41904
and specifying in the notice whether a hearing is requested. The 41905
appeal shall be conducted in accordance with division ~~(C)~~(D)(2) of 41906
this section. 41907

Any action that may be taken by a licensor under division 41908
~~(C)~~(D)(1) of this section may be taken by a health commissioner if 41909
the health commissioner is authorized by the licensor to take the 41910
action. A health commissioner who suspends a license under this 41911
authority may, on determining that there is no longer an immediate 41912
danger to the public health, lift the suspension without 41913
consulting the licensor. 41914

(2)(a) If the license holder appeals a suspension under 41915
division ~~(C)~~(D)(1) of this section, the licensor shall determine 41916
whether the immediate danger to the public health continues to 41917
exist as follows: 41918

(i) If the licensor is a board of health, by majority vote of 41919
the members of the board present at a meeting at which there is a 41920
quorum; 41921

(ii) If the director of health is acting as the licensor, by 41922
decision of the director. 41923

(b) If the licensor determines that there is no longer an 41924
immediate danger to the public health, the licensor shall lift the 41925
suspension. If the licensor determines that the immediate danger 41926
continues to exist, the licensor shall issue an order continuing 41927
the suspension. 41928

(3) An appeal requested under division ~~(C)~~(D)(1) of this 41929
section shall be conducted in accordance with procedures 41930
established in rules adopted by the director of health under 41931
section 3717.52 of the Revised Code. If a hearing is requested, it 41932
shall be held not later than two business days after the request 41933
is received by the licensor. The hearing shall be held prior to 41934

the issuance of an order under division ~~(C)~~(D)(2) of this section, 41935
but may be conducted at the meeting at which issuance of the order 41936
is considered. In the case of a suspension of a mobile or catering 41937
food service operation license, the appeal shall be made to the 41938
licensor that suspended the license. 41939

~~(D)~~(E) A license holder may appeal an order issued under 41940
division (B) ~~or~~, (C), or (D) of this section as follows: 41941

(1) If the order was issued by a board of health, to the 41942
common pleas court of the county in which the licensor is located; 41943

(2) If the order was issued by the director of health, to the 41944
Franklin county court of common pleas. 41945

Sec. 3727.70. (A)(1) Within two years of the effective date 41946
of this section, the director of the governor's office of health 41947
transformation shall create an annual hospital report card 41948
consisting of a public disclosure of data assembled pursuant to 41949
sections 3727.71 and 3727.72 of the Revised Code. 41950

(2) The report card shall be made available on a public 41951
internet web site in a manner that allows members of the public to 41952
conduct a search and view and compare the information for specific 41953
hospitals. The web site shall include such additional information 41954
the director determines necessary to ensure that the web site 41955
enhances informed decision making among consumers, including 41956
appropriate guidance on how to use the data and an explanation of 41957
why data may vary between hospital facilities. 41958

(B) Along with a hospital association selected under section 41959
3727.72 of the Revised Code, the director shall develop a 41960
comprehensive hospital information system to provide for the 41961
collection, compilation, indexing, and utilization of hospital 41962
related data to be used to create the report card required under 41963
division (A) of this section. 41964

(C) The director may contract with any individual or entity 41965
to carry out the duties described in this section. 41966

Sec. 3727.71. (A) The director of the governor's office of 41967
health transformation shall do all of the following: 41968

(1) Along with a hospital association selected under section 41969
3727.72 of the Revised Code, develop a long-range plan to create 41970
the hospital report card required under section 3727.70 of the 41971
Revised Code; 41972

(2) Do all of the following in developing the hospital report 41973
card: 41974

(a) Include data on all hospital patients regardless of the 41975
payer source and other information that may be required for 41976
purchasers to assess the value of the hospital health care 41977
services; 41978

(b) Use standardized clinical outcomes measures recognized by 41979
national organizations that establish standards to measure the 41980
performance of health care providers; 41981

(c) Use data that is severity- and acuity- adjusted using 41982
statistical methods that show variation in reported outcomes, 41983
where applicable, and data that has passed standard edits; 41984

(d) Report the results with separate documents containing the 41985
technical specification and measures; 41986

(e) Use standardized reporting; 41987

(f) Disclose the methodology of reporting. 41988

(3) Submit an initial plan and a report on the status of 41989
implementation to the governor, speaker of the house of 41990
representatives, and president of the senate with copies to all 41991
members of the general assembly and available to the public on an 41992
internet web site. The plan shall identify the process and time 41993

frames for implementation, barriers to implementation, and 41994
recommendations of changes in the law for the elimination of the 41995
barriers. 41996

(4) Submit an annual update to the initial plan and status 41997
report required under division (A)(3) of this section; 41998

(5) Establish procedures by which all licensed hospitals 41999
receive a draft of the annual report card and are given thirty 42000
days to submit written comments to the office of health 42001
transformation. 42002

(B) The initial plan and status report described in division 42003
(A)(3) of this section shall be submitted within one year of the 42004
effective date of this section. 42005

Sec. 3727.72. (A) Within one year of the effective date of 42006
this section, the director of the governor's office of health 42007
transformation shall select a hospital association for assistance 42008
in developing the hospital report card required under section 42009
3727.70 of the Revised Code. 42010

(B) The selected association shall provide all of the 42011
following to the director: 42012

(1) A copy of the association's organizational documents and 42013
any other rules and regulations governing the association's 42014
activities; 42015

(2) A list of the association's members, including the name 42016
and address of a representative of the association who is a 42017
resident of this state upon whom notice or orders from the 42018
director may be served; 42019

(3) A plan to create the hospital report card, with specific 42020
reference to how the interests of health care consumers, including 42021
health plans and employers, will be considered in developing the 42022
hospital report card. 42023

(C) Within sixteen months of the effective date of this section, the association shall provide to the director the plan required under division (B)(3) of this section along with a status report of the development and implementation of the hospital report card. 42024
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Sec. 3727.73. The director of the governor's office of health transformation may suspend or revoke the acceptance of a hospital association selected pursuant to section 3727.72 of the Revised Code for any of the following reasons: 42029
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(A) It reasonably appears that the association will not be able to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 42033
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(B) The association does not provide to the director the plan and report required under division (C) of section 3727.72 of the Revised Code. 42036
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(C) The association fails to meet any other requirements established under sections 3727.70 to 3727.75 of the Revised Code. 42039
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Sec. 3727.74. (A) If the director of the governor's office of health transformation suspends or revokes the acceptance of a hospital association under section 3727.73 of the Revised Code, the Ohio commission for hospital statistics shall be created to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 42041
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(B) The director shall adopt rules establishing the creation, initial appointments, and operation of the commission. The rules shall specify all of the following: 42047
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(1) The commission shall consist of nine members, who shall be appointed by the governor as follows: 42050
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(a) Three members representing hospitals registered under 42052

<u>section 3701.07 of the Revised Code;</u>	42053
<u>(b) Two members representing individuals authorized under</u>	42054
<u>Title XLVII of the Revised Code to practice a health care</u>	42055
<u>profession;</u>	42056
<u>(c) Four members representing consumers or businesses without</u>	42057
<u>any direct interest in registered hospitals.</u>	42058
<u>(2) At no time shall the commission have more than five</u>	42059
<u>members of any one political party.</u>	42060
<u>(3) Members of the commission shall serve without</u>	42061
<u>compensation but shall receive payment for their actual and</u>	42062
<u>necessary expenses incurred in the conduct of official business.</u>	42063
<u>(4) The commission shall annually elect the chair of the</u>	42064
<u>commission from its members.</u>	42065
<u>(5) A majority of the commission shall constitute a quorum.</u>	42066
<u>(6) The commission shall meet at least once during each</u>	42067
<u>calendar quarter. Meeting dates shall be set upon written request</u>	42068
<u>by three or more members of the commission or by a call of the</u>	42069
<u>chair upon five days' notice to the members.</u>	42070
<u>(7) Action of the commission shall not be taken except upon</u>	42071
<u>the affirmative vote of a majority of a quorum of the commission.</u>	42072
<u>(8) All meetings of the commission shall be open to the</u>	42073
<u>public.</u>	42074
<u>Sec. 3727.75. A hospital association or its employees,</u>	42075
<u>agents, or designees or the designees of the director of the</u>	42076
<u>governor's office of health transformation shall not be liable in</u>	42077
<u>a civil action for any actions taken or omitted in the performance</u>	42078
<u>of their powers and duties under sections 3727.70 to 3727.75 of</u>	42079
<u>the Revised Code.</u>	42080

Sec. 3728.01. (A) There is hereby created the Ohio all-payer health claims database advisory committee, to be a part of the governor's office of health transformation. The committee shall provide recommendations for developing the Ohio all-payer health claims database.

(B) The Ohio all-payer health claims database shall do all of the following:

(1) Be available to the public while being disclosed in a form and manner that ensures the privacy and security of personal health information as required by state and federal law, as a resource to the public to allow for continuous review of health care utilization, expenditures, and quality and safety performance in this state;

(2) Be available to public and private entities engaged in efforts to improve health care;

(3) Present data in a manner that allows for comparisons of geographic, demographic, and economic factors and institutional size;

(4) Present data in a consumer-friendly manner.

Sec. 3728.02. (A) Within forty-five days after the effective date of this section, the governor shall appoint the following members to the Ohio all-payer health claims database advisory committee:

(1) One member of academia with experience in health care data and cost efficiency research;

(2) One representative of the Ohio hospital association;

(3) One representative of the Ohio state medical association;

(4) One representative of the Ohio osteopathic association;

<u>(5) One representative of small businesses that purchase</u>	42109
<u>group health insurance for employees who is not a supplier or</u>	42110
<u>broker of health insurance;</u>	42111
<u>(6) One representative of large businesses that purchase</u>	42112
<u>health insurance for employees who is not a supplier or broker of</u>	42113
<u>health insurance;</u>	42114
<u>(7) One representative of self-insured businesses who is not</u>	42115
<u>a supplier or broker of health insurance;</u>	42116
<u>(8) One representative of an organization that processes</u>	42117
<u>insurance claims or certain aspects of employee benefit plans for</u>	42118
<u>a separate entity;</u>	42119
<u>(9) One representative of a nonprofit organization that</u>	42120
<u>demonstrates experience working with employers to enhance value</u>	42121
<u>and affordability in health insurance;</u>	42122
<u>(10) One individual with a demonstrated record of advocating</u>	42123
<u>health care privacy issues on behalf of consumers;</u>	42124
<u>(11) One individual with a demonstrated record of advocating</u>	42125
<u>general health care issues on behalf of consumers;</u>	42126
<u>(12) The following two representatives of the Ohio</u>	42127
<u>association of health plans:</u>	42128
<u>(a) One representing for-profit insurers;</u>	42129
<u>(b) One representing nonprofit insurers.</u>	42130
<u>(13) One representative from the mental health and addiction</u>	42131
<u>field that has experience in behavioral health data collection;</u>	42132
<u>(14) One representative of the Ohio pharmacists association;</u>	42133
<u>(15) One representative of pharmacy benefit managers;</u>	42134
<u>(16) Two representatives of nonprofit organizations that</u>	42135
<u>facilitate health information exchange to improve health care</u>	42136
<u>within this state.</u>	42137

<u>(B) The following individuals shall serve as nonvoting members of the committee:</u>	42138
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<u>(1) The director of the governor's office of health transformation;</u>	42140
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<u>(2) The director of administrative services;</u>	42142
<u>(3) The superintendent of insurance or the superintendent's designee;</u>	42143
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<u>(4) One representative from the office of information technology;</u>	42145
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<u>(5) One member of the majority party of the house of representatives;</u>	42147
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<u>(6) One member of the minority party of the house of representatives;</u>	42149
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<u>(7) One member of the majority party of the senate;</u>	42151
<u>(8) One member of the minority party of the senate.</u>	42152
<u>(C) At least two members of the committee shall reside in a rural community with a population of less than fifty thousand or who represent rural interests.</u>	42153
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<u>(D) Appointments to the committee end on the date the committee ceases to exist pursuant to section 3728.08 of the Revised Code. If a vacancy occurs before the termination of the committee, a successor shall be appointed who has the qualifications the vacancy requires.</u>	42156
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<u>Sec. 3728.03. Within six months after the creation of the Ohio all-payer health claims database advisory committee under section 3728.02 of the Revised Code, the committee shall make recommendations about establishing the Ohio all-payer health claims database to the director of the governor's office of health transformation that do all of the following:</u>	42161
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<u>(A) Include specific strategies to measure and collect data related to health care safety and quality, utilization, health outcomes, and cost;</u>	42167
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<u>(B) Focus on data elements that foster quality improvement and peer group comparisons;</u>	42170
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<u>(C) Facilitate value-based, cost-effective purchasing of health care services by public and private purchasers and consumers;</u>	42172
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<u>(D) Result in usable and comparable information that allows public and private health care purchasers, consumers, and data analysts to identify and compare health plans, health insurers, health care facilities, and health care providers regarding the provision of safe, cost-effective, high-quality health care services;</u>	42175
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<u>(E) Use and build upon existing data collection standards and methods to establish and maintain the database in a cost-effective and efficient manner;</u>	42181
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<u>(F) Are designed to measure the following performance domains:</u>	42184
	42185
<u>(1) Safety;</u>	42186
<u>(2) Timeliness;</u>	42187
<u>(3) Effectiveness;</u>	42188
<u>(4) Efficiency;</u>	42189
<u>(5) Equity;</u>	42190
<u>(6) Patient-centeredness.</u>	42191
<u>(G) Incorporate and utilize claims, eligibility, and other publicly available data as needed to minimize the cost and administrative burden on data sources;</u>	42192
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	42194
<u>(H) Determine whether or not to include data on the</u>	42195

<u>uninsured;</u>	42196
<u>(I) Discuss the harmonization of the Ohio database with the efforts of other states, regions, and the United States government concerning all-payer claims databases;</u>	42197 42198 42199
<u>(J) Discuss the harmonization of the Ohio database with federal legislation concerning an all-payer claims database;</u>	42200 42201
<u>(K) Establish a limit on the number of times the administration may require submission of the required data elements;</u>	42202 42203 42204
<u>(L) Establish a limit on the number of times the database administrator may change the required data elements for submission in a calendar year considering administrative costs, resources, and time required to fulfill the requests;</u>	42205 42206 42207 42208
<u>(M) Discuss compliance with the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d, as amended, and other proprietary information related to collection and release of data.</u>	42209 42210 42211 42212
<u>(N) Determine how the ongoing oversight of the operations of the Ohio all-payer health claims database should function.</u>	42213 42214
Sec. 3728.04. <u>Within six months of receiving the recommendations described in section 3728.03 of the Revised Code, the director of the governor's office of health transformation shall adopt rules that do all of the following:</u>	42215 42216 42217 42218
<u>(A) Create the Ohio all-payer health claims database;</u>	42219
<u>(B) Define the data to be collected from payers and the method of collection, including mandatory and voluntary reporting of health care and health quality data. Medicaid-related data shall be mandatory.</u>	42220 42221 42222 42223
<u>(C) Establish agreements for voluntary reporting of health</u>	42224

care claims data from health care payers that are not subject to 42225
mandatory reporting requirements in order to ensure availability 42226
of the most comprehensive and system-wide data on health care 42227
costs and quality; 42228

(D) Establish agreements or make requests with the federal 42229
centers for medicare and medicaid services to obtain medicare 42230
health claims data; 42231

(E) Define the measures necessary to implement the reporting 42232
requirements in a manner that is cost-effective and reasonable for 42233
data sources and timely, relevant, and reliable for the public; 42234

(F) Define the data to be made available to the public with 42235
recommendations from the advisory committee in order to accomplish 42236
the purposes of this section, including conducting studies and 42237
reporting the results of the studies; 42238

(G) Establish processes to collect, aggregate, distribute, 42239
and publicly report performance data on quality, health outcomes, 42240
health disparities, cost, utilization, and pricing in a manner 42241
accessible for the public; 42242

(H) Establish procedures to protect patient privacy in 42243
compliance with state and federal privacy laws while preserving 42244
the ability to analyze data and share with providers and payers to 42245
ensure accuracy prior to the public release of information; 42246

(I) Establish fines for payers that do not comply with rules 42247
adopted under this section; 42248

(J) Establish procedures for the winding up of the 42249
committee's business and termination of the committee upon the 42250
successful creation of the database. 42251

Sec. 3728.05. The director of the governor's office of health 42252
transformation shall do all of the following with respect to the 42253
Ohio all-payer health claims database: 42254

(A) Provide leadership and coordination of public and private health care quality and performance measurements to ensure efficiency, cost-effectiveness, transparency, and informed choice by consumers and public and private purchasers; 42255
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(B) Incorporate and utilize publicly available data other than administrative claims data if necessary to measure and analyze a significant health care quality, safety, or cost issue that cannot be adequately measured with administrative claims data alone; 42259
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(C) Require payer data sources to submit data necessary to implement the all-payer claims database; 42264
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(D) Determine the data elements to be collected for the database, the reporting formats for data submitted, and the use and reporting of any data submitted. Data collection shall align with national, regional, and other uniform all-payer claims database standards where possible. 42266
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(E) At the director's discretion, audit the accuracy of all data submitted; 42271
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(F) As necessary, contract with third parties to collect and process the health care data collected pursuant to this section. The contract shall prohibit the collection of unencrypted social security numbers and the use of the data for any purpose other than those specifically authorized by the contract and shall require the third party to transmit the data collected and processed under the contract to the director or other designated entity. 42273
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(G) At the director's discretion, share data regionally or help develop a multi-state effort, if recommended by the advisory committee under section 4728.03 of the Revised Code; 42281
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(H) Issue a report regarding the information kept in the database to the governor, speaker of the house of representatives, 42284
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<u>and president of the senate annually;</u>	42286
<u>(I) Adopt any additional rules that are necessary to</u>	42287
<u>implement the requirements of sections 3728.01 to 3728.08 of the</u>	42288
<u>Revised Code.</u>	42289
<u>Sec. 3728.06. (A) The Ohio all-payer health claims database</u>	42290
<u>fund is created in the state treasury.</u>	42291
<u>(B) All fines collected under division (I) of section 3728.04</u>	42292
<u>of the Revised Code shall be deposited in the fund and used to pay</u>	42293
<u>for the operating expenses of the Ohio all-payer health claims</u>	42294
<u>database when other funding is not available.</u>	42295
<u>Sec. 3728.07. The collection, storage, and release of health</u>	42296
<u>care data and other information pursuant to sections 3728.01 to</u>	42297
<u>3728.08 of the Revised Code shall be subject to the federal</u>	42298
<u>"Health Insurance Portability and Accountability Act of 1996," 42</u>	42299
<u>U.S.C. 1320d, as amended.</u>	42300
<u>Sec. 3728.08. Pursuant to the rules adopted under section</u>	42301
<u>3728.02 of the Revised Code, the Ohio all-payer health claims</u>	42302
<u>database advisory committee shall cease to exist upon the creation</u>	42303
<u>of the Ohio all-payer health claims database.</u>	42304
<u>Sec. 3734.01. As used in this chapter:</u>	42305
<u>(A) "Board of health" means the board of health of a city or</u>	42306
<u>general health district or the authority having the duties of a</u>	42307
<u>board of health in any city as authorized by section 3709.05 of</u>	42308
<u>the Revised Code.</u>	42309
<u>(B) "Director" means the director of environmental</u>	42310
<u>protection.</u>	42311
<u>(C) "Health district" means a city or general health district</u>	42312
<u>as created by or under authority of Chapter 3709. of the Revised</u>	42313

Code. 42314

(D) "Agency" means the environmental protection agency. 42315

(E) "Solid wastes" means such unwanted residual solid or 42316
semisolid material as results from industrial, commercial, 42317
agricultural, and community operations, excluding earth or 42318
material from construction, mining, or demolition operations, or 42319
other waste materials of the type that normally would be included 42320
in demolition debris, nontoxic fly ash and bottom ash, including 42321
at least ash that results from the combustion of coal and ash that 42322
results from the combustion of coal in combination with scrap 42323
tires where scrap tires comprise not more than fifty per cent of 42324
heat input in any month, spent nontoxic foundry sand, nontoxic, 42325
nonhazardous, unwanted fired and unfired, glazed and unglazed, 42326
structural shale and clay products, and slag and other substances 42327
that are not harmful or inimical to public health, and includes, 42328
but is not limited to, garbage, scrap tires, combustible and 42329
noncombustible material, street dirt, and debris. "Solid wastes" 42330
does not include any material that is an infectious waste or a 42331
hazardous waste. 42332

(F) "Disposal" means the discharge, deposit, injection, 42333
dumping, spilling, leaking, emitting, or placing of any solid 42334
wastes or hazardous waste into or on any land or ground or surface 42335
water or into the air, except if the disposition or placement 42336
constitutes storage or treatment or, if the solid wastes consist 42337
of scrap tires, the disposition or placement constitutes a 42338
beneficial use or occurs at a scrap tire recovery facility 42339
licensed under section 3734.81 of the Revised Code. 42340

(G) "Person" includes the state, any political subdivision 42341
and other state or local body, the United States and any agency or 42342
instrumentality thereof, and any legal entity defined as a person 42343
under section 1.59 of the Revised Code. 42344

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted under division (V) of this section or section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating

reversible illness; 42377

(2) Pose a substantial present or potential hazard to human 42378
health or safety or to the environment when improperly stored, 42379
treated, transported, disposed of, or otherwise managed. 42380

"Hazardous waste" includes any substance identified by 42381
regulation as hazardous waste under the "Resource Conservation and 42382
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 42383
amended, and does not include any substance that is subject to the 42384
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 42385
amended. 42386

(K) "Treat" or "treatment," when used in connection with 42387
hazardous waste, means any method, technique, or process designed 42388
to change the physical, chemical, or biological characteristics or 42389
composition of any hazardous waste; to neutralize the waste; to 42390
recover energy or material resources from the waste; to render the 42391
waste nonhazardous or less hazardous, safer to transport, store, 42392
or dispose of, or amenable for recovery, storage, further 42393
treatment, or disposal; or to reduce the volume of the waste. When 42394
used in connection with infectious wastes, "treat" or "treatment" 42395
means any method, technique, or process that renders the wastes 42396
noninfectious so that it is no longer an infectious waste and is 42397
no longer an infectious substance as defined in applicable federal 42398
law, including, without limitation, steam sterilization and 42399
incineration, and, in the instance of wastes identified in 42400
division (R)(7) of this section, to substantially reduce or 42401
eliminate the potential for the wastes to cause lacerations or 42402
puncture wounds. 42403

(L) "Manifest" means the form used for identifying the 42404
quantity, composition, origin, routing, and destination of 42405
hazardous waste during its transportation from the point of 42406
generation to the point of disposal, treatment, or storage. 42407

(M) "Storage," when used in connection with hazardous waste, 42408
means the holding of hazardous waste for a temporary period in 42409
such a manner that it remains retrievable and substantially 42410
unchanged physically and chemically and, at the end of the period, 42411
is treated; disposed of; stored elsewhere; or reused, recycled, or 42412
reclaimed in a beneficial manner. When used in connection with 42413
solid wastes that consist of scrap tires, "storage" means the 42414
holding of scrap tires for a temporary period in such a manner 42415
that they remain retrievable and, at the end of that period, are 42416
beneficially used; stored elsewhere; placed in a scrap tire 42417
monocell or monofill facility licensed under section 3734.81 of 42418
the Revised Code; processed at a scrap tire recovery facility 42419
licensed under that section or a solid waste incineration or 42420
energy recovery facility subject to regulation under this chapter; 42421
or transported to a scrap tire monocell, monofill, or recovery 42422
facility, any other solid waste facility authorized to dispose of 42423
scrap tires, or a facility that will beneficially use the scrap 42424
tires, that is located in another state and is operating in 42425
compliance with the laws of the state in which the facility is 42426
located. 42427

(N) "Facility" means any site, location, tract of land, 42428
installation, or building used for incineration, composting, 42429
sanitary landfilling, or other methods of disposal of solid wastes 42430
or, if the solid wastes consist of scrap tires, for the 42431
collection, storage, or processing of the solid wastes; for the 42432
transfer of solid wastes; for the treatment of infectious wastes; 42433
or for the storage, treatment, or disposal of hazardous waste. 42434

(O) "Closure" means the time at which a hazardous waste 42435
facility will no longer accept hazardous waste for treatment, 42436
storage, or disposal, the time at which a solid waste facility 42437
will no longer accept solid wastes for transfer or disposal or, if 42438
the solid wastes consist of scrap tires, for storage or 42439

processing, or the effective date of an order revoking the permit 42440
for a hazardous waste facility or the registration certificate, 42441
permit, or license for a solid waste facility, as applicable. 42442
"Closure" includes measures performed to protect public health or 42443
safety, to prevent air or water pollution, or to make the facility 42444
suitable for other uses, if any, including, but not limited to, 42445
the removal of processing residues resulting from solid wastes 42446
that consist of scrap tires; the establishment and maintenance of 42447
a suitable cover of soil and vegetation over cells in which 42448
hazardous waste or solid wastes are buried; minimization of 42449
erosion, the infiltration of surface water into such cells, the 42450
production of leachate, and the accumulation and runoff of 42451
contaminated surface water; the final construction of facilities 42452
for the collection and treatment of leachate and contaminated 42453
surface water runoff, except as otherwise provided in this 42454
division; the final construction of air and water quality 42455
monitoring facilities, except as otherwise provided in this 42456
division; the final construction of methane gas extraction and 42457
treatment systems; or the removal and proper disposal of hazardous 42458
waste or solid wastes from a facility when necessary to protect 42459
public health or safety or to abate or prevent air or water 42460
pollution. With regard to a solid waste facility that is a scrap 42461
tire facility, "closure" includes the final construction of 42462
facilities for the collection and treatment of leachate and 42463
contaminated surface water runoff and the final construction of 42464
air and water quality monitoring facilities only if those actions 42465
are determined to be necessary. 42466

(P) "Premises" means either of the following: 42467

(1) Geographically contiguous property owned by a generator; 42468

(2) Noncontiguous property that is owned by a generator and 42469
connected by a right-of-way that the generator controls and to 42470
which the public does not have access. Two or more pieces of 42471

property that are geographically contiguous and divided by public 42472
or private right-of-way or rights-of-way are a single premises. 42473

(Q) "Post-closure" means that period of time following 42474
closure during which a hazardous waste facility is required to be 42475
monitored and maintained under this chapter and rules adopted 42476
under it, including, without limitation, operation and maintenance 42477
of methane gas extraction and treatment systems, or the period of 42478
time after closure during which a scrap tire monocell or monofill 42479
facility licensed under section 3734.81 of the Revised Code is 42480
required to be monitored and maintained under this chapter and 42481
rules adopted under it. 42482

(R) "Infectious wastes" means any wastes or combination of 42483
wastes that include cultures and stocks of infectious agents and 42484
associated biologicals, human blood and blood products, and 42485
substances that were or are likely to have been exposed to or 42486
contaminated with or are likely to transmit an infectious agent or 42487
zoonotic agent, including all of the following: 42488

(1) Laboratory wastes; 42489

(2) Pathological wastes; 42490

(3) Animal blood and blood products; 42491

(4) Animal carcasses and parts; 42492

(5) Waste materials from the rooms of humans, or the 42493
enclosures of animals, that have been isolated because of 42494
diagnosed communicable disease that are likely to transmit 42495
infectious agents. Such waste materials from the rooms of humans 42496
do not include any wastes of patients who have been placed on 42497
blood and body fluid precautions under the universal precaution 42498
system established by the centers for disease control in the 42499
public health service of the United States department of health 42500
and human services, except to the extent specific wastes generated 42501
under the universal precautions system have been identified as 42502

infectious wastes by rules adopted under division (R)(7) of this section. 42503
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(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 42505
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(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 42507
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 42516
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 42521
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 42525
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid 42529
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waste disposal facility. "Solid waste transfer facility" does not 42534
include any facility that consists solely of portable containers 42535
that have an aggregate volume of fifty cubic yards or less nor any 42536
facility where legitimate recycling activities are conducted. 42537

(V) "Beneficially use" includes: 42538

(1) With regard to scrap tires, to use a scrap tire in a 42539
manner that results in a commodity for sale or exchange or in any 42540
other manner authorized as a beneficial use in rules adopted by 42541
the director in accordance with Chapter 119. of the Revised Code; 42542

(2) With regard to material from a horizontal well that has 42543
come in contact with a refined oil-based substance and that is not 42544
technologically enhanced naturally occurring radioactive material, 42545
to use the material in any manner authorized as a beneficial use 42546
in rules adopted by the director under section 3734.125 of the 42547
Revised Code. 42548

(W) "Commercial car," "commercial tractor," "farm machinery," 42549
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 42550
the same meanings as in section 4501.01 of the Revised Code. 42551

(X) "Construction equipment" means road rollers, traction 42552
engines, power shovels, power cranes, and other equipment used in 42553
construction work, or in mining or producing or processing 42554
aggregates, and not designed for or used in general highway 42555
transportation. 42556

(Y) "Motor vehicle salvage dealer" has the same meaning as in 42557
section 4738.01 of the Revised Code. 42558

(Z) "Scrap tire" means an unwanted or discarded tire. 42559

(AA) "Scrap tire collection facility" means any facility that 42560
meets all of the following qualifications: 42561

(1) The facility is used for the receipt and storage of whole 42562
scrap tires from the public prior to their transportation to a 42563

scrap tire storage, monocell, monofill, or recovery facility 42564
licensed under section 3734.81 of the Revised Code; a solid waste 42565
incineration or energy recovery facility subject to regulation 42566
under this chapter; a premises within the state where the scrap 42567
tires will be beneficially used; or a scrap tire storage, 42568
monocell, monofill, or recovery facility, any other solid waste 42569
disposal facility authorized to dispose of scrap tires, or a 42570
facility that will beneficially use the scrap tires, that is 42571
located in another state, and that is operating in compliance with 42572
the laws of the state in which the facility is located. 42573

(2) The facility exclusively stores scrap tires in portable 42574
containers. 42575

(3) The aggregate storage of the portable containers in which 42576
the scrap tires are stored does not exceed five thousand cubic 42577
feet. 42578

(BB) "Scrap tire monocell facility" means an individual site 42579
within a solid waste landfill that is used exclusively for the 42580
environmentally sound storage or disposal of whole scrap tires or 42581
scrap tires that have been shredded, chipped, or otherwise 42582
mechanically processed. 42583

(CC) "Scrap tire monofill facility" means an engineered 42584
facility used or intended to be used exclusively for the storage 42585
or disposal of scrap tires, including at least facilities for the 42586
submergence of whole scrap tires in a body of water. 42587

(DD) "Scrap tire recovery facility" means any facility, or 42588
portion thereof, for the processing of scrap tires for the purpose 42589
of extracting or producing usable products, materials, or energy 42590
from the scrap tires through a controlled combustion process, 42591
mechanical process, or chemical process. "Scrap tire recovery 42592
facility" includes any facility that uses the controlled 42593
combustion of scrap tires in a manufacturing process to produce 42594

process heat or steam or any facility that produces usable heat or 42595
electric power through the controlled combustion of scrap tires in 42596
combination with another fuel, but does not include any solid 42597
waste incineration or energy recovery facility that is designed, 42598
constructed, and used for the primary purpose of incinerating 42599
mixed municipal solid wastes and that burns scrap tires in 42600
conjunction with mixed municipal solid wastes, or any tire 42601
retreading business, tire manufacturing finishing center, or tire 42602
adjustment center having on the premises of the business a single, 42603
covered scrap tire storage area at which not more than four 42604
thousand scrap tires are stored. 42605

(EE) "Scrap tire storage facility" means any facility where 42606
whole scrap tires are stored prior to their transportation to a 42607
scrap tire monocell, monofill, or recovery facility licensed under 42608
section 3734.81 of the Revised Code; a solid waste incineration or 42609
energy recovery facility subject to regulation under this chapter; 42610
a premises within the state where the scrap tires will be 42611
beneficially used; or a scrap tire storage, monocell, monofill, or 42612
recovery facility, any other solid waste disposal facility 42613
authorized to dispose of scrap tires, or a facility that will 42614
beneficially use the scrap tires, that is located in another 42615
state, and that is operating in compliance with the laws of the 42616
state in which the facility is located. 42617

(FF) "Used oil" means any oil that has been refined from 42618
crude oil, or any synthetic oil, that has been used and, as a 42619
result of that use, is contaminated by physical or chemical 42620
impurities. "Used oil" includes only those substances identified 42621
as used oil by the United States environmental protection agency 42622
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 42623
U.S.C.A. 6901a, as amended. 42624

(GG) "Accumulated speculatively" has the same meaning as in 42625
rules adopted by the director under section 3734.12 of the Revised 42626

Code. 42627

(HH) "Horizontal well" has the same meaning as in section 42628
1509.01 of the Revised Code. 42629

(II) "Technologically enhanced naturally occurring 42630
radioactive material" has the same meaning as in section 3748.01 42631
of the Revised Code. 42632

Sec. 3734.02. (A) The director of environmental protection, 42633
in accordance with Chapter 119. of the Revised Code, shall adopt 42634
and may amend, suspend, or rescind rules having uniform 42635
application throughout the state governing solid waste facilities 42636
and the inspections of and issuance of permits and licenses for 42637
all solid waste facilities in order to ensure that the facilities 42638
will be located, maintained, and operated, and will undergo 42639
closure and post-closure care, in a sanitary manner so as not to 42640
create a nuisance, cause or contribute to water pollution, create 42641
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 42642
257.3-8, as amended. The rules may include, without limitation, 42643
financial assurance requirements for closure and post-closure care 42644
and corrective action and requirements for taking corrective 42645
action in the event of the surface or subsurface discharge or 42646
migration of explosive gases or leachate from a solid waste 42647
facility, or of ground water contamination resulting from the 42648
transfer or disposal of solid wastes at a facility, beyond the 42649
boundaries of any area within a facility that is operating or is 42650
undergoing closure or post-closure care where solid wastes were 42651
disposed of or are being disposed of. The rules shall not concern 42652
or relate to personnel policies, salaries, wages, fringe benefits, 42653
or other conditions of employment of employees of persons owning 42654
or operating solid waste facilities. The director, in accordance 42655
with Chapter 119. of the Revised Code, shall adopt and may amend, 42656
suspend, or rescind rules governing the issuance, modification, 42657

revocation, suspension, or denial of variances from the director's 42658
solid waste rules, including, without limitation, rules adopted 42659
under this chapter governing the management of scrap tires. 42660

Variances shall be issued, modified, revoked, suspended, or 42661
rescinded in accordance with this division, rules adopted under 42662
it, and Chapter 3745. of the Revised Code. The director may order 42663
the person to whom a variance is issued to take such action within 42664
such time as the director may determine to be appropriate and 42665
reasonable to prevent the creation of a nuisance or a hazard to 42666
the public health or safety or the environment. Applications for 42667
variances shall contain such detail plans, specifications, and 42668
information regarding objectives, procedures, controls, and other 42669
pertinent data as the director may require. The director shall 42670
grant a variance only if the applicant demonstrates to the 42671
director's satisfaction that construction and operation of the 42672
solid waste facility in the manner allowed by the variance and any 42673
terms or conditions imposed as part of the variance will not 42674
create a nuisance or a hazard to the public health or safety or 42675
the environment. In granting any variance, the director shall 42676
state the specific provision or provisions whose terms are to be 42677
varied and also shall state specific terms or conditions imposed 42678
upon the applicant in place of the provision or provisions. ~~The~~ 42679

The director may hold a public hearing on an application for 42680
a variance or renewal of a variance at a location in the county 42681
where the operations that are the subject of the application for 42682
the variance are conducted. The director shall give not less than 42683
twenty days' notice of the hearing to the applicant by certified 42684
mail or by another type of mail accompanied by a receipt and shall 42685
publish at least one notice of the hearing in a newspaper with 42686
general circulation in the county where the hearing is to be held. 42687
The director shall make available for public inspection at the 42688
principal office of the environmental protection agency a current 42689

list of pending applications for variances and a current schedule 42690
of pending variance hearings. The director shall make a complete 42691
stenographic record of testimony and other evidence submitted at 42692
the hearing. ~~Within~~ 42693

Within ten days after the hearing, the director shall make a 42694
written determination to issue, renew, or deny the variance and 42695
shall enter the determination and the basis for it into the record 42696
of the hearing. The director shall issue, renew, or deny an 42697
application for a variance or renewal of a variance within six 42698
months of the date upon which the director receives a complete 42699
application with all pertinent information and data required. No 42700
variance shall be issued, revoked, modified, or denied until the 42701
director has considered the relative interests of the applicant, 42702
other persons and property affected by the variance, and the 42703
general public. Any variance granted under this division shall be 42704
for a period specified by the director and may be renewed from 42705
time to time on such terms and for such periods as the director 42706
determines to be appropriate. No application shall be denied and 42707
no variance shall be revoked or modified without a written order 42708
stating the findings upon which the denial, revocation, or 42709
modification is based. A copy of the order shall be sent to the 42710
applicant or variance holder by certified mail or by another type 42711
of mail accompanied by a receipt. 42712

(B) The director shall prescribe and furnish the forms 42713
necessary to administer and enforce this chapter. The director may 42714
cooperate with and enter into agreements with other state, local, 42715
or federal agencies to carry out the purposes of this chapter. The 42716
director may exercise all incidental powers necessary to carry out 42717
the purposes of this chapter. 42718

~~The director may use moneys in the infectious waste 42719
management fund created in section 3734.021 of the Revised Code 42720
exclusively for administering and enforcing the provisions of this 42721~~

~~chapter governing the management of infectious wastes.~~ 42722

(C) Except as provided in this division and divisions (N)(2) 42723
and (3) of this section, no person shall establish a new solid 42724
waste facility or infectious waste treatment facility, or modify 42725
an existing solid waste facility or infectious waste treatment 42726
facility, without submitting an application for a permit with 42727
accompanying detail plans, specifications, and information 42728
regarding the facility and method of operation and receiving a 42729
permit issued by the director, except that no permit shall be 42730
required under this division to install or operate a solid waste 42731
facility for sewage sludge treatment or disposal when the 42732
treatment or disposal is authorized by a current permit issued 42733
under Chapter 3704. or 6111. of the Revised Code. 42734

No person shall continue to operate a solid waste facility 42735
for which the director has denied a permit for which an 42736
application was required under division (A)(3) of section 3734.05 42737
of the Revised Code, or for which the director has disapproved 42738
plans and specifications required to be filed by an order issued 42739
under division (A)(5) of that section, after the date prescribed 42740
for commencement of closure of the facility in the order issued 42741
under division (A)(6) of section 3734.05 of the Revised Code 42742
denying the permit application or approval. 42743

On and after the effective date of the rules adopted under 42744
division (A) of this section and division (D) of section 3734.12 42745
of the Revised Code governing solid waste transfer facilities, no 42746
person shall establish a new, or modify an existing, solid waste 42747
transfer facility without first submitting an application for a 42748
permit with accompanying engineering detail plans, specifications, 42749
and information regarding the facility and its method of operation 42750
to the director and receiving a permit issued by the director. 42751

No person shall establish a new compost facility or continue 42752
to operate an existing compost facility that accepts exclusively 42753

source separated yard wastes without submitting a completed 42754
registration for the facility to the director in accordance with 42755
rules adopted under divisions (A) and (N)(3) of this section. 42756

This division does not apply to a generator of infectious 42757
wastes that does any of the following: 42758

(1) Treats, by methods, techniques, and practices established 42759
by rules adopted under division (B)(2)(a) of section 3734.021 of 42760
the Revised Code, any of the following: 42761

(a) Infectious wastes that are generated on any premises that 42762
are owned or operated by the generator; 42763

(b) Infectious wastes that are generated by a generator who 42764
has staff privileges at a hospital as defined in section 3727.01 42765
of the Revised Code; 42766

(c) Infectious wastes that are generated in providing care to 42767
a patient by an emergency medical services organization as defined 42768
in section 4765.01 of the Revised Code. 42769

(2) Holds a license or renewal of a license to operate a 42770
crematory facility issued under Chapter 4717. and a permit issued 42771
under Chapter 3704. of the Revised Code; 42772

(3) Treats or disposes of dead animals or parts thereof, or 42773
the blood of animals, and is subject to any of the following: 42774

(a) Inspection under the "Federal Meat Inspection Act," 81 42775
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 42776

(b) Chapter 918. of the Revised Code; 42777

(c) Chapter 953. of the Revised Code. 42778

(D) Neither this chapter nor any rules adopted under it apply 42779
to single-family residential premises; to infectious wastes 42780
generated by individuals for purposes of their own care or 42781
treatment; to the temporary storage of solid wastes, other than 42782
scrap tires, prior to their collection for disposal; to the 42783

storage of one hundred or fewer scrap tires unless they are stored 42784
in such a manner that, in the judgment of the director or the 42785
board of health of the health district in which the scrap tires 42786
are stored, the storage causes a nuisance, a hazard to public 42787
health or safety, or a fire hazard; or to the collection of solid 42788
wastes, other than scrap tires, by a political subdivision or a 42789
person holding a franchise or license from a political subdivision 42790
of the state; to composting, as defined in section 1511.01 of the 42791
Revised Code, conducted in accordance with section 1511.022 of the 42792
Revised Code; or to any person who is licensed to transport raw 42793
rendering material to a compost facility pursuant to section 42794
953.23 of the Revised Code. 42795

(E)(1) As used in this division: 42796

(a) "On-site facility" means a facility that stores, treats, 42797
or disposes of hazardous waste that is generated on the premises 42798
of the facility. 42799

(b) "Off-site facility" means a facility that stores, treats, 42800
or disposes of hazardous waste that is generated off the premises 42801
of the facility and includes such a facility that is also an 42802
on-site facility. 42803

(c) "Satellite facility" means any of the following: 42804

(i) An on-site facility that also receives hazardous waste 42805
from other premises owned by the same person who generates the 42806
waste on the facility premises; 42807

(ii) An off-site facility operated so that all of the 42808
hazardous waste it receives is generated on one or more premises 42809
owned by the person who owns the facility; 42810

(iii) An on-site facility that also receives hazardous waste 42811
that is transported uninterruptedly and directly to the facility 42812
through a pipeline from a generator who is not the owner of the 42813
facility. 42814

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC	TYPE OF FACILITY	FEE
MANAGEMENT UNIT		
Storage facility using:		
Containers	On-site, off-site, and satellite	\$ 500

Tanks	On-site, off-site, and		42847
	satellite	500	42848
Waste pile	On-site, off-site, and		42849
	satellite	3,000	42850
Surface impoundment	On-site and satellite	8,000	42851
	Off-site	10,000	42852
Disposal facility using:			42853
Deep well injection	On-site and satellite	15,000	42854
	Off-site	25,000	42855
Landfill	On-site and satellite	25,000	42856
	Off-site	40,000	42857
Land application	On-site and satellite	2,500	42858
	Off-site	5,000	42859
Surface impoundment	On-site and satellite	10,000	42860
	Off-site	20,000	42861
Treatment facility using:			42862
Tanks	On-site, off-site, and		42863
	satellite	700	42864
Surface impoundment	On-site and satellite	8,000	42865
	Off-site	10,000	42866
Incinerator	On-site and satellite	5,000	42867
	Off-site	10,000	42868
Other forms			42869
of treatment	On-site, off-site, and		42870
	satellite	1,000	42871

A hazardous waste disposal facility that disposes of 42872
hazardous waste by deep well injection and that pays the annual 42873
permit fee established in section 6111.046 of the Revised Code is 42874
not subject to the permit fee established in this division for 42875
disposal facilities using deep well injection unless the director 42876
determines that the facility is not in compliance with applicable 42877
requirements established under this chapter and rules adopted 42878
under it. 42879

In determining the annual permit fee required by this 42880
section, the director shall not require additional payments for 42881
multiple units of the same method of storage, treatment, or 42882
disposal or for individual units that are used for both storage 42883
and treatment. A facility using more than one method of storage, 42884
treatment, or disposal shall pay the permit fee indicated by the 42885
schedule for each such method. 42886

The director shall not require the payment of that portion of 42887
an annual permit fee of any permit holder that would apply to a 42888
hazardous waste management unit for which a permit has been 42889
issued, but for which construction has not yet commenced. Once 42890
construction has commenced, the director shall require the payment 42891
of a part of the appropriate fee indicated by the schedule that 42892
bears the same relationship to the total fee that the number of 42893
days remaining until the next anniversary date at which payment of 42894
the annual permit fee is due bears to three hundred sixty-five. 42895

The director, by rules adopted in accordance with Chapters 42896
119. and 3745. of the Revised Code, shall prescribe procedures for 42897
collecting the annual permit fee established by this division and 42898
may prescribe other requirements necessary to carry out this 42899
division. 42900

(3) The prohibition against establishing or operating a 42901
hazardous waste facility without a hazardous waste facility 42902
installation and operation permit does not apply to either of the 42903
following: 42904

(a) A facility that is operating in accordance with a permit 42905
renewal issued under division (H) of section 3734.05 of the 42906
Revised Code, a revision issued under division (I) of that section 42907
as it existed prior to August 20, 1996, or a modification issued 42908
by the director under division (I) of that section on and after 42909
August 20, 1996; 42910

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 42942

(5) A hazardous waste facility as described in division 42943
(E)(3)(a) or (b) of this section. 42944

(G) The director, by order, may exempt any person generating, 42945
collecting, storing, treating, disposing of, or transporting solid 42946
wastes, infectious wastes, or hazardous waste, or processing solid 42947
wastes that consist of scrap tires, in such quantities or under 42948
such circumstances that, in the determination of the director, are 42949
unlikely to adversely affect the public health or safety or the 42950
environment from any requirement to obtain a registration 42951
certificate, permit, or license or comply with the manifest system 42952
or other requirements of this chapter. Such an exemption shall be 42953
consistent with and equivalent to any regulations adopted by the 42954
administrator of the United States environmental protection agency 42955
under the "Resource Conservation and Recovery Act of 1976," 90 42956
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 42957
provided in this chapter. 42958

(H) No person shall engage in filling, grading, excavating, 42959
building, drilling, or mining on land where a hazardous waste 42960
facility, or a solid waste facility, was operated without prior 42961
authorization from the director, who shall establish the procedure 42962
for granting such authorization by rules adopted in accordance 42963
with Chapter 119. of the Revised Code. 42964

A public utility that has main or distribution lines above or 42965
below the land surface located on an easement or right-of-way 42966
across land where a solid waste facility was operated may engage 42967
in any such activity within the easement or right-of-way without 42968
prior authorization from the director for purposes of performing 42969
emergency repair or emergency replacement of its lines; of the 42970
poles, towers, foundations, or other structures supporting or 42971
sustaining any such lines; or of the appurtenances to those 42972
structures, necessary to restore or maintain existing public 42973

utility service. A public utility may enter upon any such easement 42974
or right-of-way without prior authorization from the director for 42975
purposes of performing necessary or routine maintenance of those 42976
portions of its existing lines; of the existing poles, towers, 42977
foundations, or other structures sustaining or supporting its 42978
lines; or of the appurtenances to any such supporting or 42979
sustaining structure, located on or above the land surface on any 42980
such easement or right-of-way. Within twenty-four hours after 42981
commencing any such emergency repair, replacement, or maintenance 42982
work, the public utility shall notify the director or the 42983
director's authorized representative of those activities and shall 42984
provide such information regarding those activities as the 42985
director or the director's representative may request. Upon 42986
completion of the emergency repair, replacement, or maintenance 42987
activities, the public utility shall restore any land of the solid 42988
waste facility disturbed by those activities to the condition 42989
existing prior to the commencement of those activities. 42990

(I) No owner or operator of a hazardous waste facility, in 42991
the operation of the facility, shall cause, permit, or allow the 42992
emission therefrom of any particulate matter, dust, fumes, gas, 42993
mist, smoke, vapor, or odorous substance that, in the opinion of 42994
the director, unreasonably interferes with the comfortable 42995
enjoyment of life or property by persons living or working in the 42996
vicinity of the facility, or that is injurious to public health. 42997
Any such action is hereby declared to be a public nuisance. 42998

(J) Notwithstanding any other provision of this chapter, in 42999
the event the director finds an imminent and substantial danger to 43000
public health or safety or the environment that creates an 43001
emergency situation requiring the immediate treatment, storage, or 43002
disposal of hazardous waste, the director may issue a temporary 43003
emergency permit to allow the treatment, storage, or disposal of 43004
the hazardous waste at a facility that is not otherwise authorized 43005

by a hazardous waste facility installation and operation permit to 43006
treat, store, or dispose of the waste. The emergency permit shall 43007
not exceed ninety days in duration and shall not be renewed. The 43008
director shall adopt, and may amend, suspend, or rescind, rules in 43009
accordance with Chapter 119. of the Revised Code governing the 43010
issuance, modification, revocation, and denial of emergency 43011
permits. 43012

(K) Except for infectious wastes generated by a person who 43013
produces fewer than fifty pounds of infectious wastes at a 43014
premises during any one month, no owner or operator of a sanitary 43015
landfill shall knowingly accept for disposal, or dispose of, any 43016
infectious wastes that have not been treated to render them 43017
noninfectious. 43018

(L) The director, in accordance with Chapter 119. of the 43019
Revised Code, shall adopt, and may amend, suspend, or rescind, 43020
rules having uniform application throughout the state establishing 43021
a training and certification program that shall be required for 43022
employees of boards of health who are responsible for enforcing 43023
the solid waste and infectious waste provisions of this chapter 43024
and rules adopted under them and for persons who are responsible 43025
for the operation of solid waste facilities or infectious waste 43026
treatment facilities. The rules shall provide all of the 43027
following, without limitation: 43028

(1) The program shall be administered by the director and 43029
shall consist of a course on new solid waste and infectious waste 43030
technologies, enforcement procedures, and rules; 43031

(2) The course shall be offered on an annual basis; 43032

(3) Those persons who are required to take the course under 43033
division (L) of this section shall do so triennially; 43034

(4) Persons who successfully complete the course shall be 43035
certified by the director; 43036

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 43069
United States department of the interior, located in this state, 43070
or any candidate area located in this state and identified for 43071
potential inclusion in the national park system in the edition of 43072
the "national park system plan" submitted under paragraph (b) of 43073
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 43074
U.S.C.A. 1a-5, as amended, current at the time of filing of the 43075
application for the permit, unless the facility or proposed 43076
facility is or is to be used exclusively for the disposal of solid 43077
wastes generated within the park or recreation area and the 43078
director determines that the facility or proposed facility will 43079
not degrade any of the natural or cultural resources of the park 43080
or recreation area. The director shall not issue a variance under 43081
division (A) of this section and rules adopted under it, or issue 43082
an exemption order under division (G) of this section, that would 43083
authorize any such establishment or expansion of a solid waste 43084
facility within the boundaries of any such park or recreation 43085
area, state park purchase area, or candidate area, other than a 43086
solid waste facility exclusively for the disposal of solid wastes 43087
generated within the park or recreation area when the director 43088
determines that the facility will not degrade any of the natural 43089
or cultural resources of the park or recreation area. 43090

(N)(1) The rules adopted under division (A) of this section, 43091
other than those governing variances, do not apply to scrap tire 43092
collection, storage, monocell, monofill, and recovery facilities. 43093
Those facilities are subject to and governed by rules adopted 43094
under sections 3734.70 to 3734.73 of the Revised Code, as 43095
applicable. 43096

(2) Division (C) of this section does not apply to scrap tire 43097
collection, storage, monocell, monofill, and recovery facilities. 43098
The establishment and modification of those facilities are subject 43099
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 43100

Code, as applicable. 43101

(3) The director may adopt, amend, suspend, or rescind rules 43102
under division (A) of this section creating an alternative system 43103
for authorizing the establishment, operation, or modification of a 43104
solid waste compost facility in lieu of the requirement that a 43105
person seeking to establish, operate, or modify a solid waste 43106
compost facility apply for and receive a permit under division (C) 43107
of this section and section 3734.05 of the Revised Code and a 43108
license under division (A)(1) of that section. The rules may 43109
include requirements governing, without limitation, the 43110
classification of solid waste compost facilities, the submittal of 43111
operating records for solid waste compost facilities, and the 43112
creation of a registration or notification system in lieu of the 43113
issuance of permits and licenses for solid waste compost 43114
facilities. The rules shall specify the applicability of divisions 43115
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 43116
Code to a solid waste compost facility. 43117

(O)(1) As used in this division, "secondary aluminum waste" 43118
means waste material or byproducts, when disposed of, containing 43119
aluminum generated from secondary aluminum smelting operations and 43120
consisting of dross, salt cake, baghouse dust associated with 43121
aluminum recycling furnace operations, or dry-milled wastes. 43122

(2) The owner or operator of a sanitary landfill shall not 43123
dispose of municipal solid waste that has been commingled with 43124
secondary aluminum waste. 43125

(3) The owner or operator of a sanitary landfill may dispose 43126
of secondary aluminum waste, but only in a monocell or monofill 43127
that has been permitted for that purpose in accordance with this 43128
chapter and rules adopted under it. 43129

(P)(1) As used in divisions (P) and (Q) of this section: 43130

(a) "Natural background" means two picocuries per gram or the 43131

actual number of picocuries per gram as measured at an individual 43132
solid waste facility, subject to verification by the director of 43133
health. 43134

(b) "Drilling operation" includes a production operation as 43135
defined in section 1509.01 of the Revised Code. 43136

(2) The owner or operator of a solid waste facility shall not 43137
accept for transfer or disposal technologically enhanced naturally 43138
occurring radioactive material if that material contains or is 43139
contaminated with radium-226, radium-228, or any combination of 43140
radium-226 and radium-228 at concentrations equal to or greater 43141
than five picocuries per gram above natural background. 43142

(3) The owner or operator of a solid waste facility may 43143
receive and process for purposes other than transfer or disposal 43144
technologically enhanced naturally occurring radioactive material 43145
that contains or is contaminated with radium-226, radium-228, or 43146
any combination of radium-226 and radium-228 at concentrations 43147
equal to or greater than five picocuries per gram above natural 43148
background, provided that the owner or operator has obtained and 43149
maintains all other necessary authorizations, including any 43150
authorization required by rules adopted by the director of health 43151
under section 3748.04 of the Revised Code. 43152

(4) The director of environmental protection may adopt rules 43153
in accordance with Chapter 119. of the Revised Code governing the 43154
receipt, acceptance, processing, handling, management, and 43155
disposal by solid waste facilities of material that contains or is 43156
contaminated with radioactive material, including, without 43157
limitation, technologically enhanced naturally occurring 43158
radioactive material that contains or is contaminated with 43159
radium-226, radium-228, or any combination of radium-226 and 43160
radium-228 at concentrations less than five picocuries per gram 43161
above natural background. Rules adopted by the director may 43162
include at a minimum both of the following: 43163

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

render them noninfectious by methods, techniques, or practices 43194
prescribed by rules adopted under division (B)(2)(a) of this 43195
section before they are transported off that premises for disposal 43196
or ensure that such wastes are treated to render them 43197
noninfectious at an infectious waste treatment facility off that 43198
premises prior to disposal of the wastes; 43199

(ii) Transport and dispose of infectious wastes, if a 43200
generator produces fewer than fifty pounds of infectious wastes 43201
during any one month that are subject to and packaged and labeled 43202
in accordance with federal requirements, in the same manner as 43203
solid wastes. Such generators who treat specimen cultures and 43204
cultures of viable infectious agents on the premises where they 43205
are generated shall not be considered treatment facilities as 43206
"treatment" and "facility" are defined in section 3734.01 of the 43207
Revised Code. 43208

(iii) Dispose of infectious wastes subject to and treated in 43209
accordance with rules adopted under division (B)(1)(a)(i) of this 43210
section in the same manner as solid wastes; 43211

(iv) May take wastes generated in providing care to a patient 43212
by an emergency medical services organization, as defined in 43213
section 4765.01 of the Revised Code, to and leave them at a 43214
hospital, as defined in section 3727.01 of the Revised Code, for 43215
treatment at a treatment facility owned or operated by the 43216
hospital or, in conjunction with infectious wastes generated by 43217
the hospital, at another treatment facility regardless of whether 43218
the wastes were generated in providing care to the patient at the 43219
scene of an emergency or during the transportation of the patient 43220
to a hospital; 43221

(v) May take wastes generated by an individual for purposes 43222
of the individual's own care or treatment to and leave them at a 43223
hospital, as defined in section 3727.01 of the Revised Code, for 43224
treatment at a treatment facility owned or operated by the 43225

hospital or, in conjunction with infectious wastes generated by 43226
the hospital, at another treatment facility. 43227

(b) Each generator of fifty pounds or more of infectious 43228
wastes during any one month: 43229

(i) Register with the environmental protection agency as a 43230
generator of infectious wastes and obtain a registration 43231
certificate. The fee for issuance of a generator registration 43232
certificate is one hundred forty dollars payable at the time of 43233
application. The registration certificate applies to all the 43234
premises owned or operated by the generator in this state where 43235
infectious wastes are generated and shall list the address of each 43236
such premises. If a generator owns or operates facilities for the 43237
treatment of infectious wastes it generates, the certificate shall 43238
list the address and method of treatment used at each such 43239
facility. 43240

A generator registration certificate is valid for three years 43241
from the date of issuance and shall be renewed for a term of three 43242
years upon the generator's submission of an application for 43243
renewal and payment of a one hundred forty dollar renewal fee. 43244

The rules may establish a system of staggered renewal dates 43245
with approximately one-third of such certificates subject to 43246
renewal each year. The applicable renewal date shall be prescribed 43247
on each registration certificate. Registration fees shall be 43248
prorated according to the time remaining in the registration cycle 43249
to the nearest year. 43250

The registration and renewal fees collected under division 43251
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 43252
state treasury to the ~~infectious wastes management credit of the~~ 43253
waste management fund, ~~hereby~~ created in the ~~state treasury~~ 43254
section 3734.061 of the Revised Code. 43255

(ii) Segregate infectious wastes from other wastes at the 43256

point of generation. Nothing in this section and rules adopted 43257
under it prohibits a generator of infectious wastes from 43258
designating and managing any wastes, in addition to those defined 43259
as infectious wastes under section 3734.01 of the Revised Code, as 43260
infectious wastes. After designating any such other wastes as 43261
infectious, the generator shall manage those wastes in compliance 43262
with the requirements of this chapter and rules adopted under it 43263
applicable to the management of infectious wastes. 43264

(iii) Either treat the infectious wastes that it generates at 43265
a facility owned or operated by the generator by methods, 43266
techniques, or practices prescribed by rules adopted under 43267
division (B)(2)(a) of this section to render them noninfectious, 43268
or designate the wastes for treatment off that premises at an 43269
infectious waste treatment facility holding a license issued under 43270
division (B) of section 3734.05 of the Revised Code, at an 43271
infectious waste treatment facility that is located in another 43272
state that is in compliance with applicable state and federal 43273
laws, or at a treatment facility authorized by rules adopted under 43274
division (B)(2)(d) of this section, prior to disposal of the 43275
wastes. After being treated to render them noninfectious, the 43276
wastes shall be disposed of at a solid waste disposal facility 43277
holding a license issued under division (A) of section 3734.05 of 43278
the Revised Code or at a disposal facility in another state that 43279
is in compliance with applicable state and federal laws. 43280

(iv) Not compact or grind any type of infectious wastes prior 43281
to treatment in accordance with rules adopted under division 43282
(B)(2)(a) of this section; 43283

(v) May discharge untreated liquid or semiliquid infectious 43284
wastes consisting of blood, blood products, body fluids, and 43285
excreta into a disposal system, as defined in section 6111.01 of 43286
the Revised Code, unless the discharge of those wastes into a 43287
disposal system is inconsistent with the terms and conditions of 43288

the permit for the system issued under Chapter 6111. of the Revised Code;

(vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.

(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:

(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its

terms and conditions. The rules adopted under divisions (B)(2)(b) 43320
and (c) of this section do not apply to a facility holding such a 43321
license and permit. 43322

In adopting the rules required by divisions (B)(2)(a) to (d) 43323
of this section, the director shall consider and, to the maximum 43324
feasible extent, utilize existing standards and guidelines 43325
established by professional and governmental organizations having 43326
expertise in the fields of infection control and infectious wastes 43327
management. 43328

(e) Require shipping papers to accompany shipments of wastes 43329
that have been treated to render them noninfectious. The shipping 43330
papers shall include only the following elements: 43331

(i) The name of the owner or operator of the facility where 43332
the wastes were treated and the address of the treatment facility; 43333
43334

(ii) A certification by the owner or operator of the 43335
treatment facility where the wastes were treated indicating that 43336
the wastes have been treated by the methods, techniques, and 43337
practices prescribed in rules adopted under division (B)(2)(a) of 43338
this section. 43339

(C) This section and rules adopted under it do not apply to 43340
the treatment or disposal of wastes consisting of dead animals or 43341
parts thereof, or the blood of animals: 43342

(1) By the owner of the animal after slaughter by the owner 43343
on the owner's premises to obtain meat for consumption by the 43344
owner and the members of the owner's household; 43345

(2) In accordance with Chapter 941. of the Revised Code; or 43346

(3) By persons who are subject to any of the following: 43347

(a) Inspection under the "Federal Meat Inspection Act," 81 43348
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 43349

(b) Chapter 918. of the Revised Code; 43350

(c) Chapter 953. of the Revised Code. 43351

(D) As used in this section, "generator" means a person who 43352
produces infectious wastes at a specific premises. 43353

(E) Rules adopted under this section shall not concern or 43354
relate to personnel policies, salaries, wages, fringe benefits, or 43355
other conditions of employment of employees of persons owning or 43356
operating infectious waste treatment facilities. 43357

(F)(1) The director, in accordance with Chapter 119. of the 43358
Revised Code, shall adopt rules governing the issuance, 43359
modification, revocation, suspension, and denial of variances from 43360
the rules adopted under division (B) of this section. Variances 43361
shall be issued, modified, revoked, suspended, or denied in 43362
accordance with division (F) of this section, rules adopted under 43363
it, and Chapter 3745. of the Revised Code. 43364

(2) A person who desires to obtain a variance or renew a 43365
variance from the rules adopted under division (B) of this section 43366
shall submit to the director an application as prescribed by the 43367
director. The application shall contain detail plans, 43368
specifications, and information regarding objectives, procedures, 43369
controls, and any other information that the director may require. 43370
The director shall issue, renew, or deny a variance or renewal of 43371
a variance within six months of the date on which the director 43372
receives a complete application with all required information and 43373
data. 43374

(3) The director may hold a public hearing on an application 43375
submitted under division (F) of this section for a variance at a 43376
location in the county in which the operations that are the 43377
subject of the application for a variance or renewal of variance 43378
are conducted. Not less than twenty days before the hearing, the 43379
director shall provide to the applicant notice of the hearing by 43380

certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the hearing is to be held. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing.

(4) A variance shall not be issued, modified, revoked, or denied under division (F) of this section until the director has considered the relative interests of the applicant, other persons and property that will be affected by the variance, and the general public. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that the requested action will not create a nuisance or a hazard to the health or safety of the public or to the environment. In granting a variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed on the applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director determines to be appropriate. The director may order the person to whom a variance has been issued to take action within the time that the director determines to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this section shall not be denied and a variance shall not be revoked or modified under that division without a written order of the

director stating the findings on which the denial, revocation, or 43413
modification is based. A copy of the order shall be sent to the 43414
applicant or holder of a variance by certified mail or by another 43415
type of mail that is accompanied by a receipt. 43416

(7) The director shall make available for public inspection 43417
at the principal office of the environmental protection agency a 43418
current list of pending applications for variances submitted under 43419
division (F) of this section and a current schedule of pending 43420
variance hearings under it. 43421

Sec. 3734.061. (A) There is hereby created in the state 43422
treasury the waste management fund. The fund shall consist of 43423
money credited to it under division (C)(4) of section 3714.051, 43424
divisions (A)(4) and (B) of section 3714.07, division (D) of 43425
section 3714.08, division (B)(4) of section 3714.09, division (B) 43426
of section 3734.021, division (D)(4) of section 3734.07, division 43427
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 43428
the Revised Code. 43429

(B) The director of environmental protection shall use money 43430
in the fund as follows: 43431

(1) Money credited to the fund under division (C)(4) of 43432
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 43433
division (D) of section 3714.08, and division (B)(4) of section 43434
3714.09 of the Revised Code exclusively for the administration and 43435
enforcement of Chapter 3714. of the Revised Code and rules adopted 43436
under it; 43437

(2) Money credited to the fund under division (B) of section 43438
3734.551 and division (A)(2) of section 3734.57 of the Revised 43439
Code exclusively to pay the costs of administering and enforcing 43440
the laws pertaining to solid wastes, infectious wastes, and 43441
construction and demolition debris, including ground water 43442
evaluations related to solid wastes, infectious wastes, and 43443

construction and demolition debris, under this chapter and Chapter 43444
3714. of the Revised Code and any rules adopted under those 43445
chapters and addressing violations of Chapters 3704. and 6111. of 43446
the Revised Code at facilities; 43447

(3) Money credited to the fund under division (B) of section 43448
3734.021 and division (D)(4) of section 3734.07 of the Revised 43449
Code exclusively for the administration and enforcement of the 43450
provisions of this chapter governing the management of infectious 43451
wastes and rules adopted under them. 43452

Sec. 3734.07. (A) Before a license is initially issued and 43453
annually thereafter, or more often if necessary, the board of 43454
health shall cause each solid waste facility and infectious waste 43455
treatment facility to be inspected and a record to be made of each 43456
inspection and shall require each solid waste facility and 43457
infectious waste treatment facility in the health district to be 43458
in substantial compliance with this chapter and the rules adopted 43459
under it. 43460

(B) Within thirty days after the issuance of a license, the 43461
board of health shall certify to the director of environmental 43462
protection that the solid waste facility or infectious waste 43463
treatment facility has been inspected and is in substantial 43464
compliance with this chapter and the rules adopted under it. Each 43465
board of health shall provide the director with such other 43466
information as he may require from time to time. 43467

(C) The board of health or its authorized representative and 43468
the director or ~~his~~ the director's authorized representative, upon 43469
proper identification and upon stating the purpose and necessity 43470
of an inspection, may enter at reasonable times upon any private 43471
or public property, real or personal, to inspect or investigate, 43472
obtain samples, and examine or copy any records to determine 43473
compliance with this chapter and the rules adopted under it. The 43474

board of health or its authorized representative or the director 43475
or ~~his~~ the director's authorized representative may apply for, and 43476
any judge of a court of record may issue, an appropriate search 43477
warrant necessary to achieve the purposes of this chapter and the 43478
rules adopted under it within the court's territorial 43479
jurisdiction. If entry is refused or inspection or investigation 43480
is refused, hindered, or thwarted, the board of health may suspend 43481
or revoke the operating license of the solid waste facility or 43482
infectious waste treatment facility that refused entry, or the 43483
director may suspend or revoke the license or permit of the solid 43484
waste facility, hazardous waste facility, or infectious waste 43485
treatment facility that refused entry. 43486

(D) If the entry authorized by division (C) of this section 43487
is refused or if the inspection or investigation so authorized is 43488
refused, hindered, or thwarted by intimidation or otherwise and 43489
the director, board of health, or authorized representative of 43490
either applies for and obtains a search warrant under division (C) 43491
of this section to conduct the inspection or investigation, the 43492
owner or operator of the premises where entry was refused or 43493
inspection or investigation was refused, hindered, or thwarted is 43494
liable to the director or board of health for the reasonable costs 43495
incurred by either for the regular salaries and fringe benefit 43496
costs of personnel assigned to conduct the inspection or 43497
investigation from the time the entry, inspection, or 43498
investigation was refused, hindered, or thwarted until the search 43499
warrant is executed; for the salary, fringe benefits, and travel 43500
expenses of the attorney general, prosecuting attorney of the 43501
county, or city director of law, or an authorized assistant, 43502
incurred in obtaining the search warrant; and for expenses 43503
necessarily incurred for the assistance of local law enforcement 43504
officers in executing the search warrant. In the application for 43505
the search warrant, the director or board of health may request 43506
and the court, in its order granting the search warrant, may order 43507

the owner or operator of the premises to reimburse the director or 43508
board of health for such of those costs as the court finds 43509
reasonable. ~~From~~ 43510

From moneys recovered under this division, the director shall 43511
reimburse the attorney general for the costs incurred by ~~him~~ the 43512
attorney general or ~~his~~ the attorney general's authorized 43513
assistant in connection with proceedings for obtaining the search 43514
warrant; shall reimburse the political subdivision in which the 43515
premises is located for the assistance of its law enforcement 43516
officers in executing the search warrant; and shall deposit the 43517
remainder of any such moneys to the credit of the following, as 43518
applicable: 43519

(1) The hazardous waste facility management fund created in 43520
section 3734.18 of the Revised Code if the inspection or 43521
investigation pertained to compliance with the hazardous waste 43522
provisions of this chapter or a rule, order, or term or condition 43523
of a permit adopted or issued under them or with a rule adopted 43524
under section 3734.121 of the Revised Code ~~to the credit of the;~~ 43525

(2) The general revenue fund if the inspection or 43526
investigation pertained to compliance with the solid waste 43527
provisions of this chapter or rules, orders, or terms and 43528
conditions of a permit, license, or variance adopted or issued 43529
under them, other than the provisions governing solid wastes that 43530
consist of scrap tires; ~~to the credit of the~~ 43531

(3) The scrap tire management fund created in section 3734.82 43532
of the Revised Code if the inspection or investigation pertained 43533
to compliance with the provisions of this chapter governing solid 43534
wastes that consist of scrap tires or rules, orders, or terms and 43535
conditions of a permit, license, or variance adopted or issued 43536
under them; ~~or to the credit of the infectious~~ 43537

(4) The waste management fund created in section ~~3734.021~~ 43538

3734.061 of the Revised Code if the inspection or investigation 43539
pertained to compliance with the infectious waste provisions of 43540
this chapter or rules, orders, or terms and conditions of a permit 43541
or license issued under them. ~~From~~ 43542

From moneys recovered under this division, the board of 43543
health shall reimburse the prosecuting attorney of the county or 43544
city director of law for the costs incurred by ~~him~~ the prosecuting 43545
attorney or city director of law or an authorized assistant in 43546
connection with proceedings for obtaining the search warrant; 43547
shall reimburse the political subdivision in which the premises is 43548
located for the assistance of its law enforcement officers in 43549
executing the search warrant; and shall deposit the remainder of 43550
any such moneys to the special infectious waste fund of the health 43551
district created under division (C) of section 3734.06 of the 43552
Revised Code if the inspection or investigation pertained to 43553
compliance with the infectious waste provisions of this chapter or 43554
rules, orders, or terms and conditions of a permit or license 43555
issued under them; to the credit of the special fund of the health 43556
district created under division (B) of section 3734.06 of the 43557
Revised Code if the inspection or investigation pertained to 43558
compliance with the solid waste provisions of this chapter or 43559
rules, orders, or terms and conditions of a permit, license, or 43560
variance adopted or issued under them, other than the provisions 43561
governing solid wastes that consist of scrap tires; or to the 43562
credit of the special fund of the health district created under 43563
division (F) of section 3734.82 of the Revised Code if the 43564
inspection or investigation pertained to compliance with the 43565
provisions of this chapter governing solid wastes that consist of 43566
scrap tires or rules, orders, or terms and conditions of a permit, 43567
license, or variance adopted or issued under them. 43568

Sec. 3734.49. (A) There is hereby created within the 43569
environmental protection agency the materials management advisory 43570

council consisting of the following eleven members who shall be 43571
appointed by the governor with the advice and consent of the 43572
senate: 43573

(1) One member who is an employee of a health district whose 43574
duties include enforcement of the solid waste provisions of this 43575
chapter; 43576

(2) One member representing the interests of counties; 43577

(3) One member representing the interests of municipal 43578
corporations; 43579

(4) One member representing the interests of townships; 43580

(5) One member representing the interests of solid waste 43581
management districts; 43582

(6) One member representing a statewide environmental 43583
advocacy organization; 43584

(7) One member representing the public; 43585

(8) Four members with knowledge of or experience in waste 43586
management, recycling, or litter prevention programs. Those 43587
members also shall represent a broad range of interests, including 43588
manufacturing, wholesale, retail, labor, raw materials, commercial 43589
recycling, and solid waste management. 43590

(B)(1) The governor shall make initial appointments to the 43591
advisory council not later than forty-five days after the 43592
effective date of this section. 43593

(2) The following initial members of the advisory council 43594
each shall be appointed for a term ending July 1, 2016: 43595

(a) The member representing the interests of counties; 43596

(b) The member representing the interests of solid waste 43597
management districts; 43598

<u>(c) Two of the members with knowledge of or experience in</u>	43599
<u>waste management, recycling, or litter prevention programs.</u>	43600
<u>(3) The following initial members of the advisory council</u>	43601
<u>each shall be appointed for a term ending July 1, 2017:</u>	43602
<u>(a) The member who is an employee of a health district whose</u>	43603
<u>duties include enforcement of the solid waste provisions of this</u>	43604
<u>chapter;</u>	43605
<u>(b) The member representing the interests of municipal</u>	43606
<u>corporations;</u>	43607
<u>(c) Two of the members with knowledge of or experience in</u>	43608
<u>waste management, recycling, or litter prevention programs.</u>	43609
<u>(4) The following initial members of the advisory council</u>	43610
<u>each shall be appointed for a term ending July 1, 2018:</u>	43611
<u>(a) The member representing the interests of townships;</u>	43612
<u>(b) The member representing a statewide environmental</u>	43613
<u>advocacy organization;</u>	43614
<u>(c) The member representing the public.</u>	43615
<u>Thereafter, terms of office shall be for three years. Each</u>	43616
<u>member shall hold office from the date of the member's appointment</u>	43617
<u>until the end of the term for which the member was appointed. In</u>	43618
<u>the event of death, removal, resignation, or incapacity of a</u>	43619
<u>member, the governor, with the advice and consent of the senate,</u>	43620
<u>shall appoint a successor who shall hold office for the remainder</u>	43621
<u>of the term for which the successor's predecessor was appointed. A</u>	43622
<u>member shall continue in office subsequent to the expiration date</u>	43623
<u>of the member's term until the member's successor takes office or</u>	43624
<u>until a period of sixty days has elapsed, whichever occurs first.</u>	43625
<u>Members may be reappointed. The governor at any time may remove a</u>	43626
<u>member for misfeasance, nonfeasance, or malfeasance in office.</u>	43627
<u>(C) The advisory council shall hold at least two meetings</u>	43628

each year. Special meetings may be held at the request of the 43629
chairperson or a majority of the members. The director of 43630
environmental protection shall select from among the advisory 43631
council's members a chairperson. The advisory council annually 43632
shall select from among its members a vice-chairperson and a 43633
secretary to keep a record of its proceedings. Not later than two 43634
hundred days after the selection of the first chairperson of the 43635
advisory council, the advisory council shall adopt bylaws 43636
governing its procedural operations. A majority vote of the 43637
members of the advisory council is necessary to take action on any 43638
matter. 43639

(D) Membership on the advisory council does not constitute 43640
holding a public office or position of employment under the laws 43641
of this state and does not constitute grounds for removal of 43642
public officers or employees from their offices or positions of 43643
employment. 43644

(E) A member of the advisory council shall serve without 43645
compensation for attending advisory council meetings, but shall be 43646
reimbursed for all ordinary and necessary expenses incurred in the 43647
performance of duties as a member. 43648

(F) The advisory council shall do all of the following: 43649

(1) Advise and assist the director with preparation of the 43650
state solid waste management plan and periodic revisions to the 43651
plan under section 3734.50 of the Revised Code; 43652

(2) Approve or disapprove the draft state solid waste 43653
management plan and periodic revisions prior to adoption of the 43654
plan under section 3734.50 of the Revised Code; 43655

(3) Annually review implementation of the state solid waste 43656
management plan; 43657

(4) Prepare and submit an annual report to the general 43658
assembly on the state's solid waste management system and efforts 43659

towards achieving the goals, restrictions, and objectives 43660
established under divisions (A) to (C) of section 3734.50 of the 43661
Revised Code. The report may recommend legislative action. 43662

(5) Triennially advise the director in conducting a review of 43663
the progress made toward achieving the objectives, restrictions, 43664
and goals established under divisions (A) to (C) of section 43665
3734.50 of the Revised Code; 43666

(6) With the approval of the director, establish criteria by 43667
which to certify, and certify, agencies of the state and political 43668
subdivisions for receipt of grants for activities or projects that 43669
are intended to accomplish the purposes of any of the programs 43670
established under section 3736.02 or 3736.05 of the Revised Code; 43671

(7) Advise the director on establishing and implementing 43672
statewide source reduction, recycling, recycling market 43673
development, and litter prevention programs; 43674

(8) Research and respond to questions posed to the advisory 43675
council by the director; 43676

(9) Establish and develop formal and informal partnerships 43677
with other entities that foster a productive marketplace for the 43678
collection and use of recycled materials. 43679

Sec. 3734.50. The director of environmental protection, with 43680
the advice of the ~~solid waste~~ materials management advisory 43681
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 43682
shall prepare a state solid waste management plan to do all of the 43683
following: 43684

(A) Reduce reliance on the use of landfills for management of 43685
solid wastes; 43686

(B) Establish objectives for solid waste reduction, 43687
recycling, reuse, and minimization and a schedule for implementing 43688
those objectives; 43689

(C) Establish restrictions on the types of solid wastes disposed of by landfilling for which alternative management methods are available, such as yard wastes, and a schedule for implementing those restrictions. The objectives under division (B) of this section and restrictions under this division need not be of uniform application throughout the state or as to categories of solid waste generators. Rather, in establishing those objectives and restrictions, the director shall take into consideration the feasibility of waste reduction, recycling, reuse, and minimization measures and landfilling restrictions in urban, suburban, and rural areas and also shall take into consideration the extent to which those measures have been implemented by specific categories of solid waste generators and political subdivisions prior to June 24, 1988.

(D) Establish revised general criteria for the location of solid waste facilities;

(E) Examine alternative methods for disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid wastes;

(F) Establish a statewide strategy for managing scrap tires, which shall include identification of locations within the state that qualify as scrap tire facilities and accumulations. In developing the strategy, the director shall examine the feasibility of recycling or recovering materials or energy from scrap tires and landfilling scrap tires in abandoned coal strip mines as well as other methods for managing scrap tires.

(G) Establish a strategy that contains specific recommendations for legislative and administrative action to promote markets for products containing recycled materials generally and for promoting the use by state government of products containing recycled materials;

(H) Establish a program for the proper separation and disposal of hazardous waste generated by households.

The director shall adopt the state solid waste management plan within one year after June 24, 1988. After completion of a draft plan, the director shall hold a public hearing on the draft plan at each of five different locations within the state. After receiving public comments on the draft plan, the director may make such revisions to it as ~~he~~ the director considers appropriate based on the comments received and shall submit the draft plan with any revisions to the advisory council for approval. If the advisory council approves the draft plan, the director shall adopt it as the state solid waste management plan. If the advisory council disapproves the draft plan, the director, with the advice of the advisory council, shall prepare a new draft plan and proceed in the same manner as for the initial draft plan to hold hearings on, revise, and submit the new draft plan to the advisory council for approval, and adopt the new draft plan.

Not later than one year after adoption of the plan, the director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the objectives and restrictions of the state plan, and schedules for implementing them, under divisions (B) and (C) of this section as mandatory elements of the solid waste management plans of county and joint solid waste management districts under division (A) of section 3734.53 of the Revised Code. Within one year after adoption of the plan, the director shall adopt rules in accordance with Chapter 119. of the Revised Code, which rules are hereby deemed to constitute rules adopted under division (A) of section 3734.02 of the Revised Code, establishing revised general location criteria for solid waste facilities, other than solid waste transfer facilities, and standards for the disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid waste.

Triennially the director, with the advice of the advisory 43753
council, shall conduct a thorough review of the progress made 43754
toward achieving the goals set forth in divisions (A) to (H) of 43755
this section. Based upon the findings of ~~his~~ the review, the 43756
director, in accordance with the procedures of this section, may 43757
prepare and adopt a revised state solid waste management plan. If 43758
the revised plan modifies any of the objectives, restrictions, or 43759
implementation schedules established under division (B) or (C) of 43760
this section, the director, not later than one year after adoption 43761
of the revised plan, shall amend the existing rules adopted under 43762
this section in a manner consistent with those revisions. 43763

If any revision to the plan or enactment or amendment of a 43764
statute by the general assembly that takes effect on or after 43765
April 16, 1993, establishes a restriction on the landfilling or 43766
burning or other thermal processing in an incinerator or energy 43767
recovery facility of any type of solid waste with mixed municipal 43768
solid waste, or prescribes for a type of solid waste a management 43769
method alternative to landfilling or thermal processing with mixed 43770
municipal solid waste, the estimated reduction in the quantity of 43771
solid wastes being disposed of by landfilling or thermal 43772
processing that results from the implementation of the restriction 43773
or alternative management method within a county or joint solid 43774
waste management district constitutes a reduction in solid waste 43775
generation within the district for purposes of determining the 43776
district's compliance with the waste reduction objective 43777
established under division (C) of this section and any revisions 43778
thereof and the rules and amendments thereto adopted under this 43779
section to implement that objective. 43780

Sec. 3734.551. (A) The board of county commissioners of a 43781
county or board of directors of a joint solid waste management 43782
district that is ordered to implement an initial or amended solid 43783
waste management plan prepared by the director of environmental 43784

protection under section 3734.521, 3734.55, or 3734.56 of the 43785
Revised Code and that is levying fees under division (A) or (B) of 43786
section 3734.574 of the Revised Code shall reimburse the director 43787
from moneys in the special fund of the district created in 43788
division (G) of section 3734.57 of the Revised Code for the 43789
expenses incurred by the director in preparing and ordering the 43790
implementation of the plan or amended plan for all of the 43791
following purposes, as applicable: 43792

- (1) Postage; 43793
- (2) Copying and duplicating; 43794
- (3) Notices published in newspapers; 43795
- (4) A court reporter to record testimony at public hearings 43796
and transcribe the record of those hearings; 43797
- (5) Facility rental for holding public information sessions 43798
or public hearings; 43799
- (6) Conducting a survey of industrial solid waste generators 43800
within the district and other primary data collection activities 43801
when the necessary data are not available from the district, 43802
including, without limitation, the costs of conducting the survey 43803
or data collection by contract; 43804
- (7) Fuel, meals, and lodging for the staff of the 43805
environmental protection agency when travel to the district is 43806
necessary to conduct data collection and other plan preparation 43807
activities; 43808
- (8) Necessary long-distance telephone calls. 43809

(B) Upon ordering a district to implement a plan or amended 43810
plan under section 3734.521, 3734.55, or 3734.56 of the Revised 43811
Code, the director shall send to the board of county commissioners 43812
or directors an itemized demand for the expenses enumerated in 43813
division (A) of this section that were incurred by the director in 43814

preparing and ordering the implementation of the plan or amended 43815
plan. The board of county commissioners or directors shall pay to 43816
the director the amount stated in the demand within sixty days 43817
after receiving it. Moneys received by the director under this 43818
division shall be deposited in the state treasury to the credit of 43819
the ~~solid~~ waste management fund created in ~~division (A) of~~ section 43820
~~3734.57~~ 3734.061 of the Revised Code. 43821

Sec. 3734.57. (A) The following fees are hereby levied on the 43822
transfer or disposal of solid wastes in this state: 43823

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 43824
~~2018~~, ~~thirty per cent~~ twenty cents of the proceeds of which shall 43825
be deposited in the state treasury to the credit of the hazardous 43826
waste facility management fund created in section 3734.18 of the 43827
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 43828
shall be deposited in the state treasury to the credit of the 43829
hazardous waste clean-up fund created in section 3734.28 of the 43830
Revised Code; 43831

(2) An additional ~~one dollar~~ seventy-five cents per ton 43832
through June 30, ~~2016~~ 2018, the proceeds of which shall be 43833
deposited in the state treasury to the credit of the ~~solid~~ waste 43834
management fund, ~~which is hereby~~ created in section 3734.061 of 43835
the Revised Code. ~~The environmental protection agency shall use~~ 43836
~~money in the solid waste fund to pay the costs of administering~~ 43837
~~and enforcing the laws pertaining to solid wastes, infectious~~ 43838
~~wastes, and construction and demolition debris, including, without~~ 43839
~~limitation, ground water evaluations related to solid wastes,~~ 43840
~~infectious wastes, and construction and demolition debris, under~~ 43841
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 43842
~~adopted under them, providing compliance assistance to small~~ 43843
~~businesses, and paying a share of the administrative costs of the~~ 43844
~~environmental protection agency pursuant to section 3745.014 of~~ 43845

~~the Revised Code.~~ 43846

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 43847
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 43848
deposited in the state treasury to the credit of the environmental 43849
protection fund created in section 3745.015 of the Revised Code; 43850

(4) An additional twenty-five cents per ton through June 30, 43851
~~2016~~ 2018, the proceeds of which shall be deposited in the state 43852
treasury to the credit of the soil and water conservation district 43853
assistance fund created in section 1515.14 of the Revised Code. 43854

In the case of solid wastes that are taken to a solid waste 43855
transfer facility located in this state prior to being transported 43856
for disposal at a solid waste disposal facility located in this 43857
state or outside of this state, the fees levied under this 43858
division shall be collected by the owner or operator of the 43859
transfer facility as a trustee for the state. The amount of fees 43860
required to be collected under this division at such a transfer 43861
facility shall equal the total tonnage of solid wastes received at 43862
the facility multiplied by the fees levied under this division. In 43863
the case of solid wastes that are not taken to a solid waste 43864
transfer facility located in this state prior to being transported 43865
to a solid waste disposal facility, the fees shall be collected by 43866
the owner or operator of the solid waste disposal facility as a 43867
trustee for the state. The amount of fees required to be collected 43868
under this division at such a disposal facility shall equal the 43869
total tonnage of solid wastes received at the facility that was 43870
not previously taken to a solid waste transfer facility located in 43871
this state multiplied by the fees levied under this division. Fees 43872
levied under this division do not apply to materials separated 43873
from a mixed waste stream for recycling by a generator or 43874
materials removed from the solid waste stream through recycling, 43875
as "recycling" is defined in rules adopted under section 3734.02 43876
of the Revised Code. 43877

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent

discount and shall pay an additional ten per cent of the amount of 43911
the fees for each month that they are late. For purposes of 43912
calculating the late fee, the first month in which fees are late 43913
begins on the first day after the deadline has passed for timely 43914
submitting the return and fees, and one additional month shall be 43915
counted every thirty days thereafter. 43916

The owner or operator of a solid waste facility may request a 43917
refund or credit of fees levied under this division and remitted 43918
to the director that have not been paid to the owner or operator. 43919
Such a request shall be made only if the fees have not been 43920
collected by the owner or operator, have become a debt that has 43921
become worthless or uncollectable for a period of six months or 43922
more, and may be claimed as a deduction, including a deduction 43923
claimed if the owner or operator keeps accounts on an accrual 43924
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 43925
U.S.C. 166, as amended, and regulations adopted under it. Prior to 43926
making a request for a refund or credit, an owner or operator 43927
shall make reasonable efforts to collect the applicable fees. A 43928
request for a refund or credit shall not include any costs 43929
resulting from those efforts to collect unpaid fees. 43930

A request for a refund or credit of fees shall be made in 43931
writing, on a form prescribed by the director, and shall be 43932
supported by evidence that may be required in rules adopted by the 43933
director under this chapter. After reviewing the request, and if 43934
the request and evidence submitted with the request indicate that 43935
a refund or credit is warranted, the director shall grant a refund 43936
to the owner or operator or shall permit a credit to be taken by 43937
the owner or operator on a subsequent monthly return submitted by 43938
the owner or operator. The amount of a refund or credit shall not 43939
exceed an amount that is equal to ninety days' worth of fees owed 43940
to an owner or operator by a particular debtor of the owner or 43941
operator. A refund or credit shall not be granted by the director 43942

to an owner or operator more than once in any twelve-month period 43943
for fees owed to the owner or operator by a particular debtor. 43944

If, after receiving a refund or credit from the director, an 43945
owner or operator receives payment of all or part of the fees, the 43946
owner or operator shall remit the fees with the next monthly 43947
return submitted to the director together with a written 43948
explanation of the reason for the submittal. 43949

For purposes of computing the fees levied under this division 43950
or division (B) of this section, any solid waste transfer or 43951
disposal facility that does not use scales as a means of 43952
determining gate receipts shall use a conversion factor of three 43953
cubic yards per ton of solid waste or one cubic yard per ton for 43954
baled waste, as applicable. 43955

The fees levied under this division and divisions (B) and (C) 43956
of this section are in addition to all other applicable fees and 43957
taxes and shall be paid by the customer or a political subdivision 43958
to the owner or operator of a solid waste transfer or disposal 43959
facility. In the alternative, the fees shall be paid by a customer 43960
or political subdivision to a transporter of waste who 43961
subsequently transfers the fees to the owner or operator of such a 43962
facility. The fees shall be paid notwithstanding the existence of 43963
any provision in a contract that the customer or a political 43964
subdivision may have with the owner or operator or with a 43965
transporter of waste to the facility that would not require or 43966
allow such payment regardless of whether the contract was entered 43967
prior to or after October 16, 2009. For those purposes, "customer" 43968
means a person who contracts with, or utilizes the solid waste 43969
services of, the owner or operator of a solid waste transfer or 43970
disposal facility or a transporter of solid waste to such a 43971
facility. 43972

(B) For the purposes specified in division (G) of this 43973
section, the solid waste management policy committee of a county 43974

or joint solid waste management district may levy fees upon the 43975
following activities: 43976

(1) The disposal at a solid waste disposal facility located 43977
in the district of solid wastes generated within the district; 43978

(2) The disposal at a solid waste disposal facility within 43979
the district of solid wastes generated outside the boundaries of 43980
the district, but inside this state; 43981

(3) The disposal at a solid waste disposal facility within 43982
the district of solid wastes generated outside the boundaries of 43983
this state. 43984

The solid waste management plan of the county or joint 43985
district approved under section 3734.521 or 3734.55 of the Revised 43986
Code and any amendments to it, or the resolution adopted under 43987
this division, as appropriate, shall establish the rates of the 43988
fees levied under divisions (B)(1), (2), and (3) of this section, 43989
if any, and shall specify whether the fees are levied on the basis 43990
of tons or cubic yards as the unit of measurement. A solid waste 43991
management district that levies fees under this division on the 43992
basis of cubic yards shall do so in accordance with division (A) 43993
of this section. 43994

The fee levied under division (B)(1) of this section shall be 43995
not less than one dollar per ton nor more than two dollars per 43996
ton, the fee levied under division (B)(2) of this section shall be 43997
not less than two dollars per ton nor more than four dollars per 43998
ton, and the fee levied under division (B)(3) of this section 43999
shall be not more than the fee levied under division (B)(1) of 44000
this section. 44001

Prior to the approval of the solid waste management plan of a 44002
district under section 3734.55 of the Revised Code, the solid 44003
waste management policy committee of a district may levy fees 44004
under this division by adopting a resolution establishing the 44005

proposed amount of the fees. Upon adopting the resolution, the 44006
committee shall deliver a copy of the resolution to the board of 44007
county commissioners of each county forming the district and to 44008
the legislative authority of each municipal corporation and 44009
township under the jurisdiction of the district and shall prepare 44010
and publish the resolution and a notice of the time and location 44011
where a public hearing on the fees will be held. Upon adopting the 44012
resolution, the committee shall deliver written notice of the 44013
adoption of the resolution; of the amount of the proposed fees; 44014
and of the date, time, and location of the public hearing to the 44015
director and to the fifty industrial, commercial, or institutional 44016
generators of solid wastes within the district that generate the 44017
largest quantities of solid wastes, as determined by the 44018
committee, and to their local trade associations. The committee 44019
shall make good faith efforts to identify those generators within 44020
the district and their local trade associations, but the 44021
nonprovision of notice under this division to a particular 44022
generator or local trade association does not invalidate the 44023
proceedings under this division. The publication shall occur at 44024
least thirty days before the hearing. After the hearing, the 44025
committee may make such revisions to the proposed fees as it 44026
considers appropriate and thereafter, by resolution, shall adopt 44027
the revised fee schedule. Upon adopting the revised fee schedule, 44028
the committee shall deliver a copy of the resolution doing so to 44029
the board of county commissioners of each county forming the 44030
district and to the legislative authority of each municipal 44031
corporation and township under the jurisdiction of the district. 44032
Within sixty days after the delivery of a copy of the resolution 44033
adopting the proposed revised fees by the policy committee, each 44034
such board and legislative authority, by ordinance or resolution, 44035
shall approve or disapprove the revised fees and deliver a copy of 44036
the ordinance or resolution to the committee. If any such board or 44037
legislative authority fails to adopt and deliver to the policy 44038

committee an ordinance or resolution approving or disapproving the 44039
revised fees within sixty days after the policy committee 44040
delivered its resolution adopting the proposed revised fees, it 44041
shall be conclusively presumed that the board or legislative 44042
authority has approved the proposed revised fees. The committee 44043
shall determine if the resolution has been ratified in the same 44044
manner in which it determines if a draft solid waste management 44045
plan has been ratified under division (B) of section 3734.55 of 44046
the Revised Code. 44047

The committee may amend the schedule of fees levied pursuant 44048
to a resolution adopted and ratified under this division by 44049
adopting a resolution establishing the proposed amount of the 44050
amended fees. The committee may repeal the fees levied pursuant to 44051
such a resolution by adopting a resolution proposing to repeal 44052
them. Upon adopting such a resolution, the committee shall proceed 44053
to obtain ratification of the resolution in accordance with this 44054
division. 44055

Not later than fourteen days after declaring the new fees to 44056
be ratified or the fees to be repealed under this division, the 44057
committee shall notify by certified mail the owner or operator of 44058
each solid waste disposal facility that is required to collect the 44059
fees of the ratification and the amount of the fees or of the 44060
repeal of the fees. Collection of any fees shall commence or 44061
collection of repealed fees shall cease on the first day of the 44062
second month following the month in which notification is sent to 44063
the owner or operator. 44064

Fees levied under this division also may be established, 44065
amended, or repealed by a solid waste management policy committee 44066
through the adoption of a new district solid waste management 44067
plan, the adoption of an amended plan, or the amendment of the 44068
plan or amended plan in accordance with sections 3734.55 and 44069
3734.56 of the Revised Code or the adoption or amendment of a 44070

district plan in connection with a change in district composition 44071
under section 3734.521 of the Revised Code. 44072

Not later than fourteen days after the director issues an 44073
order approving a district's solid waste management plan, amended 44074
plan, or amendment to a plan or amended plan that establishes, 44075
amends, or repeals a schedule of fees levied by the district, the 44076
committee shall notify by certified mail the owner or operator of 44077
each solid waste disposal facility that is required to collect the 44078
fees of the approval of the plan or amended plan, or the amendment 44079
to the plan, as appropriate, and the amount of the fees, if any. 44080
In the case of an initial or amended plan approved under section 44081
3734.521 of the Revised Code in connection with a change in 44082
district composition, other than one involving the withdrawal of a 44083
county from a joint district, the committee, within fourteen days 44084
after the change takes effect pursuant to division (G) of that 44085
section, shall notify by certified mail the owner or operator of 44086
each solid waste disposal facility that is required to collect the 44087
fees that the change has taken effect and of the amount of the 44088
fees, if any. Collection of any fees shall commence or collection 44089
of repealed fees shall cease on the first day of the second month 44090
following the month in which notification is sent to the owner or 44091
operator. 44092

If, in the case of a change in district composition involving 44093
the withdrawal of a county from a joint district, the director 44094
completes the actions required under division (G)(1) or (3) of 44095
section 3734.521 of the Revised Code, as appropriate, forty-five 44096
days or more before the beginning of a calendar year, the policy 44097
committee of each of the districts resulting from the change that 44098
obtained the director's approval of an initial or amended plan in 44099
connection with the change, within fourteen days after the 44100
director's completion of the required actions, shall notify by 44101
certified mail the owner or operator of each solid waste disposal 44102

facility that is required to collect the district's fees that the 44103
change is to take effect on the first day of January immediately 44104
following the issuance of the notice and of the amount of the fees 44105
or amended fees levied under divisions (B)(1) to (3) of this 44106
section pursuant to the district's initial or amended plan as so 44107
approved or, if appropriate, the repeal of the district's fees by 44108
that initial or amended plan. Collection of any fees set forth in 44109
such a plan or amended plan shall commence on the first day of 44110
January immediately following the issuance of the notice. If such 44111
an initial or amended plan repeals a schedule of fees, collection 44112
of the fees shall cease on that first day of January. 44113

If, in the case of a change in district composition involving 44114
the withdrawal of a county from a joint district, the director 44115
completes the actions required under division (G)(1) or (3) of 44116
section 3734.521 of the Revised Code, as appropriate, less than 44117
forty-five days before the beginning of a calendar year, the 44118
director, on behalf of each of the districts resulting from the 44119
change that obtained the director's approval of an initial or 44120
amended plan in connection with the change proceedings, shall 44121
notify by certified mail the owner or operator of each solid waste 44122
disposal facility that is required to collect the district's fees 44123
that the change is to take effect on the first day of January 44124
immediately following the mailing of the notice and of the amount 44125
of the fees or amended fees levied under divisions (B)(1) to (3) 44126
of this section pursuant to the district's initial or amended plan 44127
as so approved or, if appropriate, the repeal of the district's 44128
fees by that initial or amended plan. Collection of any fees set 44129
forth in such a plan or amended plan shall commence on the first 44130
day of the second month following the month in which notification 44131
is sent to the owner or operator. If such an initial or amended 44132
plan repeals a schedule of fees, collection of the fees shall 44133
cease on the first day of the second month following the month in 44134
which notification is sent to the owner or operator. 44135

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of

where the wastes were generated. 44168

The legislative authority of a municipal corporation or 44169
township may levy fees under this division by enacting an 44170
ordinance or adopting a resolution establishing the amount of the 44171
fees. Upon so doing the legislative authority shall mail a 44172
certified copy of the ordinance or resolution to the board of 44173
county commissioners or directors of the county or joint solid 44174
waste management district in which the municipal corporation or 44175
township is located or, if a regional solid waste management 44176
authority has been formed under section 343.011 of the Revised 44177
Code, to the board of trustees of that regional authority, the 44178
owner or operator of each solid waste disposal facility in the 44179
municipal corporation or township that is required to collect the 44180
fee by the ordinance or resolution, and the director of 44181
environmental protection. Although the fees levied under this 44182
division are levied on the basis of tons as the unit of 44183
measurement, the legislative authority, in its ordinance or 44184
resolution levying the fees under this division, may direct that 44185
the fees be levied on the basis of cubic yards as the unit of 44186
measurement based upon a conversion factor of three cubic yards 44187
per ton generally or one cubic yard per ton for baled wastes. 44188

Not later than five days after enacting an ordinance or 44189
adopting a resolution under this division, the legislative 44190
authority shall so notify by certified mail the owner or operator 44191
of each solid waste disposal facility that is required to collect 44192
the fee. Collection of any fee levied on or after March 24, 1992, 44193
shall commence on the first day of the second month following the 44194
month in which notification is sent to the owner or operator. 44195

(D)(1) The fees levied under divisions (A), (B), and (C) of 44196
this section do not apply to the disposal of solid wastes that: 44197

(a) Are disposed of at a facility owned by the generator of 44198
the wastes when the solid waste facility exclusively disposes of 44199

solid wastes generated at one or more premises owned by the 44200
generator regardless of whether the facility is located on a 44201
premises where the wastes are generated; 44202

(b) Are generated from the combustion of coal, or from the 44203
combustion of primarily coal, regardless of whether the disposal 44204
facility is located on the premises where the wastes are 44205
generated; 44206

(c) Are asbestos or asbestos-containing materials or products 44207
disposed of at a construction and demolition debris facility that 44208
is licensed under Chapter 3714. of the Revised Code or at a solid 44209
waste facility that is licensed under this chapter. 44210

(2) Except as provided in section 3734.571 of the Revised 44211
Code, any fees levied under division (B)(1) of this section apply 44212
to solid wastes originating outside the boundaries of a county or 44213
joint district that are covered by an agreement for the joint use 44214
of solid waste facilities entered into under section 343.02 of the 44215
Revised Code by the board of county commissioners or board of 44216
directors of the county or joint district where the wastes are 44217
generated and disposed of. 44218

(3) When solid wastes, other than solid wastes that consist 44219
of scrap tires, are burned in a disposal facility that is an 44220
incinerator or energy recovery facility, the fees levied under 44221
divisions (A), (B), and (C) of this section shall be levied upon 44222
the disposal of the fly ash and bottom ash remaining after burning 44223
of the solid wastes and shall be collected by the owner or 44224
operator of the sanitary landfill where the ash is disposed of. 44225

(4) When solid wastes are delivered to a solid waste transfer 44226
facility, the fees levied under divisions (B) and (C) of this 44227
section shall be levied upon the disposal of solid wastes 44228
transported off the premises of the transfer facility for disposal 44229
and shall be collected by the owner or operator of the solid waste 44230

disposal facility where the wastes are disposed of. 44231

(5) The fees levied under divisions (A), (B), and (C) of this 44232
section do not apply to sewage sludge that is generated by a waste 44233
water treatment facility holding a national pollutant discharge 44234
elimination system permit and that is disposed of through 44235
incineration, land application, or composting or at another 44236
resource recovery or disposal facility that is not a landfill. 44237

(6) The fees levied under divisions (A), (B), and (C) of this 44238
section do not apply to solid wastes delivered to a solid waste 44239
composting facility for processing. When any unprocessed solid 44240
waste or compost product is transported off the premises of a 44241
composting facility and disposed of at a landfill, the fees levied 44242
under divisions (A), (B), and (C) of this section shall be 44243
collected by the owner or operator of the landfill where the 44244
unprocessed waste or compost product is disposed of. 44245

(7) When solid wastes that consist of scrap tires are 44246
processed at a scrap tire recovery facility, the fees levied under 44247
divisions (A), (B), and (C) of this section shall be levied upon 44248
the disposal of the fly ash and bottom ash or other solid wastes 44249
remaining after the processing of the scrap tires and shall be 44250
collected by the owner or operator of the solid waste disposal 44251
facility where the ash or other solid wastes are disposed of. 44252

(8) The director of environmental protection may issue an 44253
order exempting from the fees levied under this section solid 44254
wastes, including, but not limited to, scrap tires, that are 44255
generated, transferred, or disposed of as a result of a contract 44256
providing for the expenditure of public funds entered into by the 44257
administrator or regional administrator of the United States 44258
environmental protection agency, the director of environmental 44259
protection, or the director of administrative services on behalf 44260
of the director of environmental protection for the purpose of 44261
remediating conditions at a hazardous waste facility, solid waste 44262

facility, or other location at which the administrator or regional 44263
administrator or the director of environmental protection has 44264
reason to believe that there is a substantial threat to public 44265
health or safety or the environment or that the conditions are 44266
causing or contributing to air or water pollution or soil 44267
contamination. An order issued by the director of environmental 44268
protection under division (D)(8) of this section shall include a 44269
determination that the amount of the fees not received by a solid 44270
waste management district as a result of the order will not 44271
adversely impact the implementation and financing of the 44272
district's approved solid waste management plan and any approved 44273
amendments to the plan. Such an order is a final action of the 44274
director of environmental protection. 44275

(E) The fees levied under divisions (B) and (C) of this 44276
section shall be collected by the owner or operator of the solid 44277
waste disposal facility where the wastes are disposed of as a 44278
trustee for the county or joint district and municipal corporation 44279
or township where the wastes are disposed of. Moneys from the fees 44280
levied under division (B) of this section shall be forwarded to 44281
the board of county commissioners or board of directors of the 44282
district in accordance with rules adopted under division (H) of 44283
this section. Moneys from the fees levied under division (C) of 44284
this section shall be forwarded to the treasurer or such other 44285
officer of the municipal corporation as, by virtue of the charter, 44286
has the duties of the treasurer or to the fiscal officer of the 44287
township, as appropriate, in accordance with those rules. 44288

(F) Moneys received by the treasurer or other officer of the 44289
municipal corporation under division (E) of this section shall be 44290
paid into the general fund of the municipal corporation. Moneys 44291
received by the fiscal officer of the township under that division 44292
shall be paid into the general fund of the township. The treasurer 44293
or other officer of the municipal corporation or the township 44294

fiscal officer, as appropriate, shall maintain separate records of 44295
the moneys received from the fees levied under division (C) of 44296
this section. 44297

(G) Moneys received by the board of county commissioners or 44298
board of directors under division (E) of this section or section 44299
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 44300
shall be paid to the county treasurer, or other official acting in 44301
a similar capacity under a county charter, in a county district or 44302
to the county treasurer or other official designated by the board 44303
of directors in a joint district and kept in a separate and 44304
distinct fund to the credit of the district. If a regional solid 44305
waste management authority has been formed under section 343.011 44306
of the Revised Code, moneys received by the board of trustees of 44307
that regional authority under division (E) of this section shall 44308
be kept by the board in a separate and distinct fund to the credit 44309
of the district. Moneys in the special fund of the county or joint 44310
district arising from the fees levied under division (B) of this 44311
section and the fee levied under division (A) of section 3734.573 44312
of the Revised Code shall be expended by the board of county 44313
commissioners or directors of the district in accordance with the 44314
district's solid waste management plan or amended plan approved 44315
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 44316
exclusively for the following purposes: 44317

(1) Preparation of the solid waste management plan of the 44318
district under section 3734.54 of the Revised Code, monitoring 44319
implementation of the plan, and conducting the periodic review and 44320
amendment of the plan required by section 3734.56 of the Revised 44321
Code by the solid waste management policy committee; 44322

(2) Implementation of the approved solid waste management 44323
plan or amended plan of the district, including, without 44324
limitation, the development and implementation of solid waste 44325
recycling or reduction programs; 44326

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to

the health districts for the participation of their employees 44358
responsible for enforcement of the solid waste provisions of this 44359
chapter and rules adopted and orders and terms and conditions of 44360
permits, licenses, and variances issued under those provisions in 44361
the training and certification program as required by rules 44362
adopted under division (L) of section 3734.02 of the Revised Code; 44363

(9) Providing financial assistance to individual municipal 44364
corporations and townships within the district to defray their 44365
added costs of maintaining roads and other public facilities and 44366
of providing emergency and other public services resulting from 44367
the location and operation within their boundaries of a 44368
composting, energy or resource recovery, incineration, or 44369
recycling facility that either is owned by the district or is 44370
furnishing solid waste management facility or recycling services 44371
to the district pursuant to a contract or agreement with the board 44372
of county commissioners or directors of the district; 44373

(10) Payment of any expenses that are agreed to, awarded, or 44374
ordered to be paid under section 3734.35 of the Revised Code and 44375
of any administrative costs incurred pursuant to that section. In 44376
the case of a joint solid waste management district, if the board 44377
of county commissioners of one of the counties in the district is 44378
negotiating on behalf of affected communities, as defined in that 44379
section, in that county, the board shall obtain the approval of 44380
the board of directors of the district in order to expend moneys 44381
for administrative costs incurred. 44382

Prior to the approval of the district's solid waste 44383
management plan under section 3734.55 of the Revised Code, moneys 44384
in the special fund of the district arising from the fees shall be 44385
expended for those purposes in the manner prescribed by the solid 44386
waste management policy committee by resolution. 44387

Notwithstanding division (G)(6) of this section as it existed 44388
prior to October 29, 1993, or any provision in a district's solid 44389

waste management plan prepared in accordance with division 44390
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 44391
prior to that date, any moneys arising from the fees levied under 44392
division (B)(3) of this section prior to January 1, 1994, may be 44393
expended for any of the purposes authorized in divisions (G)(1) to 44394
(10) of this section. 44395

(H) The director shall adopt rules in accordance with Chapter 44396
119. of the Revised Code prescribing procedures for collecting and 44397
forwarding the fees levied under divisions (B) and (C) of this 44398
section to the boards of county commissioners or directors of 44399
county or joint solid waste management districts and to the 44400
treasurers or other officers of municipal corporations and the 44401
fiscal officers of townships. The rules also shall prescribe the 44402
dates for forwarding the fees to the boards and officials and may 44403
prescribe any other requirements the director considers necessary 44404
or appropriate to implement and administer divisions (A), (B), and 44405
(C) of this section. 44406

Sec. 3734.822. (A) There is hereby created in the state 44407
treasury the scrap tire grant fund, consisting of moneys 44408
transferred to the fund under section 3734.82 of the Revised Code. 44409
The director of environmental protection may make grants from the 44410
fund for the following purposes: 44411

(1) Supporting market development activities for scrap tires 44412
and synthetic rubber from tire manufacturing processes and tire 44413
recycling processes; 44414

(2) Supporting scrap tire amnesty and cleanup events 44415
sponsored by solid waste management districts. 44416

Grants awarded under division (A)(1) of this section may be 44417
awarded to individuals, businesses, and entities certified under 44418
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 44419

(B) Projects and activities that are eligible for grants 44420
under division (A)(1) of this section shall be evaluated for 44421
funding using, at a minimum, the following criteria: 44422

(1) The degree to which a proposed project contributes to the 44423
increased use of scrap tires generated in this state; 44424

(2) The degree of local financial support for a proposed 44425
project; 44426

(3) The technical merit and quality of a proposed project. 44427

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 44428
defray the cost of administering and enforcing the scrap tire 44429
provisions of this chapter, rules adopted under those provisions, 44430
and terms and conditions of orders, variances, and licenses issued 44431
under those provisions; to abate accumulations of scrap tires; to 44432
make grants supporting market development activities for scrap 44433
tires and synthetic rubber from tire manufacturing processes and 44434
tire recycling processes and to support scrap tire amnesty and 44435
cleanup events; to make loans to promote the recycling or recovery 44436
of energy from scrap tires; and to defray the costs of 44437
administering and enforcing sections 3734.90 to 3734.9014 of the 44438
Revised Code, a fee of fifty cents per tire is hereby levied on 44439
the sale of tires. The proceeds of the fee shall be deposited in 44440
the state treasury to the credit of the scrap tire management fund 44441
created in section 3734.82 of the Revised Code. The fee is levied 44442
from the first day of the calendar month that begins next after 44443
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 44444

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 44445
2018, there is hereby levied an additional fee of fifty cents per 44446
tire on the sale of tires the proceeds of which shall be deposited 44447
in the state treasury to the credit of the soil and water 44448
conservation district assistance fund created in section 1515.14 44449
of the Revised Code. 44450

(B) Only one sale of the same article shall be used in 44451
computing the amount of the fee due. 44452

Sec. 3736.03. (A) There is hereby created in the state 44453
treasury the recycling and litter prevention fund, consisting of 44454
moneys distributed to it from fees, including the fee levied under 44455
division (A)(2) of section 3714.073 of the Revised Code, gifts, 44456
donations, grants, reimbursements, and other sources, including 44457
investment earnings. 44458

(B) The director of environmental protection shall do all of 44459
the following: 44460

(1) Use moneys credited to the fund exclusively for the 44461
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 44462
and 3745.014 of the Revised Code, with particular emphasis on 44463
programs relating to recycling; 44464

(2) Require recipients of grants under section 3736.05 of the 44465
Revised Code, as a condition of receiving and retaining them, to 44466
do all of the following: 44467

(a) Create a separate account for the grants and any cash 44468
donations received that qualify for the donor credit allowed by 44469
section 5733.064 of the Revised Code; 44470

(b) Make expenditures from the account exclusively for the 44471
purposes for which the grants were received; 44472

(c) Use any auditing and accounting practices the director 44473
considers necessary regarding the account; 44474

(d) Report to the director information regarding the amount 44475
and donor of cash donations received as described by section 44476
5733.064 of the Revised Code; 44477

(e) Use grants received to supplement and not to replace any 44478
existing funding for such purposes. 44479

(3) Report to the tax commissioner information the director receives pursuant to division (B)(2)(d) of this section. 44480
44481

Sec. 3736.05. (A) The director of environmental protection, pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code, may make grants from the recycling and litter prevention fund created in section 3736.03 of the Revised Code to accomplish the purposes of the programs established under section 3736.02 of the Revised Code. 44482
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(B) Except as provided in division (C) of this section, the director may require any eligible applicant certified by the ~~recycling and litter prevention~~ materials management advisory council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant for an activity or project that is intended to further the purposes of any program established under division (A)(1), (2), or (4) of section 3736.02 of the Revised Code to provide a matching contribution of not more than fifty per cent of the grant. 44488
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(C) Notwithstanding division (B) of this section, any grant awarded under division (A) of this section to foster cooperative research and development regarding recycling or the cooperative establishment or expansion of private recycling facilities or programs shall be made in conjunction with a contribution to the project by a cooperating enterprise that maintains or proposes to maintain a relevant research and development or recycling facility or program in this state or by an agency of the state, provided that funding provided by a state agency shall not be provided from general revenue funds appropriated by the general assembly. No grant made under division (A) of this section for the purposes described in this division shall exceed the contribution made by the cooperating enterprise or state agency. The director may consider cooperating contributions in the form of state of the art 44497
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new equipment or in other forms if the director determines that 44511
the contribution is essential to the successful implementation of 44512
the project. 44513

Grants made under division (A) of this section for the 44514
purposes described in this division shall be made in such form and 44515
conditioned on such terms as the director considers to be 44516
appropriate. 44517

(D)(1) The director may require any eligible applicant 44518
certified by the ~~recycling and litter prevention~~ advisory council 44519
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 44520
Code that applies for a grant that is intended to further the 44521
purposes of the program established under division (A)(3) of 44522
section 3736.02 of the Revised Code, except any eligible applicant 44523
that is or is located in a county that has a per capita income 44524
equal to or below ninety per cent of the median county per capita 44525
income of the state as determined by the director using the most 44526
recently available figures from the United States census bureau, 44527
to provide a matching contribution as follows: 44528

(a) Up to ten per cent of the grant from any eligible 44529
applicant that is or is located in a county that has a per capita 44530
income above ninety per cent of the median county per capita 44531
income of the state, but equal to or below one hundred per cent of 44532
the median county per capita income of the state; 44533

(b) Up to twenty per cent of the grant from any eligible 44534
applicant that is or is located in a county that has a per capita 44535
income above the median county per capita income of the state. 44536

(2) If the eligible applicant is a joint solid waste 44537
management district or is filing a joint application on behalf of 44538
two or more counties, the matching contribution required under 44539
division (D)(1) of this section shall be the average of the 44540
matching contributions of all of the counties covered by the 44541

application as determined in accordance with that division. The 44542
matching contribution of a county that has a per capita income 44543
equal to or below ninety per cent of the median county per capita 44544
income of the state shall be included as zero in calculating the 44545
average matching contribution. 44546

(E) The director shall ensure that not less than fifty per 44547
cent of the moneys distributed as grants under this section shall 44548
be expended for the purposes of recycling and recycling market 44549
development. 44550

(F) No information that is submitted to, acquired by, or 44551
exchanged with employees of the environmental protection agency 44552
who administer or provide services under this section and that is 44553
submitted, acquired, or exchanged in order to obtain a grant 44554
pursuant to division (A) of this section shall be used in any 44555
manner for the purpose of the enforcement of any requirement 44556
established in an environmental law or used as evidence in any 44557
judicial or administrative enforcement proceeding unless that 44558
information reveals a clear and immediate danger to the 44559
environment or to the health, safety, or welfare of the public. 44560

(G) Nothing in this section confers immunity on persons from 44561
enforcement that is based on information that is obtained by the 44562
director or the director's authorized representatives who are not 44563
employees of the agency who administer or provide services under 44564
this section. 44565

(H) As used in this section, "environmental law" means a law 44566
that is administered by the environmental protection agency. 44567

Sec. 3736.06. (A) Agencies of the state certified pursuant to 44568
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 44569
a grant shall designate an employee as the liaison with the 44570
director of environmental protection to cooperate with the 44571
director in carrying out the director's duties under this chapter. 44572

(B) The executive and legislative authorities of municipal corporations, counties, and townships and the boards of park commissioners of township park districts created under section 511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section 3736.02 of the Revised Code.

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than

twenty years. A qualifying small government is not eligible to 44603
receive a loan for a project or purchase under the program unless 44604
the qualifying small government contributes to the project or 44605
purchase an amount equal to at least five per cent of the loan 44606
amount. 44607

(C) A qualifying small government may apply to the state fire 44608
marshal for a loan under the small government fire department 44609
services revolving loan program. In its application, the 44610
qualifying small government shall explain how it qualifies for the 44611
loan, describe the project or purchase for which it is requesting 44612
a loan, state the amount of the loan it requests, and state the 44613
amount it is prepared to contribute to the project or purchase. 44614
The qualifying small government shall provide additional 44615
information to support its application for a loan under the 44616
program as requested by the state fire marshal. 44617

(D) The state fire marshal, in accordance with Chapter 119. 44618
of the Revised Code, shall adopt rules for the administration of 44619
the small government fire department services revolving loan 44620
program. 44621

(E) There is hereby created in the state treasury the small 44622
government fire department services revolving loan fund, into 44623
which shall be deposited repayments by qualifying small 44624
governments of loans authorized under this section. The fund also 44625
shall consist of appropriated money. Investment earnings on money 44626
in the fund shall be credited to the fund. The state fire marshal 44627
shall use the money credited to the fund to make loans to 44628
qualifying small governments as described in this section. The 44629
state fire marshal may loan money from repaid loans credited to 44630
the fund at any time to qualifying small governments in accordance 44631
with this section. 44632

Sec. 3737.84. (A) The state fire code adopted pursuant to 44633

sections 3737.82 and 3737.83 of the Revised Code shall not contain 44634
any provision as follows: 44635

(1) Relating to the organization or structure of a municipal 44636
or township fire department; 44637

(2) Relating to structural building requirements covered by 44638
the Ohio building code; 44639

(3) That would cause an employer, in complying with it, to be 44640
in violation of the "Occupational Safety and Health Act of 1970," 44641
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 44642
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 44643

(4) Regulating manufacturers or manufacturing facilities with 44644
respect to occupational hazards where they are subject to 44645
regulation by the federal occupational safety and health 44646
administration; 44647

(5) That is inconsistent with, or in conflict with, 44648
regulations of the federal occupational safety and health 44649
administration or the hazardous materials regulations of the 44650
hazardous materials regulations board of the federal highway 44651
administration, United States department of transportation, or the 44652
public utilities commission; 44653

(6) That establishes a minimum standard of flammability for 44654
consumer goods in any area where the "Flammable Fabrics Act," 81 44655
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 44656
or any department or agency of the federal government to establish 44657
national standards of flammability for consumer goods; 44658

(7) That establishes a health or safety standard for the use 44659
of explosives in mining, for which the federal government through 44660
its authorized agency sets health or safety standards pursuant to 44661
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 44662
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 44663
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 44664

U.S.C.A. 811; 44665

(8) That is inconsistent with, or in conflict with, section 44666
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 44667
pursuant to that chapter; 44668

(9)(a) Restricting the dispensing of diesel fuel at a 44669
terminal or bulk plant into a motor vehicle that is transporting 44670
petroleum products or equipment essential to the operation of the 44671
terminal or bulk plant, provided that the motor vehicle is owned 44672
or leased by or operated under a contract with a person who has 44673
been issued a motor fuel dealer's license under section 5735.02 of 44674
the Revised Code; 44675

(b) Authorizing the dispensing of any petroleum products at a 44676
terminal or bulk plant from an ~~above-ground~~ aboveground storage 44677
tank at the terminal or bulk plant to a motor vehicle other than a 44678
motor vehicle that is described in division (A)(9)(a) of this 44679
section or to a member of the general public. 44680

As used in this section, "terminal or bulk plant" means that 44681
portion of a property where petroleum products are received by 44682
tank vessels, pipelines, tank cars, or tank vehicles and are 44683
stored or blended in bulk for the purpose of distributing the 44684
petroleum products via tank vessel, pipeline, tank car, tank 44685
vehicle, portable tank, or container. 44686

(10) That prohibits the use of a security device described in 44687
division (B)(4) of section 3313.536 of the Revised Code, so long 44688
as the device is approved by all entities required under that 44689
division. 44690

(B) No penalty shall be imposed by the fire marshal on any 44691
person for a violation of the state fire code if a penalty has 44692
been imposed or an order issued by the federal government for a 44693
violation of a similar provision contained in or adopted pursuant 44694
to the federal acts referred to in this section, where the facts 44695

that constitute the violation of the state fire code are the same 44696
as those that constitute the violation or alleged violation of the 44697
federal act. 44698

Sec. 3745.015. There is hereby created in the state treasury 44699
the environmental protection fund consisting of money credited to 44700
the fund under division (A)(3) of section 3734.57 of the Revised 44701
Code. The environmental protection agency shall use money in the 44702
fund to pay the agency's costs associated with administering and 44703
enforcing, or otherwise conducting activities under, this chapter 44704
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 44705
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 44706
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 44707
the Revised Code, including providing compliance assistance to 44708
small businesses. 44709

Sec. 3745.11. (A) Applicants for and holders of permits, 44710
licenses, variances, plan approvals, and certifications issued by 44711
the director of environmental protection pursuant to Chapters 44712
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 44713
to the environmental protection agency for each such issuance and 44714
each application for an issuance as provided by this section. No 44715
fee shall be charged for any issuance for which no application has 44716
been submitted to the director. 44717

(B) Except as otherwise provided in division (C)(2) of this 44718
section, beginning July 1, 1994, each person who owns or operates 44719
an air contaminant source and who is required to apply for and 44720
obtain a Title V permit under section 3704.036 of the Revised Code 44721
shall pay the fees set forth in this division. For the purposes of 44722
this division, total emissions of air contaminants may be 44723
calculated using engineering calculations, emissions factors, 44724
material balance calculations, or performance testing procedures, 44725
as authorized by the director. 44726

The following fees shall be assessed on the total actual 44727
emissions from a source in tons per year of the regulated 44728
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 44729
organic compounds, and lead: 44730

(1) Fifteen dollars per ton on the total actual emissions of 44731
each such regulated pollutant during the period July through 44732
December 1993, to be collected no sooner than July 1, 1994; 44733

(2) Twenty dollars per ton on the total actual emissions of 44734
each such regulated pollutant during calendar year 1994, to be 44735
collected no sooner than April 15, 1995; 44736

(3) Twenty-five dollars per ton on the total actual emissions 44737
of each such regulated pollutant in calendar year 1995, and each 44738
subsequent calendar year, to be collected no sooner than the 44739
fifteenth day of April of the year next succeeding the calendar 44740
year in which the emissions occurred. 44741

The fees levied under this division do not apply to that 44742
portion of the emissions of a regulated pollutant at a facility 44743
that exceed four thousand tons during a calendar year. 44744

(C)(1) The fees assessed under division (B) of this section 44745
are for the purpose of providing funding for the Title V permit 44746
program. 44747

(2) The fees assessed under division (B) of this section do 44748
not apply to emissions from any electric generating unit 44749
designated as a Phase I unit under Title IV of the federal Clean 44750
Air Act prior to calendar year 2000. Those fees shall be assessed 44751
on the emissions from such a generating unit commencing in 44752
calendar year 2001 based upon the total actual emissions from the 44753
generating unit during calendar year 2000 and shall continue to be 44754
assessed each subsequent calendar year based on the total actual 44755
emissions from the generating unit during the preceding calendar 44756
year. 44757

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay

a single fee based upon the sum of the actual annual emissions 44790
from the facility of the regulated pollutants particulate matter, 44791
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 44792
accordance with the following schedule: 44793

Total tons per year		44794
of regulated pollutants	Annual fee	44795
emitted	per facility	44796
More than 0, but less than 10	\$ 100	44797
10 or more, but less than 50	200	44798
50 or more, but less than 100	300	44799
100 or more	700	44800

(3)(a) As used in division (D) of this section, "synthetic 44801
minor facility" means a facility for which one or more permits to 44802
install or permits to operate have been issued for the air 44803
contaminant sources at the facility that include terms and 44804
conditions that lower the facility's potential to emit air 44805
contaminants below the major source thresholds established in 44806
rules adopted under section 3704.036 of the Revised Code. 44807

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 44808
each person who owns or operates a synthetic minor facility shall 44809
pay an annual fee based on the sum of the actual annual emissions 44810
from the facility of particulate matter, sulfur dioxide, nitrogen 44811
dioxide, organic compounds, and lead in accordance with the 44812
following schedule: 44813

Combined total tons		44814
per year of all regulated	Annual fee	44815
pollutants emitted	per facility	44816
Less than 10	\$ 170	44817
10 or more, but less than 20	340	44818
20 or more, but less than 30	670	44819
30 or more, but less than 40	1,010	44820
40 or more, but less than 50	1,340	44821

50 or more, but less than 60	1,680	44822
60 or more, but less than 70	2,010	44823
70 or more, but less than 80	2,350	44824
80 or more, but less than 90	2,680	44825
90 or more, but less than 100	3,020	44826
100 or more	3,350	44827

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees

assessed under that division and to the public. 44855

(2) For the purposes of division (E)(1) of this section: 44856

(a) The consumer price index for any year is the average of 44857
the consumer price index for all urban consumers published by the 44858
United States department of labor as of the close of the 44859
twelve-month period ending on the thirty-first day of August of 44860
that year. 44861

(b) If the 1989 consumer price index is revised, the director 44862
shall use the revision of the consumer price index that is most 44863
consistent with that for calendar year 1989. 44864

(F) Each person who is issued a permit to install pursuant to 44865
rules adopted under division (F) of section 3704.03 of the Revised 44866
Code on or after July 1, 2003, shall pay the fees specified in the 44867
following schedules: 44868

(1) Fuel-burning equipment (boilers, furnaces, or process 44869
heaters used in the process of burning fuel for the primary 44870
purpose of producing heat or power by indirect heat transfer) 44871

Input capacity (maximum) 44872

(million British thermal units per hour) Permit to install 44873

Greater than 0, but less than 10 \$ 200 44874

10 or more, but less than 100 400 44875

100 or more, but less than 300 1000 44876

300 or more, but less than 500 2250 44877

500 or more, but less than 1000 3750 44878

1000 or more, but less than 5000 6000 44879

5000 or more 9000 44880

Units burning exclusively natural gas, number two fuel oil, 44881
or both shall be assessed a fee that is one-half the applicable 44882
amount shown in division (F)(1) of this section. 44883

(2) Combustion turbines and stationary internal combustion 44884
engines designed to generate electricity 44885

Generating capacity (mega watts)	Permit to install	44886
0 or more, but less than 10	\$ 25	44887
10 or more, but less than 25	150	44888
25 or more, but less than 50	300	44889
50 or more, but less than 100	500	44890
100 or more, but less than 250	1000	44891
250 or more	2000	44892
(3) Incinerators		44893
Input capacity (pounds per hour)	Permit to install	44894
0 to 100	\$ 100	44895
101 to 500	500	44896
501 to 2000	1000	44897
2001 to 20,000	1500	44898
more than 20,000	3750	44899
(4)(a) Process		44900
Process weight rate (pounds per hour)	Permit to install	44901
0 to 1000	\$ 200	44902
1001 to 5000	500	44903
5001 to 10,000	750	44904
10,001 to 50,000	1000	44905
more than 50,000	1250	44906
In any process where process weight rate cannot be		44907
ascertained, the minimum fee shall be assessed. A boiler, furnace,		44908
combustion turbine, stationary internal combustion engine, or		44909
process heater designed to provide direct heat or power to a		44910
process not designed to generate electricity shall be assessed a		44911
fee established in division (F)(4)(a) of this section. A		44912
combustion turbine or stationary internal combustion engine		44913
designed to generate electricity shall be assessed a fee		44914
established in division (F)(2) of this section.		44915
(b) Notwithstanding division (F)(4)(a) of this section, any		44916
person issued a permit to install pursuant to rules adopted under		44917

division (F) of section 3704.03 of the Revised Code shall pay the 44918
fees set forth in division (F)(4)(c) of this section for a process 44919
used in any of the following industries, as identified by the 44920
applicable two-digit, three-digit, or four-digit standard 44921
industrial classification code according to the Standard 44922
Industrial Classification Manual published by the United States 44923
office of management and budget in the executive office of the 44924
president, 1987, as revised: 44925

Major group 10, metal mining; 44926

Major group 12, coal mining; 44927

Major group 14, mining and quarrying of nonmetallic minerals; 44928

Industry group 204, grain mill products; 44929

2873 Nitrogen fertilizers; 44930

2874 Phosphatic fertilizers; 44931

3281 Cut stone and stone products; 44932

3295 Minerals and earth, ground or otherwise treated; 44933

4221 Grain elevators (storage only); 44934

5159 Farm related raw materials; 44935

5261 Retail nurseries and lawn and garden supply stores. 44936

(c) The fees set forth in the following schedule apply to the 44937
issuance of a permit to install pursuant to rules adopted under 44938
division (F) of section 3704.03 of the Revised Code for a process 44939
identified in division (F)(4)(b) of this section: 44940

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	44942
10,001 to 50,000	400	44943
50,001 to 100,000	500	44944
100,001 to 200,000	600	44945

200,001 to 400,000	750	44946
400,001 or more	900	44947
(5) Storage tanks		44948
Gallons (maximum useful capacity)	Permit to install	44949
0 to 20,000	\$ 100	44950
20,001 to 40,000	150	44951
40,001 to 100,000	250	44952
100,001 to 500,000	400	44953
500,001 or greater	750	44954
(6) Gasoline/fuel dispensing facilities		44955
For each gasoline/fuel		44956
dispensing facility (includes all	Permit to install	44957
units at the facility)	\$ 100	44958
(7) Dry cleaning facilities		44959
For each dry cleaning		44960
facility (includes all units	Permit to install	44961
at the facility)	\$ 100	44962
(8) Registration status		44963
For each source covered	Permit to install	44964
by registration status	\$ 75	44965
(G) An owner or operator who is responsible for an asbestos		44966
demolition or renovation project pursuant to rules adopted under		44967
section 3704.03 of the Revised Code shall pay the fees set forth		44968
in the following schedule:		44969
Action	Fee	44970
Each notification	\$75	44971
Asbestos removal	\$3/unit	44972
Asbestos cleanup	\$4/cubic yard	44973
For purposes of this division, "unit" means any combination of		44974
linear feet or square feet equal to fifty.		44975
(H) A person who is issued an extension of time for a permit		44976

to install an air contaminant source pursuant to rules adopted 44977
under division (F) of section 3704.03 of the Revised Code shall 44978
pay a fee equal to one-half the fee originally assessed for the 44979
permit to install under this section, except that the fee for such 44980
an extension shall not exceed two hundred dollars. 44981

(I) A person who is issued a modification to a permit to 44982
install an air contaminant source pursuant to rules adopted under 44983
section 3704.03 of the Revised Code shall pay a fee equal to 44984
one-half of the fee that would be assessed under this section to 44985
obtain a permit to install the source. The fee assessed by this 44986
division only applies to modifications that are initiated by the 44987
owner or operator of the source and shall not exceed two thousand 44988
dollars. 44989

(J) Notwithstanding division (F) of this section, a person 44990
who applies for or obtains a permit to install pursuant to rules 44991
adopted under division (F) of section 3704.03 of the Revised Code 44992
after the date actual construction of the source began shall pay a 44993
fee for the permit to install that is equal to twice the fee that 44994
otherwise would be assessed under the applicable division unless 44995
the applicant received authorization to begin construction under 44996
division (W) of section 3704.03 of the Revised Code. This division 44997
only applies to sources for which actual construction of the 44998
source begins on or after July 1, 1993. The imposition or payment 44999
of the fee established in this division does not preclude the 45000
director from taking any administrative or judicial enforcement 45001
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 45002
of the Revised Code, or a rule adopted under any of them, in 45003
connection with a violation of rules adopted under division (F) of 45004
section 3704.03 of the Revised Code. 45005

As used in this division, "actual construction of the source" 45006
means the initiation of physical on-site construction activities 45007
in connection with improvements to the source that are permanent 45008

in nature, including, without limitation, the installation of 45009
building supports and foundations and the laying of underground 45010
pipework. 45011

(K)(1) Money received under division (B) of this section 45012
shall be deposited in the state treasury to the credit of the 45013
Title V clean air fund created in section 3704.035 of the Revised 45014
Code. Annually, fifty cents per ton of each fee assessed under 45015
division (B) of this section on actual emissions from a source and 45016
received by the environmental protection agency pursuant to that 45017
division shall be transferred using an interstate transfer voucher 45018
to the state treasury to the credit of the small business 45019
assistance fund created in section 3706.19 of the Revised Code. In 45020
addition, annually, the amount of money necessary for the 45021
operation of the office of ombudsperson as determined under 45022
division (B) of that section shall be transferred to the state 45023
treasury to the credit of the small business ombudsperson fund 45024
created by that section. 45025

(2) Money received by the agency pursuant to divisions (D), 45026
(F), (G), (H), (I), and (J) of this section shall be deposited in 45027
the state treasury to the credit of the non-Title V clean air fund 45028
created in section 3704.035 of the Revised Code. 45029

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 45030
or (c) of this section, a person issued a water discharge permit 45031
or renewal of a water discharge permit pursuant to Chapter 6111. 45032
of the Revised Code shall pay a fee based on each point source to 45033
which the issuance is applicable in accordance with the following 45034
schedule: 45035

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	45037
1,001 to 5000	100	45038
5,001 to 50,000	200	45039
50,001 to 100,000	300	45040

100,001 to 300,000	525	45041
over 300,000	750	45042

(b) Notwithstanding the fee schedule specified in division 45043
(L)(1)(a) of this section, the fee for a water discharge permit 45044
that is applicable to coal mining operations regulated under 45045
Chapter 1513. of the Revised Code shall be two hundred fifty 45046
dollars per mine. 45047

(c) Notwithstanding the fee schedule specified in division 45048
(L)(1)(a) of this section, the fee for a water discharge permit 45049
for a public discharger identified by I in the third character of 45050
the permittee's NPDES permit number shall not exceed seven hundred 45051
fifty dollars. 45052

(2) A person applying for a plan approval for a wastewater 45053
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 45054
of the Revised Code shall pay a fee of one hundred dollars plus 45055
sixty-five one-hundredths of one per cent of the estimated project 45056
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 45057
two-tenths of one per cent of the estimated project cost on and 45058
after July 1, ~~2016~~ 2018, except that the total fee shall not 45059
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 45060
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 45061
shall be paid at the time the application is submitted. 45062

(3) A person issued a modification of a water discharge 45063
permit shall pay a fee equal to one-half the fee that otherwise 45064
would be charged for a water discharge permit, except that the fee 45065
for the modification shall not exceed four hundred dollars. 45066

(4) A person who has entered into an agreement with the 45067
director under section 6111.14 of the Revised Code shall pay an 45068
administrative service fee for each plan submitted under that 45069
section for approval that shall not exceed the minimum amount 45070
necessary to pay administrative costs directly attributable to 45071
processing plan approvals. The director annually shall calculate 45072

the fee and shall notify all persons who have entered into 45073
agreements under that section, or who have applied for agreements, 45074
of the amount of the fee. 45075

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 45076
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 45077
pursuant to Chapter 6111. of the Revised Code with an average 45078
daily discharge flow of five thousand gallons or more shall pay a 45079
nonrefundable annual discharge fee. Any person who fails to pay 45080
the fee at that time shall pay an additional amount that equals 45081
ten per cent of the required annual discharge fee. 45082

(ii) The billing year for the annual discharge fee 45083
established in division (L)(5)(a)(i) of this section shall consist 45084
of a twelve-month period beginning on the first day of January of 45085
the year preceding the date when the annual discharge fee is due. 45086
In the case of an existing source that permanently ceases to 45087
discharge during a billing year, the director shall reduce the 45088
annual discharge fee, including the surcharge applicable to 45089
certain industrial facilities pursuant to division (L)(5)(c) of 45090
this section, by one-twelfth for each full month during the 45091
billing year that the source was not discharging, but only if the 45092
person holding the NPDES discharge permit for the source notifies 45093
the director in writing, not later than the first day of October 45094
of the billing year, of the circumstances causing the cessation of 45095
discharge. 45096

(iii) The annual discharge fee established in division 45097
(L)(5)(a)(i) of this section, except for the surcharge applicable 45098
to certain industrial facilities pursuant to division (L)(5)(c) of 45099
this section, shall be based upon the average daily discharge flow 45100
in gallons per day calculated using first day of May through 45101
thirty-first day of October flow data for the period two years 45102
prior to the date on which the fee is due. In the case of NPDES 45103
discharge permits for new sources, the fee shall be calculated 45104

using the average daily design flow of the facility until actual 45105
average daily discharge flow values are available for the time 45106
period specified in division (L)(5)(a)(iii) of this section. The 45107
annual discharge fee may be prorated for a new source as described 45108
in division (L)(5)(a)(ii) of this section. 45109

(b) An NPDES permit holder that is a public discharger shall 45110
pay the fee specified in the following schedule: 45111

Average daily	Fee due by	
discharge flow	January 30,	
	2014 <u>2016</u> , and	
	January 30, 2015	
	<u>2017</u>	
5,000 to 49,999	\$ 200	45116
50,000 to 100,000	500	45117
100,001 to 250,000	1,050	45118
250,001 to 1,000,000	2,600	45119
1,000,001 to 5,000,000	5,200	45120
5,000,001 to 10,000,000	10,350	45121
10,000,001 to 20,000,000	15,550	45122
20,000,001 to 50,000,000	25,900	45123
50,000,001 to 100,000,000	41,400	45124
100,000,001 or more	62,100	45125

Public dischargers owning or operating two or more publicly 45126
owned treatment works serving the same political subdivision, as 45127
"treatment works" is defined in section 6111.01 of the Revised 45128
Code, and that serve exclusively political subdivisions having a 45129
population of fewer than one hundred thousand shall pay an annual 45130
discharge fee under division (L)(5)(b) of this section that is 45131
based on the combined average daily discharge flow of the 45132
treatment works. 45133

(c) An NPDES permit holder that is an industrial discharger, 45134
other than a coal mining operator identified by P in the third 45135

character of the permittee's NPDES permit number, shall pay the		45136
fee specified in the following schedule:		45137
Average daily	Fee due by	45138
discharge flow	January 30,	45139
	2014 <u>2016</u> , and	45140
	January 30, 2015	45141
	<u>2017</u>	
5,000 to 49,999	\$ 250	45142
50,000 to 250,000	1,200	45143
250,001 to 1,000,000	2,950	45144
1,000,001 to 5,000,000	5,850	45145
5,000,001 to 10,000,000	8,800	45146
10,000,001 to 20,000,000	11,700	45147
20,000,001 to 100,000,000	14,050	45148
100,000,001 to 250,000,000	16,400	45149
250,000,001 or more	18,700	45150

In addition to the fee specified in the above schedule, an 45151
NPDES permit holder that is an industrial discharger classified as 45152
a major discharger during all or part of the annual discharge fee 45153
billing year specified in division (L)(5)(a)(ii) of this section 45154
shall pay a nonrefundable annual surcharge of seven thousand five 45155
hundred dollars not later than January 30, ~~2014~~ 2016, and not 45156
later than January 30, ~~2015~~ 2017. Any person who fails to pay the 45157
surcharge at that time shall pay an additional amount that equals 45158
ten per cent of the amount of the surcharge. 45159

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 45160
section, a public discharger identified by I in the third 45161
character of the permittee's NPDES permit number and an industrial 45162
discharger identified by I, J, L, V, W, X, Y, or Z in the third 45163
character of the permittee's NPDES permit number shall pay a 45164
nonrefundable annual discharge fee of one hundred eighty dollars 45165
not later than January 30, ~~2014~~ 2016, and not later than January 45166

30, ~~2015~~ 2017. Any person who fails to pay the fee at that time 45167
shall pay an additional amount that equals ten per cent of the 45168
required fee. 45169

(6) Each person obtaining a national pollutant discharge 45170
elimination system general or individual permit for municipal 45171
storm water discharge shall pay a nonrefundable storm water 45172
discharge fee of one hundred dollars per square mile of area 45173
permitted. The fee shall not exceed ten thousand dollars and shall 45174
be payable on or before January 30, 2004, and the thirtieth day of 45175
January of each year thereafter. Any person who fails to pay the 45176
fee on the date specified in division (L)(6) of this section shall 45177
pay an additional amount per year equal to ten per cent of the 45178
annual fee that is unpaid. 45179

(7) The director shall transmit all moneys collected under 45180
division (L) of this section to the treasurer of state for deposit 45181
into the state treasury to the credit of the surface water 45182
protection fund created in section 6111.038 of the Revised Code. 45183

(8) As used in division (L) of this section: 45184

(a) "NPDES" means the federally approved national pollutant 45185
discharge elimination system program for issuing, modifying, 45186
revoking, reissuing, terminating, monitoring, and enforcing 45187
permits and imposing and enforcing pretreatment requirements under 45188
Chapter 6111. of the Revised Code and rules adopted under it. 45189

(b) "Public discharger" means any holder of an NPDES permit 45190
identified by P in the second character of the NPDES permit number 45191
assigned by the director. 45192

(c) "Industrial discharger" means any holder of an NPDES 45193
permit identified by I in the second character of the NPDES permit 45194
number assigned by the director. 45195

(d) "Major discharger" means any holder of an NPDES permit 45196
classified as major by the regional administrator of the United 45197

States environmental protection agency in conjunction with the 45198
director. 45199

(M) Through June 30, ~~2016~~ 2018, a person applying for a 45200
license or license renewal to operate a public water system under 45201
section 6109.21 of the Revised Code shall pay the appropriate fee 45202
established under this division at the time of application to the 45203
director. Any person who fails to pay the fee at that time shall 45204
pay an additional amount that equals ten per cent of the required 45205
fee. The director shall transmit all moneys collected under this 45206
division to the treasurer of state for deposit into the drinking 45207
water protection fund created in section 6109.30 of the Revised 45208
Code. 45209

Except as provided in divisions (M)(4) and (5) of this 45210
section, fees required under this division shall be calculated and 45211
paid in accordance with the following schedule: 45212

(1) For the initial license required under section 6109.21 of 45213
the Revised Code for any public water system that is a community 45214
water system as defined in section 6109.01 of the Revised Code, 45215
and for each license renewal required for such a system prior to 45216
January 31, ~~2016~~ 2018, the fee is: 45217

Number of service connections	Fee amount	
Not more than 49	\$ 112	45218
50 to 99	176	45219
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	45220
2,500 to 4,999	1.48	45221
5,000 to 7,499	1.42	45222
7,500 to 9,999	1.34	45223
10,000 to 14,999	1.16	45224
15,000 to 24,999	1.10	45225
25,000 to 49,999	1.04	45226
50,000 to 99,999	.92	45227

100,000 to 149,999	.86	45230
150,000 to 199,999	.80	45231
200,000 or more	.76	45232

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	45247
150 to 299	176	45248
300 to 749	384	45249
750 to 1,499	628	45250
1,500 to 2,999	1,268	45251
3,000 to 7,499	2,816	45252
7,500 to 14,999	5,510	45253
15,000 to 22,499	9,048	45254
22,500 to 29,999	12,430	45255
30,000 or more	16,820	45256

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of

three individuals per service connection. 45262

(3) For the initial license required under section 6109.21 of 45263
the Revised Code for any public water system that is not a 45264
community water system and serves a transient population, and for 45265
each license renewal required for such a system prior to January 45266
31, ~~2016~~ 2018, the fee is: 45267

Number of wells or sources, other 45268	Fee amount	
than surface water, supplying system		
1	\$112	45269
2	112	45270
3	176	45271
4	278	45272
5	568	45273
System designated as using a 45274		
surface water source	792	45275

As used in division (M)(3) of this section, "number of wells 45276
or sources, other than surface water, supplying system" means 45277
those wells or sources that are physically connected to the 45278
plumbing system serving the public water system. 45279

(4) A public water system designated as using a surface water 45280
source shall pay a fee of seven hundred ninety-two dollars or the 45281
amount calculated under division (M)(1) or (2) of this section, 45282
whichever is greater. 45283

(5) An applicant for an initial license who is proposing to 45284
operate a new public water supply system shall submit a fee that 45285
equals a prorated amount of the appropriate fee for the remainder 45286
of the licensing year. 45287

(N)(1) A person applying for a plan approval for a public 45288
water supply system under section 6109.07 of the Revised Code 45289
shall pay a fee of one hundred fifty dollars plus thirty-five 45290
hundredths of one per cent of the estimated project cost, except 45291

that the total fee shall not exceed twenty thousand dollars 45292
through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and 45293
after July 1, ~~2016~~ 2018. The fee shall be paid at the time the 45294
application is submitted. 45295

(2) A person who has entered into an agreement with the 45296
director under division (A)(2) of section 6109.07 of the Revised 45297
Code shall pay an administrative service fee for each plan 45298
submitted under that section for approval that shall not exceed 45299
the minimum amount necessary to pay administrative costs directly 45300
attributable to processing plan approvals. The director annually 45301
shall calculate the fee and shall notify all persons that have 45302
entered into agreements under that division, or who have applied 45303
for agreements, of the amount of the fee. 45304

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per 45305
survey basis, shall be charged any person for services rendered by 45306
the state in the evaluation of laboratories and laboratory 45307
personnel for compliance with accepted analytical techniques and 45308
procedures established pursuant to Chapter 6109. of the Revised 45309
Code for determining the qualitative characteristics of water: 45310

microbiological		45311
MMO-MUG	\$2,000	45312
MF	2,100	45313
MMO-MUG and MF	2,550	45314
organic chemical	5,400	45315
trace metals	5,400	45316
standard chemistry	2,800	45317
limited chemistry	1,550	45318

On and after July 1, ~~2016~~ 2018, the following fee, on a per 45319
survey basis, shall be charged any such person: 45320

microbiological	\$ 1,650	45321
organic chemicals	3,500	45322
trace metals	3,500	45323

standard chemistry	1,800	45324
limited chemistry	1,000	45325

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2016~~ 2018, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director to take an
examination for certification as an operator of a water supply
system or wastewater system under Chapter 6109. or 6111. of the
Revised Code that is administered by the director, at the time the
application is submitted, shall pay a fee in accordance with the
following schedule through November 30, ~~2016~~ 2018:

Class A operator	\$ 80	45348
Class I operator	105	45349
Class II operator	120	45350
Class III operator	130	45351
Class IV operator	145	45352

On and after December 1, ~~2016~~ 2018, the applicant shall pay a

fee in accordance with the following schedule:		45354
Class A operator	\$ 50	45355
Class I operator	70	45356
Class II operator	80	45357
Class III operator	90	45358
Class IV operator	100	45359

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	45368
Class I operator	35	45369
Class II operator	45	45370
Class III operator	55	45371
Class IV operator	65	45372

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	45378
Class I operator	55	45379
Class II operator	65	45380
Class III operator	75	45381
Class IV operator	85	45382

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an

incineration facility, or a modification of such an existing 45417
facility that includes an increase in the total disposal or 45418
treatment capacity of the facility pursuant to Chapter 3734. of 45419
the Revised Code shall pay a fee of ten dollars per thousand cubic 45420
yards of disposal or treatment capacity, or one thousand dollars, 45421
whichever is greater, except that the total fee for any such 45422
permit shall not exceed eighty thousand dollars. A person issued a 45423
modification of a permit for a solid waste disposal facility or an 45424
infectious waste treatment facility that does not involve an 45425
increase in the total disposal or treatment capacity of the 45426
facility shall pay a fee of one thousand dollars. A person issued 45427
a permit to install a new, or modify an existing, solid waste 45428
transfer facility under that chapter shall pay a fee of two 45429
thousand five hundred dollars. A person issued a permit to install 45430
a new or to modify an existing solid waste incineration or 45431
composting facility, or an existing infectious waste treatment 45432
facility using incineration as its principal method of treatment, 45433
under that chapter shall pay a fee of one thousand dollars. The 45434
increases in the permit fees under this division resulting from 45435
the amendments made by Amended Substitute House Bill 592 of the 45436
117th general assembly do not apply to any person who submitted an 45437
application for a permit to install a new, or modify an existing, 45438
solid waste disposal facility under that chapter prior to 45439
September 1, 1987; any such person shall pay the permit fee 45440
established in this division as it existed prior to June 24, 1988. 45441
In addition to the applicable permit fee under this division, a 45442
person issued a permit to install or modify a solid waste facility 45443
or an infectious waste treatment facility under that chapter who 45444
fails to pay the permit fee to the director in compliance with 45445
division (V) of this section shall pay an additional ten per cent 45446
of the amount of the fee for each week that the permit fee is 45447
late. 45448

Permit and late payment fees paid to the director under this 45449

division shall be credited to the general revenue fund. 45450

(R)(1) A person issued a registration certificate for a scrap 45451
tire collection facility under section 3734.75 of the Revised Code 45452
shall pay a fee of two hundred dollars, except that if the 45453
facility is owned or operated by a motor vehicle salvage dealer 45454
licensed under Chapter 4738. of the Revised Code, the person shall 45455
pay a fee of twenty-five dollars. 45456

(2) A person issued a registration certificate for a new 45457
scrap tire storage facility under section 3734.76 of the Revised 45458
Code shall pay a fee of three hundred dollars, except that if the 45459
facility is owned or operated by a motor vehicle salvage dealer 45460
licensed under Chapter 4738. of the Revised Code, the person shall 45461
pay a fee of twenty-five dollars. 45462

(3) A person issued a permit for a scrap tire storage 45463
facility under section 3734.76 of the Revised Code shall pay a fee 45464
of one thousand dollars, except that if the facility is owned or 45465
operated by a motor vehicle salvage dealer licensed under Chapter 45466
4738. of the Revised Code, the person shall pay a fee of fifty 45467
dollars. 45468

(4) A person issued a permit for a scrap tire monocell or 45469
monofill facility under section 3734.77 of the Revised Code shall 45470
pay a fee of ten dollars per thousand cubic yards of disposal 45471
capacity or one thousand dollars, whichever is greater, except 45472
that the total fee for any such permit shall not exceed eighty 45473
thousand dollars. 45474

(5) A person issued a registration certificate for a scrap 45475
tire recovery facility under section 3734.78 of the Revised Code 45476
shall pay a fee of one hundred dollars. 45477

(6) A person issued a permit for a scrap tire recovery 45478
facility under section 3734.78 of the Revised Code shall pay a fee 45479
of one thousand dollars. 45480

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2016~~ 2018. Except as provided in division (S)(3) of this section, through June 30, ~~2016~~ 2018, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen

dollars at the time of application. 45513

In addition to the application fee established under division 45514
(S)(1) of this section, any person applying for a national 45515
pollutant discharge elimination system general storm water 45516
construction permit shall pay a nonrefundable fee of twenty 45517
dollars per acre for each acre that is permitted above five acres 45518
at the time the application is submitted. However, the per acreage 45519
fee shall not exceed three hundred dollars. In addition, any 45520
person applying for a national pollutant discharge elimination 45521
system general storm water industrial permit shall pay a 45522
nonrefundable fee of one hundred fifty dollars at the time the 45523
application is submitted. 45524

The director shall transmit all moneys collected under 45525
division (S)(1) of this section pursuant to Chapter 6109. of the 45526
Revised Code to the treasurer of state for deposit into the 45527
drinking water protection fund created in section 6109.30 of the 45528
Revised Code. 45529

The director shall transmit all moneys collected under 45530
division (S)(1) of this section pursuant to Chapter 6111. of the 45531
Revised Code and under division (S)(3) of this section to the 45532
treasurer of state for deposit into the surface water protection 45533
fund created in section 6111.038 of the Revised Code. 45534

If a registration certificate is issued under section 45535
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 45536
the application fee paid shall be deducted from the amount of the 45537
registration certificate fee due under division (R)(1), (2), or 45538
(5) of this section, as applicable. 45539

If a person submits an electronic application for a 45540
registration certificate, permit, variance, or plan approval for 45541
which an application fee is established under division (S)(1) of 45542
this section, the person shall pay the applicable application fee 45543

as expeditiously as possible after the submission of the 45544
electronic application. An application for a registration 45545
certificate, permit, variance, or plan approval for which an 45546
application fee is established under division (S)(1) of this 45547
section shall not be reviewed or processed until the applicable 45548
application fee, and any other fees established under this 45549
division, are paid. 45550

(2) Division (S)(1) of this section does not apply to an 45551
application for a registration certificate for a scrap tire 45552
collection or storage facility submitted under section 3734.75 or 45553
3734.76 of the Revised Code, as applicable, if the owner or 45554
operator of the facility or proposed facility is a motor vehicle 45555
salvage dealer licensed under Chapter 4738. of the Revised Code. 45556

(3) A person applying for coverage under a national pollutant 45557
discharge elimination system general discharge permit for 45558
household sewage treatment systems shall pay the following fees: 45559

(a) A nonrefundable fee of two hundred dollars at the time of 45560
application for initial permit coverage; 45561

(b) A nonrefundable fee of one hundred dollars at the time of 45562
application for a renewal of permit coverage. 45563

(T) The director may adopt, amend, and rescind rules in 45564
accordance with Chapter 119. of the Revised Code that do all of 45565
the following: 45566

(1) Prescribe fees to be paid by applicants for and holders 45567
of any license, permit, variance, plan approval, or certification 45568
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 45569
the Revised Code that are not specifically established in this 45570
section. The fees shall be designed to defray the cost of 45571
processing, issuing, revoking, modifying, denying, and enforcing 45572
the licenses, permits, variances, plan approvals, and 45573
certifications. 45574

The director shall transmit all moneys collected under rules 45575
adopted under division (T)(1) of this section pursuant to Chapter 45576
6109. of the Revised Code to the treasurer of state for deposit 45577
into the drinking water protection fund created in section 6109.30 45578
of the Revised Code. 45579

The director shall transmit all moneys collected under rules 45580
adopted under division (T)(1) of this section pursuant to Chapter 45581
6111. of the Revised Code to the treasurer of state for deposit 45582
into the surface water protection fund created in section 6111.038 45583
of the Revised Code. 45584

(2) Exempt the state and political subdivisions thereof, 45585
including education facilities or medical facilities owned by the 45586
state or a political subdivision, or any person exempted from 45587
taxation by section 5709.07 or 5709.12 of the Revised Code, from 45588
any fee required by this section; 45589

(3) Provide for the waiver of any fee, or any part thereof, 45590
otherwise required by this section whenever the director 45591
determines that the imposition of the fee would constitute an 45592
unreasonable cost of doing business for any applicant, class of 45593
applicants, or other person subject to the fee; 45594

(4) Prescribe measures that the director considers necessary 45595
to carry out this section. 45596

(U) When the director reasonably demonstrates that the direct 45597
cost to the state associated with the issuance of a permit to 45598
install, license, variance, plan approval, or certification 45599
exceeds the fee for the issuance or review specified by this 45600
section, the director may condition the issuance or review on the 45601
payment by the person receiving the issuance or review of, in 45602
addition to the fee specified by this section, the amount, or any 45603
portion thereof, in excess of the fee specified under this 45604
section. The director shall not so condition issuances for which a 45605

fee is prescribed in division (L)(1)(b) of this section. 45606

(V) Except as provided in divisions (L), (M), and (P) of this 45607
section or unless otherwise prescribed by a rule of the director 45608
adopted pursuant to Chapter 119. of the Revised Code, all fees 45609
required by this section are payable within thirty days after the 45610
issuance of an invoice for the fee by the director or the 45611
effective date of the issuance of the license, permit, variance, 45612
plan approval, or certification. If payment is late, the person 45613
responsible for payment of the fee shall pay an additional ten per 45614
cent of the amount due for each month that it is late. 45615

(W) As used in this section, "fuel-burning equipment," 45616
"fuel-burning equipment input capacity," "incinerator," 45617
"incinerator input capacity," "process," "process weight rate," 45618
"storage tank," "gasoline dispensing facility," "dry cleaning 45619
facility," "design flow discharge," and "new source treatment 45620
works" have the meanings ascribed to those terms by applicable 45621
rules or standards adopted by the director under Chapter 3704. or 45622
6111. of the Revised Code. 45623

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 45624
(J) of this section, and in any other provision of this section 45625
pertaining to fees paid pursuant to Chapter 3704. of the Revised 45626
Code: 45627

(1) "Facility," "federal Clean Air Act," "person," and "Title 45628
V permit" have the same meanings as in section 3704.01 of the 45629
Revised Code. 45630

(2) "Title V permit program" means the following activities 45631
as necessary to meet the requirements of Title V of the federal 45632
Clean Air Act and 40 C.F.R. part 70, including at least: 45633

(a) Preparing and adopting, if applicable, generally 45634
applicable rules or guidance regarding the permit program or its 45635
implementation or enforcement; 45636

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 45637
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 45641
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 45644
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(e) Emission and ambient monitoring; 45647

(f) Modeling, analyses, or demonstrations; 45648

(g) Preparing inventories and tracking emissions; 45649

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 45650
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(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. 45657
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage 45660
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sludge facility shall be calculated using the first day of January 45667
through the thirty-first day of December of the calendar year 45668
preceding the date on which payment of the fee is due. 45669

(2)(a) Except as provided in division (Y)(2)(d) of this 45670
section, each sewage sludge facility shall pay a minimum annual 45671
sewage sludge fee of one hundred dollars. 45672

(b) The annual sludge fee required to be paid by a sewage 45673
sludge facility that treats or disposes of exceptional quality 45674
sludge in this state shall be thirty-five per cent less per dry 45675
ton of exceptional quality sludge than the fee assessed under 45676
division (Y)(1) of this section, subject to the following 45677
exceptions: 45678

(i) Except as provided in division (Y)(2)(d) of this section, 45679
a sewage sludge facility that treats or disposes of exceptional 45680
quality sludge shall pay a minimum annual sewage sludge fee of one 45681
hundred dollars. 45682

(ii) A sewage sludge facility that treats or disposes of 45683
exceptional quality sludge shall not be required to pay the annual 45684
sludge fee for treatment or disposal in this state of exceptional 45685
quality sludge generated outside of this state and contained in 45686
bags or other containers not greater than one hundred pounds in 45687
capacity. 45688

A thirty-five per cent reduction for exceptional quality 45689
sludge applies to the maximum annual fees established under 45690
division (Y)(3) of this section. 45691

(c) A sewage sludge facility that transfers sewage sludge to 45692
another sewage sludge facility in this state for further treatment 45693
prior to disposal in this state shall not be required to pay the 45694
annual sludge fee for the tons of sewage sludge that have been 45695
transferred. In such a case, the sewage sludge facility that 45696
disposes of the sewage sludge shall pay the annual sludge fee. 45697

However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of

sewage sludge that are transferred. However, the entity or 45729
facility generating or treating the sewage sludge shall pay the 45730
one-hundred-dollar minimum fee required under division (Y)(2)(a) 45731
of this section. 45732

(b) In the case of an entity that generates sewage sludge and 45733
transfers the sewage sludge to a landfill for disposal or to a 45734
sewage sludge facility for land reclamation or surface disposal, 45735
the entity generating the sewage sludge, and not the landfill or 45736
sewage sludge facility, shall pay the annual sludge fee for the 45737
tons of sewage sludge that are transferred. 45738

(5) Not later than the first day of April of the calendar 45739
year following March 17, 2000, and each first day of April 45740
thereafter, the director shall issue invoices to persons who are 45741
required to pay the annual sludge fee. The invoice shall identify 45742
the nature and amount of the annual sludge fee assessed and state 45743
the first day of May as the deadline for receipt by the director 45744
of objections regarding the amount of the fee and the first day of 45745
July as the deadline for payment of the fee. 45746

Not later than the first day of May following receipt of an 45747
invoice, a person required to pay the annual sludge fee may submit 45748
objections to the director concerning the accuracy of information 45749
regarding the number of dry tons of sewage sludge used to 45750
calculate the amount of the annual sludge fee or regarding whether 45751
the sewage sludge qualifies for the exceptional quality sludge 45752
discount established in division (Y)(2)(b) of this section. The 45753
director may consider the objections and adjust the amount of the 45754
fee to ensure that it is accurate. 45755

If the director does not adjust the amount of the annual 45756
sludge fee in response to a person's objections, the person may 45757
appeal the director's determination in accordance with Chapter 45758
119. of the Revised Code. 45759

Not later than the first day of June, the director shall 45760
notify the objecting person regarding whether the director has 45761
found the objections to be valid and the reasons for the finding. 45762
If the director finds the objections to be valid and adjusts the 45763
amount of the annual sludge fee accordingly, the director shall 45764
issue with the notification a new invoice to the person 45765
identifying the amount of the annual sludge fee assessed and 45766
stating the first day of July as the deadline for payment. 45767

Not later than the first day of July, any person who is 45768
required to do so shall pay the annual sludge fee. Any person who 45769
is required to pay the fee, but who fails to do so on or before 45770
that date shall pay an additional amount that equals ten per cent 45771
of the required annual sludge fee. 45772

(6) The director shall transmit all moneys collected under 45773
division (Y) of this section to the treasurer of state for deposit 45774
into the surface water protection fund created in section 6111.038 45775
of the Revised Code. The moneys shall be used to defray the costs 45776
of administering and enforcing provisions in Chapter 6111. of the 45777
Revised Code and rules adopted under it that govern the use, 45778
storage, treatment, or disposal of sewage sludge. 45779

(7) Beginning in fiscal year 2001, and every two years 45780
thereafter, the director shall review the total amount of moneys 45781
generated by the annual sludge fees to determine if that amount 45782
exceeded six hundred thousand dollars in either of the two 45783
preceding fiscal years. If the total amount of moneys in the fund 45784
exceeded six hundred thousand dollars in either fiscal year, the 45785
director, after review of the fee structure and consultation with 45786
affected persons, shall issue an order reducing the amount of the 45787
fees levied under division (Y) of this section so that the 45788
estimated amount of moneys resulting from the fees will not exceed 45789
six hundred thousand dollars in any fiscal year. 45790

If, upon review of the fees under division (Y)(7) of this 45791

section and after the fees have been reduced, the director 45792
determines that the total amount of moneys collected and 45793
accumulated is less than six hundred thousand dollars, the 45794
director, after review of the fee structure and consultation with 45795
affected persons, may issue an order increasing the amount of the 45796
fees levied under division (Y) of this section so that the 45797
estimated amount of moneys resulting from the fees will be 45798
approximately six hundred thousand dollars. Fees shall never be 45799
increased to an amount exceeding the amount specified in division 45800
(Y)(7) of this section. 45801

Notwithstanding section 119.06 of the Revised Code, the 45802
director may issue an order under division (Y)(7) of this section 45803
without the necessity to hold an adjudicatory hearing in 45804
connection with the order. The issuance of an order under this 45805
division is not an act or action for purposes of section 3745.04 45806
of the Revised Code. 45807

(8) As used in division (Y) of this section: 45808

(a) "Sewage sludge facility" means an entity that performs 45809
treatment on or is responsible for the disposal of sewage sludge. 45810

(b) "Sewage sludge" means a solid, semi-solid, or liquid 45811
residue generated during the treatment of domestic sewage in a 45812
treatment works as defined in section 6111.01 of the Revised Code. 45813
"Sewage sludge" includes, but is not limited to, scum or solids 45814
removed in primary, secondary, or advanced wastewater treatment 45815
processes. "Sewage sludge" does not include ash generated during 45816
the firing of sewage sludge in a sewage sludge incinerator, grit 45817
and screenings generated during preliminary treatment of domestic 45818
sewage in a treatment works, animal manure, residue generated 45819
during treatment of animal manure, or domestic septage. 45820

(c) "Exceptional quality sludge" means sewage sludge that 45821
meets all of the following qualifications: 45822

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	45823 45824
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	45825 45826
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	45827 45828
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	45829 45830
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	45831 45832 45833
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	45834 45835 45836
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	45837 45838 45839 45840 45841
(g) "Land reclamation" means the returning of disturbed land to productive use.	45842 45843
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	45844 45845 45846 45847
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	45848 45849 45850 45851
(j) "Incineration facility" includes all incinerators owned	45852

or operated by the same entity and located on a contiguous tract 45853
of land. Areas of land are considered to be contiguous even if 45854
they are separated by a public road or highway. 45855

(k) "Annual sludge fee" means the fee assessed under division 45856
(Y)(1) of this section. 45857

(l) "Landfill" means a sanitary landfill facility, as defined 45858
in rules adopted under section 3734.02 of the Revised Code, that 45859
is licensed under section 3734.05 of the Revised Code. 45860

(m) "Preexisting land reclamation project" means a 45861
property-specific land reclamation project that has been in 45862
continuous operation for not less than five years pursuant to 45863
approval of the activity by the director and includes the 45864
implementation of a community outreach program concerning the 45865
activity. 45866

Sec. 3750.081. (A) Notwithstanding any provision in this 45867
chapter to the contrary, an owner or operator of a facility that 45868
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 45869
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 45870
~~production statement in accordance with section 1509.11 of the~~ 45871
Revised Code shall be deemed to have satisfied all of the 45872
inventory, notification, listing, and other submission and filing 45873
requirements established under this chapter, except for the 45874
release reporting requirements established under section 3750.06 45875
of the Revised Code, by complying with the requirements 45876
established in section 1509.231 of the Revised Code. 45877

(B) The emergency response commission and every local 45878
emergency planning committee and fire department in this state 45879
shall establish a means by which to access, view, and retrieve 45880
information, ~~through the use of the internet or a computer disk,~~ 45881
from the electronic database maintained by the division of oil and 45882
gas resources management in the department of natural resources in 45883

accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 45884
respect to facilities regulated under Chapter 1509. of the Revised 45885
Code, the database shall be the means of providing and receiving 45886
the information described in division (A) of this section. 45887

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 45888
(4) of this section, the owner or operator of a facility required 45889
to annually file an emergency and hazardous chemical inventory 45890
form under section 3750.08 of the Revised Code shall submit with 45891
the inventory form a filing fee of one hundred fifty dollars. In 45892
addition to the filing fee, the owner or operator shall submit 45893
with the inventory form the following additional fees for 45894
reporting inventories of the individual hazardous chemicals and 45895
extremely hazardous substances produced, used, or stored at the 45896
facility: 45897

(a) Except as provided in division (A)(1)(b) of this section, 45898
an additional fee of twenty dollars per hazardous chemical 45899
enumerated on the inventory form; 45900

(b) An additional fee of one hundred fifty dollars per 45901
extremely hazardous substance enumerated on the inventory form. 45902
The fee established in division (A)(1)(a) of this section does not 45903
apply to the reporting of the inventory of a hazardous chemical 45904
that is also an extremely hazardous substance to which the 45905
inventory reporting fee established in division (A)(1)(b) of this 45906
section applies. 45907

The total fees required to accompany any inventory form shall 45908
not exceed twenty-five hundred dollars. 45909

(2) An owner or operator of a facility who fails to submit 45910
such an inventory form within thirty days after the applicable 45911
filing date prescribed in section 3750.08 of the Revised Code 45912
shall submit with the inventory form a late filing fee in the 45913
amount of ten per cent per year of the total fees due under 45914

division (A)(1) or (4) of this section, in addition to the fees 45915
due under division (A)(1) or (4) of this section. 45916

(3) The owner or operator of a facility who, during the 45917
preceding year, was required to pay a fee to a municipal 45918
corporation pursuant to an ordinance, rule, or requirement that 45919
was in effect on the effective date of this section for the 45920
reporting or providing of the names or amounts of extremely 45921
hazardous substances or hazardous chemicals produced, used, or 45922
stored at the facility may claim a credit against the fees due 45923
under division (A)(1) or (4) of this section for the fees paid to 45924
the municipal corporation pursuant to its reporting requirement. 45925
The amount of the credit claimed in any reporting year shall not 45926
exceed the amount of the fees due under division (A)(1) or (4) of 45927
this section during that reporting year, and no unused portion of 45928
the credit shall be carried over to subsequent years. In order to 45929
claim a credit under this division, the owner or operator shall 45930
submit with the emergency and hazardous chemical inventory form a 45931
receipt issued by the municipal corporation or other documentation 45932
acceptable to the commission indicating the amount of the fee paid 45933
to the municipal corporation and the date on which the fee was 45934
paid. 45935

(4) An owner or operator who is regulated under Chapter 1509. 45936
of the Revised Code and who submits information under section 45937
~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five 45938
facilities shall submit to the emergency response commission on or 45939
before the first day of March a flat fee of fifty dollars if the 45940
facilities meet all of the following conditions: 45941

(a) The facility exclusively stores crude oil or liquid 45942
hydrocarbons or other fluids resulting, obtained, or produced in 45943
connection with the production or storage of crude oil or natural 45944
gas. 45945

(b) The crude oil, liquid hydrocarbons, or other fluids 45946

stored at the facility are conveyed directly to it through piping 45947
or tubing. 45948

(c) The facility is located on the same site as, or on a site 45949
adjacent to, the well from which the crude oil, liquid 45950
hydrocarbons, or other fluids are produced or obtained. 45951

(d) The facility is used for the storage of the crude oil, 45952
liquid hydrocarbons, or other fluids prior to their transportation 45953
off the premises of the facility for sale, use, or disposal. 45954

An owner or operator who submits information for more than 45955
twenty-five facilities that meet all of the conditions prescribed 45956
in divisions (A)(4)(a) to (d) of this section shall submit to the 45957
commission a base fee of fifty dollars and an additional filing 45958
fee of ten dollars for each facility reported in excess of 45959
twenty-five, but not exceeding a total fee of nine hundred 45960
dollars. 45961

As used in division (A)(4) of this section, "owner or 45962
operator" means the person who actually owns or operates any such 45963
facility and any other person who controls, is controlled by, or 45964
is under common control with the person who actually owns or 45965
operates the facility. 45966

(B) The emergency response commission and the local emergency 45967
planning committee of an emergency planning district may establish 45968
fees to be paid by persons, other than public officers or 45969
employees, obtaining copies of documents or information submitted 45970
to the commission or a committee under this chapter. The fees 45971
shall be established at a level calculated to defray the costs to 45972
the commission or committee for copying the documents or 45973
information, but shall not exceed the maximum fees established in 45974
rules adopted under division (B)(8) of section 3750.02 of the 45975
Revised Code. 45976

(C) Except as provided in this division and division (B) of 45977

this section, and except for fees authorized by section 3737.22 of 45978
the Revised Code or rules adopted under sections 3737.82 to 45979
3737.882 of the Revised Code and collected exclusively for either 45980
of those purposes, no committee or political subdivision shall 45981
levy any fee, tax, excise, or other charge to carry out the 45982
purposes of this chapter. A committee may charge the actual costs 45983
involved in accessing any computerized data base established by 45984
the commission under this chapter or by the United States 45985
environmental protection agency under the "Emergency Planning and 45986
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 45987
11001. 45988

(D) Moneys collected by the commission under this section 45989
shall be credited to the emergency planning and community 45990
right-to-know fund created in section 3750.14 of the Revised Code. 45991

Sec. 3769.03. The state racing commission shall prescribe the 45992
rules and conditions under which horse racing may be conducted and 45993
may issue, deny, suspend, diminish, or revoke permits to conduct 45994
horse racing as authorized by sections 3769.01 to 3769.14 of the 45995
Revised Code. The commission may impose, in addition to any other 45996
penalty imposed by the commission, fines in an amount not to 45997
exceed ten thousand dollars on any permit holder or any other 45998
person who violates the rules or orders of the commission. The 45999
commission may prescribe the forms of wagering that are 46000
permissible, the number of races, the procedures on wagering, and 46001
the wagering information to be provided to the public. 46002

The commission may require totalizator equipment to display 46003
the amount of wagering in each wagering pool. The commission shall 46004
initiate safeguards as necessary to account for the amount of 46005
money wagered at each track in each wagering pool. It may require 46006
permit holders to install equipment that will provide a complete 46007
check and analysis of the functioning of any computers and require 46008

safeguards on their performance. The commission shall require all permit holders, except those holding state fair, county fair, or other fair permits, to provide a photographic recording, approved by the commission, of the entire running of all races conducted by the permit holder.

The state racing commission may issue, deny, suspend, or revoke licenses to those persons engaged in racing and to those employees of permit holders as is in the public interest for the purpose of maintaining a proper control over horse-racing meetings. The commission, as is in the public interest for the purpose of maintaining proper control over horse-racing meetings, also may rule any person off a permit holder's premises. License fees shall include registration fees and shall be set by the commission. Each license issued by the commission, unless revoked for cause, shall be for the period of one year from the first day of January of the year in which it is issued, except as otherwise provided in section 3769.07 of the Revised Code. Applicants for licenses issued by the commission shall submit their fingerprints to the commission, and the commission may forward the fingerprints to the federal bureau of investigation or to any other agency, or to both, for examination.

There is hereby created in the state treasury the state racing commission operating fund. All license fees established and collected by the commission pursuant to this section, and the amounts specified in divisions (B) and (C) of section 3769.08 and division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall be paid into the state treasury to the credit of the fund. Moneys in the fund shall be expended by the commission to defray its operating costs, salaries and expenses, and the cost of administering and enforcing this chapter.

The commission may deny a permit to any permit holder that has defaulted in payments to the public, employees, or the

horsemen and may deny a permit to any successor purchaser of a 46041
track for as long as any of those defaults have not been satisfied 46042
by either the seller or purchaser. 46043

The commission shall deny a permit to any permit holder that 46044
has defaulted in payments to the state or has defaulted in 46045
payments required under section 3769.089 or 3769.0810 of the 46046
Revised Code and shall deny a permit to any successor purchaser of 46047
a track for as long as those defaults have not been satisfied by 46048
either the seller or purchaser. 46049

Any violation of this chapter, of any rule of racing adopted 46050
by the commission, or of any law or rule with respect to racing in 46051
any jurisdiction shall be sufficient reason for a refusal to issue 46052
a license, or a suspension or revocation of any license issued, 46053
pursuant to this section. 46054

With respect to the issuance, denial, suspension, or 46055
revocation of a license to a participant in horse racing, the 46056
action of the commission shall be subject to Chapter 119. of the 46057
Revised Code. 46058

The commission may sue and be sued in its own name. Any 46059
action against the commission shall be brought in the court of 46060
common pleas of Franklin county. Any appeal from a determination 46061
or decision of the commission rendered in the exercise of its 46062
powers and duties under this chapter shall be brought in the court 46063
of common pleas of Franklin county. 46064

The commission, biennially, shall make a full report to the 46065
governor of its proceedings for the two-year period ending with 46066
the thirty-first day of December preceding the convening of the 46067
general assembly and shall include its recommendations in the 46068
report. The commission, semiannually, on the thirtieth day of June 46069
and on the thirty-first day of December of each year, shall make a 46070
report and accounting to the governor. 46071

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering on live racing programs and simulcast racing programs, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered on live racing programs and simulcast racing programs.

The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to 3769.28 of the Revised Code.

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount retained on that day by the permit holder, shall pay in the manner prescribed under section 3769.103 of the Revised Code, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs on that day and shall separately

compute and pay in the manner prescribed under section 3769.103 of 46103
the Revised Code, as a tax, a sum equal to the following 46104
percentages of the total of all money wagered on simulcast racing 46105
programs on that day: 46106

(1) One per cent of the first two hundred thousand dollars 46107
wagered, or any part of that amount; 46108

(2) Two per cent of the next one hundred thousand dollars 46109
wagered, or any part of that amount; 46110

(3) Three per cent of the next one hundred thousand dollars 46111
wagered, or any part of that amount; 46112

(4) Four per cent of all sums over four hundred thousand 46113
dollars wagered. 46114

Except as otherwise provided in section 3769.089 of the 46115
Revised Code, each permit holder authorized to conduct 46116
thoroughbred racing shall use for purse money a sum equal to fifty 46117
per cent of the pari-mutuel revenues retained by the permit holder 46118
as a commission after payment of the state tax. This fifty per 46119
cent payment shall be in addition to the purse distribution from 46120
breakage specified in this section. 46121

Subject to division (M) of this section, from the moneys paid 46122
to the tax commissioner by thoroughbred racing permit holders, 46123
one-half of one per cent of the total of all moneys so wagered on 46124
a racing day shall be paid into the Ohio fairs fund created by 46125
section 3769.082 of the Revised Code, one and one-eighth per cent 46126
of the total of all moneys so wagered on a racing day shall be 46127
paid into the Ohio thoroughbred race fund created by section 46128
3769.083 of the Revised Code, and one-quarter of one per cent of 46129
the total of all moneys wagered on a racing day by each permit 46130
holder shall be paid into the state racing commission operating 46131
fund created by section 3769.03 of the Revised Code. The required 46132
payment to the state racing commission operating fund does not 46133

apply to county and independent fairs and agricultural societies. 46134
The remaining moneys may be retained by the permit holder, except 46135
as provided in this section with respect to the odd cents 46136
redistribution. Amounts paid into the nursing home franchise 46137
permit fee fund pursuant to this section and section 3769.26 of 46138
the Revised Code shall be used solely for the support of the 46139
PASSPORT program as determined in appropriations made by the 46140
general assembly. If the PASSPORT program is abolished, the amount 46141
that would have been paid to the nursing home franchise permit fee 46142
fund under this chapter shall be paid to the general revenue fund 46143
of the state. As used in this chapter, "PASSPORT program" has the 46144
same meaning as in section 173.51 of the Revised Code. 46145

The total amount paid to the Ohio thoroughbred race fund 46146
under this section and division (A) of section 3769.087 of the 46147
Revised Code shall not exceed by more than six per cent the total 46148
amount paid to this fund under this section and division (A) of 46149
that section during the immediately preceding calendar year. 46150

Each year, the total amount calculated for payment into the 46151
Ohio fairs fund under this division, division (C) of this section, 46152
and division (A) of section 3769.087 of the Revised Code shall be 46153
an amount calculated using the percentages specified in this 46154
division, division (C) of this section, and division (A) of 46155
section 3769.087 of the Revised Code. 46156

A permit holder may contract with a thoroughbred horsemen's 46157
organization for the organization to act as a representative of 46158
all thoroughbred owners and trainers participating in a 46159
horse-racing meeting conducted by the permit holder. A 46160
"thoroughbred horsemen's organization" is any corporation or 46161
association that represents, through membership or otherwise, more 46162
than one-half of the aggregate of all thoroughbred owners and 46163
trainers who were licensed and actively participated in racing 46164
within this state during the preceding calendar year. Except as 46165

otherwise provided in this paragraph, any moneys received by a 46166
thoroughbred horsemen's organization shall be used exclusively for 46167
the benefit of thoroughbred owners and trainers racing in this 46168
state through the administrative purposes of the organization, 46169
benevolent activities on behalf of the horsemen, promotion of the 46170
horsemen's rights and interests, and promotion of equine research. 46171
A thoroughbred horsemen's organization may expend not more than an 46172
aggregate of five per cent of its annual gross receipts, or a 46173
larger amount as approved by the organization, for dues, 46174
assessments, and other payments to all other local, national, or 46175
international organizations having as their primary purposes the 46176
promotion of thoroughbred horse racing, thoroughbred horsemen's 46177
rights, and equine research. 46178

(C) Except as otherwise provided in division (B) of this 46179
section, at the close of each racing day, each permit holder 46180
authorized to conduct harness or quarter horse racing, out of the 46181
amount retained that day by the permit holder, shall pay in the 46182
manner prescribed under section 3769.103 of the Revised Code, as a 46183
tax, a sum equal to the following percentages of the total of all 46184
moneys wagered on live racing programs and shall separately 46185
compute and pay in the manner prescribed under section 3769.103 of 46186
the Revised Code, as a tax, a sum equal to the following 46187
percentages of the total of all money wagered on simulcast racing 46188
programs on that day: 46189

(1) One per cent of the first two hundred thousand dollars 46190
wagered, or any part of that amount; 46191

(2) Two per cent of the next one hundred thousand dollars 46192
wagered, or any part of that amount; 46193

(3) Three per cent of the next one hundred thousand dollars 46194
wagered, or any part of that amount; 46195

(4) Four per cent of all sums over four hundred thousand 46196

dollars wagered. 46197

Except as otherwise provided in division (B) and subject to 46198
division (M) of this section, from the moneys paid to the tax 46199
commissioner by permit holders authorized to conduct harness or 46200
quarter horse racing, one-half of one per cent of all moneys 46201
wagered on that racing day shall be paid into the Ohio fairs fund; 46202
from the moneys paid to the tax commissioner by permit holders 46203
authorized to conduct harness racing, five-eighths of one per cent 46204
of all moneys wagered on that racing day shall be paid into the 46205
Ohio standardbred development fund; and from the moneys paid to 46206
the tax commissioner by permit holders authorized to conduct 46207
quarter horse racing, five-eighths of one per cent of all moneys 46208
wagered on that racing day shall be paid into the Ohio 46209
thoroughbred race fund to support quarter horse development ~~fund~~ 46210
and purses. 46211

(D) In addition, subject to division (M) of this section, 46212
beginning on January 1, 1996, from the money paid to the tax 46213
commissioner as a tax under this section and division (A) of 46214
section 3769.087 of the Revised Code by harness horse permit 46215
holders, one-half of one per cent of the amount wagered on a 46216
racing day shall be paid into the Ohio standardbred development 46217
fund. Beginning January 1, 1998, the payment to the Ohio 46218
standardbred development fund required under this division does 46219
not apply to county agricultural societies or independent 46220
agricultural societies. 46221

The total amount paid to the Ohio standardbred development 46222
fund under this division, division (C) of this section, and 46223
division (A) of section 3769.087 of the Revised Code and the total 46224
amount paid to the Ohio thoroughbred race fund to support quarter 46225
horse development ~~fund~~ and purses under this division and division 46226
(A) of that section shall not exceed by more than six per cent the 46227
total amount paid into the fund under this division, division (C) 46228

of this section, and division (A) of section 3769.087 of the Revised Code in the immediately preceding calendar year.

(E) Subject to division (M) of this section, from the money paid as a tax under this chapter by harness and quarter horse permit holders, one-quarter of one per cent of the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. This division does not apply to county and independent fairs and agricultural societies.

(F) Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct harness racing shall pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax

commissioner's agent in the county seat of the county in which the 46261
permit holder operates race meetings. The remaining thirty-five 46262
per cent of that portion of that total sum of odd cents shall be 46263
retained by the permit holder. 46264

(H) In addition, each permit holder authorized to conduct 46265
thoroughbred racing shall be allowed to retain the odd cents of 46266
all redistribution to be made on all mutuel contributions 46267
exceeding a sum equal to the next lowest multiple of ten. Twenty 46268
per cent of that portion of that total sum of such odd cents shall 46269
be used by the permit holder for increased purse money for horse 46270
races. Upon the formation of the corporation described in section 46271
3769.21 of the Revised Code to establish a thoroughbred horsemen's 46272
health and retirement fund, forty-five per cent of that portion of 46273
that total sum of odd cents shall be paid at the close of each 46274
racing day by the permit holder to that corporation to establish 46275
and fund the health and retirement fund. Until that corporation is 46276
formed, that forty-five per cent shall be paid by the permit 46277
holder to the tax commissioner or the tax commissioner's agent in 46278
the county seat of the county in which the permit holder operates 46279
race meetings, at the close of each racing day. The remaining 46280
thirty-five per cent of that portion of that total sum of odd 46281
cents shall be retained by the permit holder. 46282

(I) In addition, each permit holder authorized to conduct 46283
quarter horse racing shall be allowed to retain the odd cents of 46284
all redistribution to be made on all mutuel contributions 46285
exceeding a sum equal to the next lowest multiple of ten, subject 46286
to a tax of twenty-five per cent on that portion of the total sum 46287
of such odd cents that is in excess of two thousand dollars during 46288
a calendar year, which tax shall be paid at the close of each 46289
racing day by the permit holder to the tax commissioner or the tax 46290
commissioner's agent in the county seat of the county within which 46291
the permit holder operates race meetings. Forty per cent of that 46292

portion of that total sum of such odd cents shall be used by the 46293
permit holder for increased purse money for horse races. The 46294
remaining thirty-five per cent of that portion of that total sum 46295
of odd cents shall be retained by the permit holder. 46296

(J)(1) To encourage the improvement of racing facilities for 46297
the benefit of the public, breeders, and horse owners, and to 46298
increase the revenue to the state from the increase in pari-mutuel 46299
wagering resulting from those improvements, the taxes paid by a 46300
permit holder to the state as provided for in this chapter shall 46301
be reduced by three-fourths of one per cent of the total amount 46302
wagered for those permit holders who make capital improvements to 46303
existing race tracks or construct new race tracks. The percentage 46304
of the reduction that may be taken each racing day shall equal 46305
seventy-five per cent of the taxes levied under divisions (B) and 46306
(C) of this section and section 3769.087 of the Revised Code, and 46307
division (F)(2) of section 3769.26 of the Revised Code, as 46308
applicable, divided by the calculated amount each fund should 46309
receive under divisions (B) and (C) of this section and section 46310
3769.087 of the Revised Code, and division (F)(2) of section 46311
3769.26 of the Revised Code and the reduction provided for in this 46312
division. If the resulting percentage is less than one, that 46313
percentage shall be multiplied by the amount of the reduction 46314
provided for in this division. Otherwise, the permit holder shall 46315
receive the full reduction provided for in this division. The 46316
amount of the allowable reduction not received shall be carried 46317
forward and applied against future tax liability. After any 46318
reductions expire, any reduction carried forward shall be treated 46319
as a reduction as provided for in this division. 46320

If more than one permit holder is authorized to conduct 46321
racing at the facility that is being built or improved, the cost 46322
of the new race track or capital improvement shall be allocated 46323
between or among all the permit holders in the ratio that the 46324

permit holders' number of racing days bears to the total number of 46325
racing days conducted at the facility. 46326

A reduction for a new race track or a capital improvement 46327
shall start from the day racing is first conducted following the 46328
date actual construction of the new race track or each capital 46329
improvement is completed and the construction cost has been 46330
approved by the racing commission, unless otherwise provided in 46331
this section. A reduction for a new race track or a capital 46332
improvement shall continue for a period of twenty-five years for 46333
new race tracks and for fifteen years for capital improvements if 46334
the construction of the capital improvement or new race track 46335
commenced prior to March 29, 1988, and for a period of ten years 46336
for new race tracks or capital improvements if the construction of 46337
the capital improvement or new race track commenced on or after 46338
March 29, 1988, but before June 6, 2001, or until the total tax 46339
reduction reaches seventy per cent of the approved cost of the new 46340
race track or capital improvement, as allocated to each permit 46341
holder, whichever occurs first. A reduction for a new race track 46342
or a capital improvement approved after June 6, 2001, shall 46343
continue until the total tax reduction reaches one hundred per 46344
cent of the approved cost of the new race track or capital 46345
improvement, as allocated to each permit holder. 46346

A reduction granted for a new race track or a capital 46347
improvement, the application for which was approved by the racing 46348
commission after March 29, 1988, but before June 6, 2001, shall 46349
not commence nor shall the ten-year period begin to run until all 46350
prior tax reductions with respect to the same race track have 46351
ended. The total tax reduction because of capital improvements 46352
shall not during any one year exceed for all permit holders using 46353
any one track three-fourths of one per cent of the total amount 46354
wagered, regardless of the number of capital improvements made. 46355
Several capital improvements to a race track may be consolidated 46356

in an application if the racing commission approved the 46357
application prior to March 29, 1988. No permit holder may receive 46358
a tax reduction for a capital improvement approved by the racing 46359
commission on or after March 29, 1988, at a race track until all 46360
tax reductions have ended for all prior capital improvements 46361
approved by the racing commission under this section or section 46362
3769.20 of the Revised Code at that race track. If there are two 46363
or more permit holders operating meetings at the same track, they 46364
may consolidate their applications. The racing commission shall 46365
notify the tax commissioner when the reduction of tax begins and 46366
when it ends. 46367

Each fiscal year the racing commission shall submit a report 46368
to the tax commissioner, the office of budget and management, and 46369
the legislative service commission. The report shall identify each 46370
capital improvement project undertaken under this division and in 46371
progress at each race track, indicate the total cost of each 46372
project, state the tax reduction that resulted from each project 46373
during the immediately preceding fiscal year, estimate the tax 46374
reduction that will result from each project during the current 46375
fiscal year, state the total tax reduction that resulted from all 46376
such projects at all race tracks during the immediately preceding 46377
fiscal year, and estimate the total tax reduction that will result 46378
from all such projects at all race tracks during the current 46379
fiscal year. 46380

(2) In order to qualify for the reduction in tax, a permit 46381
holder shall apply to the racing commission in such form as the 46382
commission may require and shall provide full details of the new 46383
race track or capital improvement, including a schedule for its 46384
construction and completion, and set forth the costs and expenses 46385
incurred in connection with it. The racing commission shall not 46386
approve an application unless the permit holder shows that a 46387
contract for the new race track or capital improvement has been 46388

let under an unrestricted competitive bidding procedure, unless 46389
the contract is exempted by the controlling board because of its 46390
unusual nature. In determining whether to approve an application, 46391
the racing commission shall consider whether the new race track or 46392
capital improvement will promote the safety, convenience, and 46393
comfort of the racing public and horse owners and generally tend 46394
towards the improvement of racing in this state. 46395

(3) If a new race track or capital improvement is approved by 46396
the racing commission and construction has started, the tax 46397
reduction may be authorized by the commission upon presentation of 46398
copies of paid bills in excess of one hundred thousand dollars or 46399
ten per cent of the approved cost, whichever is greater. After the 46400
initial authorization, the permit holder shall present copies of 46401
paid bills. If the permit holder is in substantial compliance with 46402
the schedule for construction and completion of the new race track 46403
or capital improvement, the racing commission may authorize the 46404
continuation of the tax reduction upon the presentation of the 46405
additional paid bills. The total amount of the tax reduction 46406
authorized shall not exceed the percentage of the approved cost of 46407
the new race track or capital improvement specified in division 46408
(J)(1) of this section. The racing commission may terminate any 46409
tax reduction immediately if a permit holder fails to complete the 46410
new race track or capital improvement, or to substantially comply 46411
with the schedule for construction and completion of the new race 46412
track or capital improvement. If a permit holder fails to complete 46413
a new race track or capital improvement, the racing commission 46414
shall order the permit holder to repay to the state the total 46415
amount of tax reduced. The normal tax paid by the permit holder 46416
shall be increased by three-fourths of one per cent of the total 46417
amount wagered until the total amount of the additional tax 46418
collected equals the total amount of tax reduced. 46419

(4) As used in this section: 46420

(a) "Capital improvement" means an addition, replacement, or remodeling of a structural unit of a race track facility costing at least one hundred thousand dollars, including, but not limited to, the construction of barns used exclusively for the race track facility, backstretch facilities for horsemen, paddock facilities, new pari-mutuel and totalizator equipment and appurtenances to that equipment purchased by the track, new access roads, new parking areas, the complete reconstruction, reshaping, and leveling of the racing surface and appurtenances, the installation of permanent new heating or air conditioning, roof replacement or restoration, installations of a permanent nature forming a part of the track structure, and construction of buildings that are located on a permit holder's premises. "Capital improvement" does not include the cost of replacement of equipment that is not permanently installed, ordinary repairs, painting, and maintenance required to keep a race track facility in ordinary operating condition.

(b) "New race track" includes the reconstruction of a race track damaged by fire or other cause that has been declared by the racing commission, as a result of the damage, to be an inadequate facility for the safe operation of horse racing.

(c) "Approved cost" includes all debt service and interest costs that are associated with a capital improvement or new race track and that the racing commission approves for a tax reduction under division (J) of this section.

(5) The racing commission shall not approve an application for a tax reduction under this section if it has reasonable cause to believe that the actions or negligence of the permit holder substantially contributed to the damage suffered by the track due to fire or other cause. The racing commission shall obtain any data or information available from a fire marshal, law enforcement official, or insurance company concerning any fire or other damage

suffered by a track, prior to approving an application for a tax reduction. 46453
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(6) The approved cost to which a tax reduction applies shall be determined by generally accepted accounting principles and verified by an audit of the permit holder's records upon completion of the project by the racing commission, or by an independent certified public accountant selected by the permit holder and approved by the commission. 46455
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(K) No other license or excise tax or fee, except as provided in sections 3769.01 to 3769.14 of the Revised Code, shall be assessed or collected from such licensee by any county, township, district, municipal corporation, or other body having power to assess or collect a tax or fee. That portion of the tax paid under this section by permit holders for racing conducted at and during the course of an agricultural exposition or fair, and that portion of the tax that would have been paid by eligible permit holders into the nursing home franchise permit fee fund as a result of racing conducted at and during the course of an agricultural exposition or fair, shall be deposited into the state treasury to the credit of the horse racing tax fund, which is hereby created for the use of the agricultural societies of the several counties in which the taxes originate. The state racing commission shall determine eligible permit holders for purposes of the preceding sentence, taking into account the breed of horse, the racing dates, the geographic proximity to the fair, and the best interests of Ohio racing. On the first day of any month on which there is money in the fund, the tax commissioner shall provide for payment to the treasurer of each agricultural society the amount of the taxes collected under this section upon racing conducted at and during the course of any exposition or fair conducted by the society. 46461
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(L) From the tax paid under this section by harness track 46484

permit holders, the tax commissioner shall pay into the Ohio
thoroughbred race fund a sum equal to a percentage of the amount
wagered upon which the tax is paid. The percentage shall be
determined by the tax commissioner and shall be rounded to the
nearest one-hundredth. The percentage shall be such that, when
multiplied by the amount wagered upon which tax was paid by the
harness track permit holders in the most recent year for which
final figures are available, it results in a sum that
substantially equals the same amount of tax paid by the tax
commissioner during that year into the Ohio fairs fund from taxes
paid by thoroughbred permit holders. This division does not apply
to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on thoroughbred
racing permit holders, harness racing permit holders, and quarter
horse racing permit holders under this section, division (A) of
section 3769.087 of the Revised Code, and division (F)(2) of
section 3769.26 of the Revised Code shall be paid into the nursing
home franchise permit fee fund. The tax commissioner shall pay any
money remaining, after the payment into the nursing home franchise
permit fee fund and the reductions provided for in division (J) of
this section and in section 3769.20 of the Revised Code, into the
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred
development fund, ~~Ohio quarter horse fund~~, and state racing
commission operating fund as prescribed in this section and
division (A) of section 3769.087 of the Revised Code. The tax
commissioner shall thereafter use and apply the balance of the
money paid as a tax by any permit holder to cover any shortage in
the accounts of such funds resulting from an insufficient payment
as a tax by any other permit holder. Subject to section 3769.101
of the Revised Code, the moneys received by the tax commissioner
shall be deposited monthly and paid by the tax commissioner into
the funds to cover the total aggregate amount due from all permit
holders to the funds, as calculated under this section and

division (A) of section 3769.087 of the Revised Code, as 46518
applicable. If, after the payment into the nursing home franchise 46519
permit fee fund, sufficient funds are not available from the tax 46520
deposited by the tax commissioner to pay the required amounts into 46521
the Ohio fairs fund, Ohio standardbred development fund, Ohio 46522
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 46523
racing commission operating fund, the tax commissioner shall 46524
prorate on a proportional basis the amount paid to each of the 46525
funds. Any shortage to the funds as a result of a proration shall 46526
be applied against future deposits for the same calendar year when 46527
funds are available. After this application, the tax commissioner 46528
shall pay any remaining money paid as a tax by all permit holders 46529
into the nursing home franchise permit fee fund. This division 46530
does not apply to permit holders conducting racing at the course 46531
of an agricultural exposition or fair as described in division (K) 46532
of this section. 46533

Sec. 3769.083. (A) As used in this section: 46534

(1) An "accredited Ohio thoroughbred horse" means a horse 46535
conceived in this state and born in this state which is both of 46536
the following: 46537

(a) Born of a mare that is domiciled in this state at the 46538
time of the horse's conception, that remains continuously in the 46539
state through the date on which the horse is born, and that is 46540
registered as required by the rules of the state racing 46541
commission; 46542

(b) By a stallion that stands for breeding purposes only in 46543
this state in the year in which the horse is conceived, and that 46544
is registered as required by the rules of the commission. 46545

(2) An "Ohio foaled horse" means a horse registered as 46546
required by the rules of the state racing commission which is 46547
either of the following: 46548

(a) A horse born of a mare that enters this state before foaling and remains continuously in this state until the horse is born;

(b) A thoroughbred foal produced within the state by any broodmare shipped into the state to foal and be bred to a registered Ohio stallion. To qualify this foal as an Ohio foaled horse, the broodmare shall remain in this state one year continuously after foaling or continuously through foaling to the cover of the Ohio stallion, whichever is sooner. All horses previously registered as Ohio conceived and foaled shall be considered as Ohio foaled horses effective January 1, 1976.

Any thoroughbred mare may leave this state for periods of time for purposes of activities such as veterinary treatment or surgery, sales purposes, breeding purposes, racing purposes, and similar activities if permission is granted by the state racing commission and the mare is returned to this state immediately upon the conclusion of the requested activity.

(3) "Horse," "stallion," "mare," or "foal" means a horse of the thoroughbred breed as distinguished from a horse of the standard breed or any other breed, and "race" means a race for thoroughbred horses conducted by a permit holder of the state racing commission.

(4) "Horse" includes animals of all ages and of both sexes.

(B) There is hereby created in the state treasury the Ohio thoroughbred race fund, to consist of moneys paid into it pursuant to sections 3769.08 and 3769.087 of the Revised Code. All investment earnings on the cash balances in the fund shall be credited to it. Moneys to the credit of the fund shall be distributed on order of the state racing commission. The commission, with the advice and assistance of the Ohio thoroughbred racing advisory committee, shall use the fund, except

as provided in divisions (C)(2) and (3) and (D) of this section, 46580
to promote races and provide purses for races for horses in the 46581
following classes: 46582

(1) Accredited Ohio thoroughbred horses; 46583

(2) Ohio foaled horses. 46584

Not less than ten nor more than twenty-five per cent of the 46585
total money to be paid from the fund for all types of races shall 46586
be allocated to races restricted to accredited Ohio thoroughbred 46587
horses. The commission may combine the classes of horses described 46588
in divisions (B)(1) and (2) of this section in one race, except in 46589
stakes races. 46590

(C)(1) Each permit holder conducting thoroughbred races shall 46591
schedule races each week for horses in the classes named in 46592
division (B) of this section; the number of the races shall be 46593
prescribed by the state racing commission. The commission, 46594
pursuant to division (B) of this section, shall prescribe the 46595
class or classes of the races to be held by each permit holder 46596
and, with the advice of the Ohio thoroughbred racing advisory 46597
committee, shall fix the dates and conditions of the races and the 46598
amount of moneys to be paid from the Ohio thoroughbred race fund 46599
to be added in each race to the minimum purse established by the 46600
permit holder for the class of race held. 46601

(2) The commission, with the advice of the Ohio thoroughbred 46602
racing advisory committee, may provide for stakes races to be run 46603
each year, and fix the number of stakes races and the time, place, 46604
and conditions under which each shall be run. The commission shall 46605
fix the amount of moneys to be paid from the Ohio thoroughbred 46606
race fund to be added to the purse provided for each stakes race 46607
by the permit holder, except that, in at least four stakes races 46608
each year, the commission shall require, if four stakes races can 46609
be arranged, that the permit holder conducting the stakes race 46610

provide no less than fifteen thousand dollars for the purse for 46611
the stakes race, and the commission shall provide moneys from the 46612
fund to be added to the purse in an amount equal to or greater 46613
than the amount provided by the permit holder. The commission may 46614
require a nominating, sustaining, and entry fee not to exceed one 46615
per cent of the money added from the fund for each horse in any 46616
stakes race, which fee shall be added to the purse for the race. 46617

Stakes races where money is added from the Ohio thoroughbred 46618
race fund shall be open only to accredited Ohio thoroughbred 46619
horses and Ohio foaled horses. Twenty-five per cent of the total 46620
moneys to be paid from the fund for stakes races shall be 46621
allocated to races for only accredited Ohio thoroughbred horses. 46622
The commission may require a nominating, sustaining, and entry 46623
fee, not to exceed one per cent of the money added from the fund, 46624
for each horse in any of these stakes races. These fees shall be 46625
accumulated by the commission and shall be paid out by the 46626
commission at its discretion as part of the purse money for 46627
additional races. 46628

(3) The commission may pay from the Ohio thoroughbred race 46629
fund to the breeder of a horse of class (1) or (2) of division (B) 46630
of this section winning first, second, or third prize money of a 46631
purse for a thoroughbred race an amount not to exceed fifteen per 46632
cent of the first, second, or third prize money of the purse. For 46633
the purposes of this division, the term "breeder" shall be defined 46634
by rule of the commission. 46635

The commission also may provide for stallion owners' awards 46636
in an amount equal to not less than three nor more than ten per 46637
cent of the first, second, or third place share of the purse. The 46638
award shall be paid to the owner of the stallion, provided that 46639
the stallion was standing in this state as provided in division 46640
(A)(1)(b) of this section at the time the horse placing first, 46641
second, or third was conceived. 46642

(D) The state racing commission may provide for the 46643
expenditure of moneys from the Ohio thoroughbred race fund in an 46644
amount not to exceed in any one calendar year ten per cent of the 46645
total amount received in the account that year to provide for 46646
research projects directed toward improving the breeding, raising, 46647
racing, and health and soundness of thoroughbred horses in the 46648
state and toward education or promotion of the industry. Research 46649
for which the moneys from the fund may be used may include, but 46650
shall not be limited to, studies of pre-race blood testing, 46651
post-race testing, improvement of the breed, and nutrition. 46652

(E) The state racing commission shall appoint qualified 46653
personnel as may be required to supervise registration of horses 46654
under the terms of this section, to determine the eligibility of 46655
horses for accredited Ohio thoroughbred races, Ohio foaled races, 46656
and the stakes races authorized by division (C)(2) of this 46657
section, and to assist the Ohio thoroughbred racing advisory 46658
committee and the commission in determining the conditions, class, 46659
and quality of the race program to be established under this 46660
section so as to carry out the purposes of this section. The 46661
personnel shall serve at the pleasure of the commission, and 46662
compensation shall be fixed by the commission. The compensation of 46663
the personnel and necessary expenses shall be paid out of the Ohio 46664
thoroughbred race fund. 46665

The commission shall adopt rules as are necessary to carry 46666
out this section and shall administer the stakes race program and 46667
other races supported by the Ohio thoroughbred race fund in a 46668
manner best designed to aid in the development of the thoroughbred 46669
horse industry in the state, to upgrade the quality of horse 46670
racing in the state, and to improve the quality of horses 46671
conceived and foaled in the state. 46672

(F) The state racing commission shall adopt rules regarding 46673
the maintenance and use of money collected for quarter horse 46674

development and purses under division (C) of section 3769.08 and 46675
division (A) of section 3769.087 of the Revised Code. 46676

Sec. 3769.087. (A) In addition to the commission of eighteen 46677
per cent retained by each permit holder as provided in section 46678
3769.08 of the Revised Code, each permit holder shall retain an 46679
additional amount equal to four per cent of the total of all 46680
moneys wagered on each racing day on all wagering pools other than 46681
win, place, and show, of which amount retained an amount equal to 46682
three per cent of the total of all moneys wagered on each racing 46683
day on those pools shall be paid in the manner prescribed under 46684
section 3769.103 of the Revised Code, as a tax. Subject to the 46685
restrictions contained in divisions (B), (C), and (M) of section 46686
3769.08 of the Revised Code, from such additional moneys paid to 46687
the tax commissioner: 46688

(1) Four-sixths shall be allocated to fund distribution as 46689
provided in division (M) of section 3769.08 of the Revised Code. 46690

(2) One-twelfth shall be paid into the Ohio fairs fund 46691
created by section 3769.082 of the Revised Code. 46692

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 46693
the tax commissioner by thoroughbred racing permit holders shall 46694
be paid into the Ohio thoroughbred race fund created by section 46695
3769.083 of the Revised Code. 46696

(4) One-twelfth of the additional moneys paid to the tax 46697
commissioner by harness horse racing permit holders shall be paid 46698
to the Ohio standardbred development fund created by section 46699
3769.085 of the Revised Code. 46700

(5) ~~One-twelfth of the additional moneys paid to the tax~~ 46701
~~commissioner by quarter horse racing permit holders shall be paid~~ 46702
~~to the Ohio quarter horse development fund created by section~~ 46703
~~3769.086 of the Revised Code.~~ 46704

~~(6)~~ One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. 46705
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The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half. 46707
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(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code. 46713
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(C) Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, within ninety days after ~~the effective date of this amendment~~ September 29, 2013, for video lottery sales agents operating as such on ~~the effective date of this amendment~~ September 29, 2013, or within six months after the date a video lottery sales agent begins operating as such for video lottery sales agents not operating as such on ~~the effective date of this amendment~~ September 29, 2013, the state racing commission shall direct through rule that a percentage of the lottery sales agent's commission as determined by the state lottery commission for conducting video lottery terminal gaming on 46725
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behalf of the state be paid to the state racing commission for the 46737
benefit of breeding and racing in this state. The percentage so 46738
determined shall not be less than nine per cent or more than 46739
eleven per cent of the video lottery terminal income, and shall be 46740
a sliding scale based upon capital expenditures necessary to build 46741
the video lottery sales agent's facility. The aggregate of one 46742
hundred per cent of video lottery terminal income minus the 46743
lottery sales agent's commission percentage as determined by the 46744
state lottery commission plus the percentage of the lottery sale 46745
agent's commission, as determined by the state racing commission 46746
or otherwise agreed to by the video lottery sales agent and the 46747
applicable horsemen's association recognized by the state racing 46748
commission to represent such persons, for the benefit of breeding 46749
and racing in this state shall not exceed forty-five per cent of 46750
the video lottery terminal income. In addition, beginning July 1, 46751
2013, the state lottery commission shall adopt a rule to require 46752
the lottery sales agent conducting video lottery terminal gaming 46753
on behalf of the state to disperse to the state lottery commission 46754
one-half of one per cent of such a lottery sales agent's 46755
commission for the purpose of providing funding support to 46756
appropriate state agencies for programs that provide for gambling 46757
addiction and other related addiction services. The state lottery 46758
commission's rule also may require the lottery sales agent 46759
conducting video lottery terminal gaming on behalf of the state to 46760
disperse to the state lottery commission an additional amount up 46761
to one-half of one per cent of such a lottery sales agent's 46762
commission for that purpose. 46763

Sec. 3769.101. (A) For the purposes of receiving, 46764
distributing, and accounting for revenue received from the taxes 46765
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 46766
Code, there is hereby created in the state treasury the 46767
horse-racing tax revenue fund. 46768

(B) All moneys collected from the taxes imposed by sections 46769
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 46770
deposited into the horse-racing tax revenue fund. 46771

(C) On or before the fifteenth day of each month, the tax 46772
commissioner shall pay into the nursing home franchise permit fee 46773
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 46774
standardbred development fund, ~~Ohio quarter horse fund~~, and state 46775
racing commission operating fund created under this chapter the 46776
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 46777
Revised Code based on amounts received in the preceding month. 46778

Sec. 3769.21. (A) A corporation may be formed pursuant to 46779
Chapter 1702. of the Revised Code to establish a thoroughbred 46780
horsemen's health and retirement fund and a corporation may be 46781
formed pursuant to Chapter 1702. of the Revised Code to establish 46782
a harness horsemen's health and retirement fund to be administered 46783
for the benefit of horsemen. As used in this section, "horsemen" 46784
includes any person involved in the owning, breeding, training, 46785
grooming, or racing of horses which race in Ohio, except for the 46786
owners or managers of race tracks. For purposes of the 46787
thoroughbred horsemen's health and retirement fund, "horsemen" 46788
also does not include trainers and grooms who are not members of 46789
the thoroughbred horsemen's organization in this state. No more 46790
than one corporation to establish a thoroughbred horsemen's health 46791
and retirement fund and no more than one corporation to establish 46792
a harness horsemen's health and retirement fund may be established 46793
in Ohio pursuant to this section. The trustees of the corporation 46794
formed to establish a thoroughbred horsemen's health and 46795
retirement fund shall have the discretion to determine which 46796
horsemen shall benefit from such fund. 46797

(B) The articles of incorporation of both of the corporations 46798
described in division (A) of this section shall provide for at 46799

least the following: 46800

(1) The corporation shall be governed by, and the health and 46801
retirement fund shall be administered by, a board of three 46802
trustees appointed pursuant to division (C) of this section for 46803
staggered three-year terms. 46804

(2) The board of trustees shall adopt and administer a plan 46805
to provide health benefits, retirement benefits, or both to either 46806
thoroughbred or harness horsemen. 46807

(3) The sum paid to the corporation pursuant to division (G) 46808
or (H) of section 3769.08 of the Revised Code and the video 46809
lottery terminal revenue paid to the corporation pursuant to 46810
section 3769.087 of the Revised Code shall be used exclusively to 46811
establish and administer the health and retirement fund, and to 46812
finance benefits paid to horsemen pursuant to the plan adopted 46813
under division (B)(2) of this section. 46814

(4) The articles of incorporation and code of regulations of 46815
the corporation may be amended at any time by the board of 46816
trustees pursuant to the method set forth in the articles of 46817
incorporation and code of regulations, except that no amendment 46818
shall be adopted which is inconsistent with this section. 46819

(C) Within sixty days after the formation of each of the 46820
corporations described in division (A) of this section, the state 46821
racing commission shall appoint the members of the board of 46822
trustees of that corporation. Vacancies shall be filled by the 46823
state racing commission in the same manner as initial 46824
appointments. Each trustee of the thoroughbred horsemen's health 46825
and retirement fund appointed by the commission shall be active as 46826
a thoroughbred horseman while serving a term as a trustee and 46827
shall have been active as a thoroughbred horseman for at least 46828
five years immediately prior to the commencement of any such term. 46829
Each trustee of the harness horsemen's health and retirement fund 46830

appointed by the commission shall be active as a harness horseman 46831
while serving a term as a trustee and shall have been active as a 46832
harness horseman for at least five years immediately prior to the 46833
commencement of any such term. The incorporators of either such 46834
corporation may serve as initial trustees until the state racing 46835
commission acts pursuant to this section to make these 46836
appointments. 46837

(D) The intent of the general assembly in enacting this 46838
section pursuant to Amended House Bill No. 639 of the 115th 46839
general assembly was to fulfill a legitimate government 46840
responsibility in a manner that would be more cost efficient and 46841
effective than direct state agency administration by permitting 46842
nonprofit corporations to be formed to establish health and 46843
retirement funds for the benefit of harness and thoroughbred 46844
horsemen, as it was determined that such persons were in need of 46845
such benefits. 46846

Sec. 3770.01. (A) There is hereby created the state lottery 46847
commission consisting of nine members appointed by the governor 46848
with the advice and consent of the senate. No more than five 46849
members of the commission shall be members of the same political 46850
party. Of the additional and new appointments made to the 46851
commission pursuant to the amendment of August 1, 1980, three 46852
shall be for terms ending August 1, 1981, three shall be for terms 46853
ending August 1, 1982, and three shall be for terms ending August 46854
1, 1983. Thereafter, terms of office shall be for three years, 46855
each term ending on the same day of the same month of the year as 46856
did the term which it succeeds. 46857

(B) Each member shall hold office from the date of 46858
appointment until the end of the term for which the member was 46859
appointed. Any member appointed to fill a vacancy occurring prior 46860
to the expiration of the term for which the member's predecessor 46861

was appointed shall hold office for the remainder of that term. 46862
Any member shall continue in office subsequent to the expiration 46863
date of the member's term until the member's successor takes 46864
office, or until a period of sixty days has elapsed, whichever 46865
occurs first. 46866

(C) All members of the commission shall be citizens of the 46867
United States and residents of this state. The members of the 46868
commission shall represent the various geographic regions of the 46869
state. No member of the commission shall have any pecuniary 46870
interest in any contract or license awarded by the commission. One 46871
person appointed as a member of the commission shall ~~represent an~~ 46872
~~organization that deals with~~ have experience or training in the 46873
area of problem gambling and assists or other addictions and in 46874
assistance to recovering gambling or other addicts. Each person 46875
appointed as a member of the commission, except the member 46876
appointed as a ~~representative of an organization that deals with~~ 46877
having experience or training in the area of problem gambling ~~and~~ 46878
~~assists recovering gambling addicts or other addictions and in~~ 46879
assistance to recovering gambling or other addicts, shall have 46880
prior experience or education in business administration, 46881
management, sales, marketing, or advertising. 46882

(D) The commission shall elect annually one of its members to 46883
serve as chairperson for a term of one year. Election as 46884
chairperson shall not extend a member's appointive term. Each 46885
member of the commission shall receive an annual salary of five 46886
thousand dollars, payable in monthly installments. Each member of 46887
the commission also shall receive the member's actual and 46888
necessary expenses incurred in the discharge of the member's 46889
official duties. 46890

(E) Each member of the commission, before entering upon the 46891
discharge of the member's official duties, shall give a bond, 46892
payable to the treasurer of state, in the sum of ten thousand 46893

dollars with sufficient sureties to be approved by the treasurer 46894
of state, which bond shall be filed with the secretary of state. 46895

(F) The governor may remove any member of the commission for 46896
malfeasance, misfeasance, or nonfeasance in office, giving the 46897
member a copy of the charges against the member and affording the 46898
member an opportunity to be publicly heard in person or by counsel 46899
in the member's own defense upon not less than ten days' notice. 46900
If the member is removed, the governor shall file in the office of 46901
the secretary of state a complete statement of all charges made 46902
against the member and the governor's finding on the charges, 46903
together with a complete report of the proceedings, and the 46904
governor's decision on the charges is final. 46905

(G) The commission shall maintain offices at locations in the 46906
state as it may consider necessary for the efficient performance 46907
of its functions. The director shall maintain an office in 46908
Columbus to coordinate the activities of the state lottery 46909
commission with other state departments. 46910

Sec. 3770.05. (A) As used in this section, "person" means any 46911
~~person~~ individual, association, corporation, limited liability 46912
company, partnership, club, trust, estate, society, receiver, 46913
trustee, person acting in a fiduciary or representative capacity, 46914
instrumentality of the state or any of its political subdivisions, 46915
or any other business entity or combination of individuals meeting 46916
the requirements set forth in this section or established by rule 46917
or order of the state lottery commission. 46918

(B) The director of the state lottery commission may license 46919
any person as a lottery sales agent. ~~No license shall be issued to~~ 46920
~~any person or group of persons to engage in the sale of lottery~~ 46921
~~tickets as the person's or group's sole occupation or business.~~ 46922

Before issuing any license to a lottery sales agent, the 46923
director shall consider all of the following: 46924

(1) The financial responsibility and security of the applicant and the applicant's business or activity;	46925 46926
(2) The accessibility of the applicant's place of business or activity to the public;	46927 46928
(3) The sufficiency of existing licensed agents to serve the public interest;	46929 46930
(4) The volume of expected sales by the applicant;	46931
(5) Any other factors pertaining to the public interest, convenience, or trust.	46932 46933
(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall <u>may</u> refuse to grant, or shall <u>may</u> suspend or revoke, a license if the applicant or licensee:	46934 46935 46936 46937
(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;	46938 46939
(2) Has been convicted of an offense that involves illegal gambling;	46940 46941
(3) Has been found guilty of fraud or misrepresentation in any connection;	46942 46943
(4) Has been found to have violated any rule or order of the commission; or	46944 46945
(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits.	46946 46947
(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall <u>may</u> refuse to grant, or shall <u>may</u> suspend or revoke, a license if the applicant or licensee is a corporation <u>or other business entity</u> , and any of the following applies:	46948 46949 46950 46951 46952
(1) Any of the corporation's directors, officers, <u>managers</u> ,	46953

or controlling shareholders has been found guilty of any of the 46954
activities specified in divisions (C)(1) to (5) of this section; 46955

(2) It appears to the director of the state lottery 46956
commission that, due to the experience, character, or general 46957
fitness of any director, officer, manager, or controlling 46958
shareholder ~~of the corporation~~, the granting of a license as a 46959
lottery sales agent would be inconsistent with the public 46960
interest, convenience, or trust; 46961

(3) The corporation or other business entity is not the owner 46962
or lessee of the business at which it would conduct a lottery 46963
sales agency pursuant to the license applied for; 46964

(4) Any person, firm, association, or corporation other than 46965
the applicant or licensee shares or will share in the profits of 46966
the applicant or licensee, other than receiving dividends or 46967
distributions as a shareholder, or participates or will 46968
participate in the management of the affairs of the applicant or 46969
licensee. 46970

(E)(1) The director of the state lottery commission shall 46971
refuse to grant a license to an applicant for a lottery sales 46972
agent license and shall revoke a lottery sales agent license if 46973
the applicant or licensee is or has been convicted of a violation 46974
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 46975

(2) The director shall refuse to grant a license to an 46976
applicant for a lottery sales agent license that is a corporation 46977
and shall revoke the lottery sales agent license of a corporation 46978
if the corporation is or has been convicted of a violation of 46979
division (A) or (C)(1) of section 2913.46 of the Revised Code. 46980

(F) The director of the state lottery commission shall 46981
request the bureau of criminal identification and investigation, 46982
the department of public safety, or any other state, local, or 46983
federal agency to supply the director with the criminal records of 46984

any applicant for a lottery sales agent license, and may 46985
periodically request the criminal records of any person to whom a 46986
lottery sales agent license has been issued. At or prior to the 46987
time of making such a request, the director shall require an 46988
applicant or licensee to obtain fingerprint impressions on 46989
fingerprint cards prescribed by the superintendent of the bureau 46990
of criminal identification and investigation at a qualified law 46991
enforcement agency, and the director shall cause those fingerprint 46992
cards to be forwarded to the bureau of criminal identification and 46993
investigation, to the federal bureau of investigation, or to both 46994
bureaus. The commission shall assume the cost of obtaining the 46995
fingerprint cards. 46996

The director shall pay to each agency supplying criminal 46997
records for each investigation a reasonable fee, as determined by 46998
the agency. 46999

The commission may adopt uniform rules specifying time 47000
periods after which the persons described in divisions (C)(1) to 47001
(5) and (D)(1) to (4) of this section may be issued a license and 47002
establishing requirements for those persons to seek a court order 47003
to have records sealed in accordance with law. 47004

(G)(1) Each applicant for a lottery sales agent license shall 47005
do both of the following: 47006

(a) Pay fees to the state lottery commission, if required by 47007
rule adopted by the director under Chapter 119. of the Revised 47008
Code and the controlling board approves the fees; 47009

(b) Prior to approval of the application, obtain a surety 47010
bond in an amount the director determines by rule adopted under 47011
Chapter 119. of the Revised Code or, alternatively, with the 47012
director's approval, deposit the same amount into a dedicated 47013
account for the benefit of the state lottery. The director also 47014
may approve the obtaining of a surety bond to cover part of the 47015

amount required, together with a dedicated account deposit to 47016
cover the remainder of the amount required. The director also may 47017
establish an alternative program or policy, with the approval of 47018
the commission by rule adopted under Chapter 119. of the Revised 47019
Code, that otherwise ensures the lottery's financial interests are 47020
adequately protected. If such an alternative program or policy is 47021
established, an applicant or lottery sales agent, subject to the 47022
director's approval, may be permitted to participate in the 47023
program or proceed under that policy in lieu of providing a surety 47024
bond or dedicated amount. 47025

A surety bond may be with any company that complies with the 47026
bonding and surety laws of this state and the requirements 47027
established by rules of the commission pursuant to this chapter. A 47028
dedicated account deposit shall be conducted in accordance with 47029
policies and procedures the director establishes. 47030

A surety bond, dedicated account, other established program 47031
or policy, or any combination of these resources, as applicable, 47032
may be used to pay for the lottery sales agent's failure to make 47033
prompt and accurate payments for lottery ticket sales, for missing 47034
or stolen lottery tickets, for damage to equipment or materials 47035
issued to the lottery sales agent, or to pay for expenses the 47036
commission incurs in connection with the lottery sales agent's 47037
license. 47038

(2) A lottery sales agent license is effective for at least 47039
one year, but not more than three years. 47040

A licensed lottery sales agent, on or before the date 47041
established by the director, shall renew the agent's license and 47042
provide at that time evidence to the director that the surety 47043
bond, dedicated account deposit, or both, required under division 47044
(G)(1)(b) of this section has been renewed or is active, whichever 47045
applies. 47046

Before the commission renews a lottery sales agent license, 47047
the lottery sales agent shall submit a renewal fee to the 47048
commission, if one is required by rule adopted by the director 47049
under Chapter 119. of the Revised Code and the controlling board 47050
approves the renewal fee. The renewal fee shall not exceed the 47051
actual cost of administering the license renewal and processing 47052
changes reflected in the renewal application. The renewal of the 47053
license is effective for at least one year, but not more than 47054
three years. 47055

(3) A lottery sales agent license shall be complete, 47056
accurate, and current at all times during the term of the license. 47057
Any changes to an original license application or a renewal 47058
application may subject the applicant or lottery sales agent, as 47059
applicable, to paying an administrative fee that shall be in an 47060
amount that the director determines by rule adopted under Chapter 47061
119. of the Revised Code, and that the controlling board approves, 47062
and that shall not exceed the actual cost of administering and 47063
processing the changes to an application. 47064

(4) The relationship between the commission and a lottery 47065
sales agent is one of trust. A lottery sales agent collects funds 47066
on behalf of the commission through the sale of lottery tickets 47067
for which the agent receives a compensation. 47068

(H) Pending a final resolution of any question arising under 47069
this section, the director of the state lottery commission may 47070
issue a temporary lottery sales agent license, subject to the 47071
terms and conditions the director considers appropriate. 47072

(I) If a lottery sales agent's rental payments for the 47073
lottery sales agent's premises are determined, in whole or in 47074
part, by the amount of retail sales the lottery sales agent makes, 47075
and if the rental agreement does not expressly provide that the 47076
amount of those retail sales includes the amounts the lottery 47077
sales agent receives from lottery ticket sales, only the amounts 47078

the lottery sales agent receives as compensation from the state 47079
lottery commission for selling lottery tickets shall be considered 47080
to be amounts the lottery sales agent receives from the retail 47081
sales the lottery sales agent makes, for the purpose of computing 47082
the lottery sales agent's rental payments. 47083

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of 47084
this section, lottery prize awards shall be claimed by the holder 47085
of the winning lottery product, or by the executor or 47086
administrator, or the trustee of a trust, of the estate of a 47087
deceased holder of a winning lottery product, in a manner to be 47088
determined by the state lottery commission, within one hundred 47089
eighty days after the date on which the prize award was announced 47090
if the lottery game is an online game, and within one hundred 47091
eighty days after the close of the game if the lottery game is an 47092
instant game. 47093

Any lottery prize award with a value that meets or exceeds 47094
the reportable winnings amounts set by 26 U.S.C. 6041, or a 47095
subsequent analogous section of the Internal Revenue Code, shall 47096
not be claimed by or paid to any person, as defined in section 47097
1.59 of the Revised Code or as defined by rule or order of the 47098
state lottery commission, until the name, address, and social 47099
security number of each beneficial owner of the prize award are 47100
documented for the commission. Except when a beneficial owner 47101
otherwise consents in writing, in the case of a claim for a 47102
lottery prize award made by one or more beneficial owners using a 47103
trust, the name, address, and social security number of each such 47104
beneficial owner in the commission's records as a result of such a 47105
disclosure are confidential and shall not be subject to inspection 47106
or copying under section 149.43 of the Revised Code as a public 47107
record. 47108

Except as otherwise provided in division (A)(1) of this 47109

section or as otherwise provided by law, the name and address of 47110
any individual claiming a lottery prize award are subject to 47111
inspection or copying under section 149.43 of the Revised Code as 47112
a public record. 47113

(2) An eligible person serving on active military duty in any 47114
branch of the United States armed forces during a war or national 47115
emergency declared in accordance with federal law may submit a 47116
delayed claim for a lottery prize award. The eligible person shall 47117
do so by notifying the state lottery commission about the claim 47118
not later than the five hundred fortieth day after the date on 47119
which the prize award was announced if the lottery game is an 47120
online game or after the date on which the lottery game closed if 47121
the lottery game is an instant game. 47122

(3) If no valid claim to a lottery prize award is made within 47123
the prescribed period, the prize money, the cost of goods and 47124
services awarded as prizes, or, if goods or services awarded as 47125
prizes are resold by the state lottery commission, the proceeds 47126
from their sale shall be returned to the state lottery fund and 47127
distributed in accordance with section 3770.06 of the Revised 47128
Code. 47129

(4) The state lottery commission may share with other 47130
governmental agencies the name, address, and social security 47131
number of a beneficial owner disclosed to the commission under 47132
division (A)(1) of this section, as authorized under sections 47133
3770.071 and 3770.073 of the Revised Code. Any shared information 47134
as disclosed pursuant to those sections that is made confidential 47135
by division (A)(1) of this section remains confidential and shall 47136
not be subject to inspection or copying under section 149.43 of 47137
the Revised Code as a public record unless the applicable 47138
beneficial owner otherwise provides written consent. 47139

(5) As used in this division: 47140

(a) "Eligible person" means a person who is entitled to a lottery prize award and who falls into either of the following categories:

(i) While on active military duty in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is transferred out of this state before the one hundred eightieth day after the date on which the winner of the lottery prize award is selected.

(ii) While serving in the reserve forces in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is placed on active military duty and is transferred out of this state before the expiration of the one hundred eightieth day after the date on which the prize drawing occurs for an online game or before the expiration of the one hundred eightieth day following the close of an instant game as determined by the commission.

(b) "Active military duty" means that a person is covered by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. 501 et seq., as amended, or the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301 et seq., as amended.

(c) "Each beneficial owner" means the ultimate recipient or, if there is more than one, each ultimate recipient of a lottery prize award.

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services

awarded as a prize is one thousand dollars or less, the director 47172
may order that payment be made to the order of the adult member, 47173
if any, of that prize winner's family legally responsible for the 47174
care of that prize winner. 47175

(C) No right of any prize winner, as defined in section 47176
3770.10 of the Revised Code, to a prize award shall be the subject 47177
of a security interest or used as collateral. 47178

(D)(1) No right of any prize winner, as defined in section 47179
3770.10 of the Revised Code, to a prize award shall be assignable 47180
except as follows: when the payment is to be made to the executor 47181
or administrator, or the trustee of a trust, of the estate of a 47182
prize winner; when the award of a prize is disputed, any person 47183
may be awarded a prize award to which another has claimed title, 47184
pursuant to the order of a court of competent jurisdiction; when a 47185
person is awarded a prize award to which another has claimed 47186
title, pursuant to the order of a federal bankruptcy court under 47187
Title 11 of the United States Code; or as provided in sections 47188
3770.10 to 3770.14 of the Revised Code. 47189

(2)(a) No right of any prize winner, as defined in section 47190
3770.10 of the Revised Code, to a prize award with a remaining 47191
unpaid balance of less than one hundred thousand dollars shall be 47192
subject to garnishment, attachment, execution, withholding, or 47193
deduction except as provided in sections 3119.80, 3119.81, 47194
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 47195
director is to make a payment pursuant to section 3770.071 or 47196
3770.073 of the Revised Code. 47197

(b) No right of any prize winner, as defined in section 47198
3770.10 of the Revised Code, to a prize award with an unpaid 47199
balance of one hundred thousand dollars or more shall be subject 47200
to garnishment, attachment, execution, withholding, or deduction 47201
except as follows: as provided in sections 3119.80, 3119.81, 47202
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 47203

director is to make a payment pursuant to section 3770.071 or 47204
3770.073 of the Revised Code; or pursuant to the order of a court 47205
of competent jurisdiction located in this state in a proceeding in 47206
which the state lottery commission is a named party, in which case 47207
the garnishment, attachment, execution, withholding, or deduction 47208
pursuant to the order shall be subordinate to any payments to be 47209
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 47210
3123.06, 3770.071, or 3770.073 of the Revised Code. 47211

(3) The state lottery commission may adopt and amend rules 47212
pursuant to Chapter 119. of the Revised Code as necessary to 47213
implement division (D) of this section, to provide for payments 47214
from prize awards subject to garnishment, attachment, execution, 47215
withholding, or deduction, and to comply with any applicable 47216
requirements of federal law. 47217

(4) Upon making payments from a prize award as required by 47218
division (D) of this section, the director and the state lottery 47219
commission are discharged from all further liability for those 47220
payments, whether they are made to an executor, administrator, 47221
trustee, judgment creditor, or another person, or to the prize 47222
winner, as defined in section 3770.10 of the Revised Code. 47223

(5) The state lottery commission shall adopt rules pursuant 47224
to section 3770.03 of the Revised Code concerning the payment of 47225
prize awards upon the death of a prize winner, as defined in 47226
section 3770.10 of the Revised Code. Upon the death of a prize 47227
winner, the remainder of the prize winner's prize award, to the 47228
extent it is not subject to a transfer agreement under sections 47229
3770.10 to 3770.14 of the Revised Code, may be paid to the 47230
executor, administrator, or trustee in the form of a discounted 47231
lump sum cash settlement. 47232

(E) No lottery prize award shall be awarded to or for any 47233
officer or employee of the state lottery commission, any officer 47234
or employee of the auditor of state actively auditing, 47235

coordinating, or ~~certifying~~ observing commission drawings, or any 47236
blood relative or spouse of such an officer or employee of the 47237
commission or auditor of state living as a member of the officer's 47238
or employee's household, nor shall any such officer, employee, 47239
blood relative, or spouse attempt to claim a lottery prize award. 47240

(F) The director may prohibit vendors to the state lottery 47241
commission and their employees from being awarded a lottery prize 47242
award. 47243

(G) Upon the payment of prize awards pursuant to a provision 47244
of this section, other than a provision of division (D) of this 47245
section, the director and the state lottery commission are 47246
discharged from all further liability for their payment. 47247
Installment payments of lottery prize awards shall be paid by 47248
official check or warrant, and they shall be sent by mail delivery 47249
to the prize winner's address within the United States or by 47250
electronic funds transfer to an established bank account located 47251
within the United States, or the prize winner may pick them up at 47252
an office of the commission. 47253

Sec. 3772.02. (A) There is hereby created the Ohio casino 47254
control commission described in Section 6(C)(1) of Article XV, 47255
Ohio Constitution. 47256

(B) The commission shall consist of seven members appointed 47257
within one month of September 10, 2010, by the governor with the 47258
advice and consent of the senate. The governor shall forward all 47259
appointments to the senate within twenty-four hours. 47260

(1) Each commission member is eligible for reappointment at 47261
the discretion of the governor. No commission member shall be 47262
appointed for more than three terms in total. 47263

(2) Each commission member shall be a resident of Ohio. 47264

(3) At least one commission member shall be experienced in 47265

law enforcement and criminal investigation.	47266
(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing.	47267 47268
(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio.	47269 47270
(6) At least one commission member shall be a resident of a county where one of the casino facilities is located.	47271 47272
(7) Not more than four commission members shall be of the same political party.	47273 47274
(8) No commission member shall have any affiliation with an Ohio casino operator or facility.	47275 47276
(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party.	47277 47278 47279 47280 47281 47282 47283 47284
(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be filled in the same manner as the original appointment.	47285 47286 47287 47288 47289 47290 47291 47292 47293 47294
(E) The governor shall select one member to serve as	47295

chairperson and the commission members shall select one member 47296
from a different party than the chairperson to serve as 47297
vice-chairperson. The governor may remove and replace the 47298
chairperson at any time. No such member shall serve as chairperson 47299
for more than six successive years. The vice-chairperson shall 47300
assume the duties of the chairperson in the absence of the 47301
chairperson. The chairperson and vice-chairperson shall perform 47302
but shall not be limited to additional duties as are prescribed by 47303
commission rule. 47304

(F) A commission member is not required to devote the 47305
member's full time to membership on the commission. ~~Each Beginning~~ 47306
~~on the effective date of this amendment, each~~ member of the 47307
commission shall receive compensation of ~~thirty~~ fifty thousand 47308
dollars per year, ~~payable in monthly installments.~~ Beginning July 47309
1, 2016, each member of the commission shall receive compensation 47310
of forty thousand dollars per year. Beginning July 1, 2017, each 47311
member of the commission shall receive compensation of thirty 47312
thousand dollars per year. Each member shall receive the member's 47313
actual and necessary expenses incurred in the discharge of the 47314
member's official duties. 47315

(G) The governor shall not appoint an individual to the 47316
commission, and an individual shall not serve on the commission, 47317
if the individual has been convicted of or pleaded guilty or no 47318
contest to a disqualifying offense as defined in section 3772.07 47319
of the Revised Code. Members coming under indictment or bill of 47320
information of a disqualifying offense shall resign from the 47321
commission immediately upon indictment. 47322

(H) At least five commission members shall be present for the 47323
commission to meet. The concurrence of four members is necessary 47324
for the commission to take any action. All members shall vote on 47325
the adoption of rules, and the approval of, and the suspension or 47326
revocation of, the licenses of casino operators or management 47327

companies, unless a member has a written leave of absence filed 47328
with and approved by the chairperson. 47329

(I) A commission member may be removed or suspended from 47330
office in accordance with section 3.04 of the Revised Code. 47331

(J) Each commission member, before entering upon the 47332
discharge of the member's official duties, shall make an oath to 47333
uphold the Ohio Constitution and laws of the state of Ohio and 47334
shall give a bond, payable by the commission, to the treasurer of 47335
state, in the sum of ten thousand dollars with sufficient sureties 47336
to be approved by the treasurer of state, which bond shall be 47337
filed with the secretary of state. 47338

(K) The commission shall hold one regular meeting each month 47339
and shall convene other meetings at the request of the chairperson 47340
or a majority of the members. A member who fails to attend at 47341
least three-fifths of the regular and special meetings of the 47342
commission during any two-year period forfeits membership on the 47343
commission. All meetings of the commission shall be open meetings 47344
under section 121.22 of the Revised Code except as otherwise 47345
allowed by law. 47346

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 47347
the commission shall have authority to complete the functions of 47348
licensing, regulating, investigating, and penalizing casino 47349
operators, management companies, holding companies, key employees, 47350
casino gaming employees, and gaming-related vendors. The 47351
commission also shall have jurisdiction over all persons 47352
participating in casino gaming authorized by Section 6(C) of 47353
Article XV, Ohio Constitution, and this chapter. 47354

(B) All rules adopted by the commission under this chapter 47355
shall be adopted under procedures established in Chapter 119. of 47356
the Revised Code. The commission may contract for the services of 47357
experts and consultants to assist the commission in carrying out 47358

its duties under this section. 47359

(C) ~~Within six months of September 10, 2010, the~~ The 47360
commission shall adopt ~~initial~~ rules as are necessary for 47361
completing the functions stated in division (A) of this section 47362
and for addressing the subjects enumerated in division (D) of this 47363
section. 47364

(D) The commission shall adopt, and as advisable and 47365
necessary shall amend or repeal, rules that include all of the 47366
following: 47367

(1) The prevention of practices detrimental to the public 47368
interest; 47369

(2) Prescribing the method of applying, and the form of 47370
application, that an applicant for a license under this chapter 47371
must follow as otherwise described in this chapter; 47372

(3) Prescribing the information to be furnished by an 47373
applicant or licensee as described in section 3772.11 of the 47374
Revised Code; 47375

(4) Describing the certification standards and duties of an 47376
independent testing laboratory certified under section 3772.31 of 47377
the Revised Code and the relationship between the commission, the 47378
laboratory, the gaming-related vendor, and the casino operator; 47379

(5) The minimum amount of insurance that must be maintained 47380
by a casino operator, management company, holding company, or 47381
gaming-related vendor; 47382

(6) The approval process for a significant change in 47383
ownership or transfer of control of a licensee as provided in 47384
section 3772.091 of the Revised Code; 47385

(7) The design of gaming supplies, devices, and equipment to 47386
be distributed by gaming-related vendors; 47387

(8) Identifying the casino gaming that is permitted, 47388

identifying the gaming supplies, devices, and equipment, that are 47389
permitted, defining the area in which the permitted casino gaming 47390
may be conducted, and specifying the method of operation according 47391
to which the permitted casino gaming is to be conducted as 47392
provided in section 3772.20 of the Revised Code, and requiring 47393
gaming devices and equipment to meet the standards of this state; 47394

(9) Tournament play in any casino facility; 47395

(10) Establishing and implementing a voluntary exclusion 47396
program that provides all of the following: 47397

(a) Except as provided by commission rule, a person who 47398
participates in the program shall agree to refrain from entering a 47399
casino facility. 47400

(b) The name of a person participating in the program shall 47401
be included on a list of persons excluded from all casino 47402
facilities. 47403

(c) Except as provided by commission rule, no person who 47404
participates in the program shall petition the commission for 47405
admittance into a casino facility. 47406

(d) The list of persons participating in the program and the 47407
personal information of those persons shall be confidential and 47408
shall only be disseminated by the commission to a casino operator 47409
and the agents and employees of the casino operator for purposes 47410
of enforcement and to other entities, upon request of the 47411
participant and agreement by the commission. 47412

(e) A casino operator shall make all reasonable attempts as 47413
determined by the commission to cease all direct marketing efforts 47414
to a person participating in the program. 47415

(f) A casino operator shall not cash the check of a person 47416
participating in the program or extend credit to the person in any 47417
manner. However, the program shall not exclude a casino operator 47418

from seeking the payment of a debt accrued by a person before 47419
participating in the program. 47420

(g) Any and all locations at which a person may register as a 47421
participant in the program shall be published. 47422

(11) Requiring the commission to adopt standards regarding 47423
the marketing materials of a licensed casino operator, including 47424
allowing the commission to prohibit marketing materials that are 47425
contrary to the adopted standards; 47426

(12) Requiring that the records, including financial 47427
statements, of any casino operator, management company, holding 47428
company, and gaming-related vendor be maintained in the manner 47429
prescribed by the commission and made available for inspection 47430
upon demand by the commission, but shall be subject to section 47431
3772.16 of the Revised Code; 47432

(13) Permitting a licensed casino operator, management 47433
company, key employee, or casino gaming employee to question a 47434
person suspected of violating this chapter; 47435

(14) The chips, tokens, tickets, electronic cards, or similar 47436
objects that may be purchased by means of an agreement under which 47437
credit is extended to a wagerer by a casino operator; 47438

(15) Establishing standards for provisional key employee 47439
licenses for a person who is required to be licensed as a key 47440
employee and is in exigent circumstances and standards for 47441
provisional licenses for casino gaming employees who submit 47442
complete applications and are compliant under an instant 47443
background check. A provisional license shall be valid not longer 47444
than three months. A provisional license may be renewed one time, 47445
at the commission's discretion, for an additional three months. In 47446
establishing standards with regard to instant background checks 47447
the commission shall take notice of criminal records checks as 47448
they are conducted under section 311.41 of the Revised Code using 47449

electronic fingerprint reading devices.	47450
(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;	47451 47452 47453
(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;	47454 47455 47456 47457
(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;	47458 47459 47460
(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;	47461 47462
(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;	47463 47464 47465 47466 47467 47468
(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;	47469 47470 47471 47472
(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;	47473 47474 47475 47476 47477
(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the	47478 47479

joint committee on gaming and wagering;	47480
(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;	47481 47482
(25) Establishing standards for the repair of casino gaming equipment;	47483 47484
(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;	47485 47486 47487 47488
(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;	47489 47490 47491 47492 47493 47494 47495 47496 47497 47498
(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.	47499 47500 47501
(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter <u>and Chapter 2915. of the Revised Code</u> . In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.	47502 47503 47504 47505 47506 47507 47508 47509
(F) The commission, as a law enforcement agency, and its	47510

gaming agents, as law enforcement officers as defined in section 47511
2901.01 of the Revised Code, shall have authority with regard to 47512
the detection and investigation of, the seizure of evidence 47513
allegedly relating to, and the apprehension and arrest of persons 47514
allegedly committing gaming violations of this chapter or gambling 47515
offenses as defined in section 2915.01 of the Revised Code or 47516
violations of any other law of this state that may affect the 47517
integrity of casino gaming or the operation of skill-based 47518
amusement machines, and shall have access to casino facilities and 47519
skill-based amusement machine facilities to carry out the 47520
requirements of this chapter. 47521

(G) The commission may eject or exclude or authorize the 47522
ejection or exclusion of and a gaming agent may eject a person 47523
from a casino facility for any of the following reasons: 47524

(1) The person's name is on the list of persons voluntarily 47525
excluding themselves from all casinos in a program established 47526
according to rules adopted by the commission; 47527

(2) The person violates or conspires to violate this chapter 47528
or a rule adopted thereunder; or 47529

(3) The commission determines that the person's conduct or 47530
reputation is such that the person's presence within a casino 47531
facility may call into question the honesty and integrity of the 47532
casino gaming operations or interfere with the orderly conduct of 47533
the casino gaming operations. 47534

(H) A person, other than a person participating in a 47535
voluntary exclusion program, may petition the commission for a 47536
public hearing on the person's ejection or exclusion under this 47537
chapter. 47538

(I) A casino operator or management company shall have the 47539
same authority to eject or exclude a person from the management 47540
company's casino facilities as authorized in division (G) of this 47541

section. The licensee shall immediately notify the commission of 47542
an ejection or exclusion. 47543

(J) The commission shall submit a written annual report with 47544
the governor, president and minority leader of the senate, speaker 47545
and minority leader of the house of representatives, and joint 47546
committee on gaming and wagering before the first day of September 47547
each year. The annual report shall cover the previous fiscal year 47548
and shall include all of the following: 47549

(1) A statement describing the receipts and disbursements of 47550
the commission; 47551

(2) Relevant financial data regarding casino gaming, 47552
including gross revenues and disbursements made under this 47553
chapter; 47554

(3) Actions taken by the commission; 47555

(4) An update on casino operators', management companies', 47556
and holding companies' compulsive and problem gambling plans and 47557
the voluntary exclusion program and list; 47558

(5) Information regarding prosecutions for conduct described 47559
in division (H) of section 3772.99 of the Revised Code, including, 47560
but not limited to, the total number of prosecutions commenced and 47561
the name of each person prosecuted; 47562

(6) Any additional information that the commission considers 47563
useful or that the governor, president or minority leader of the 47564
senate, speaker or minority leader of the house of 47565
representatives, or joint committee on gaming and wagering 47566
requests. 47567

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 47568
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 47569
machine operations, the commission shall ~~assume~~ have jurisdiction 47570
over ~~and oversee the regulation of~~ all persons conducting or 47571

participating in the conduct of skill-based amusement machines as 47572
is provided in the law of this state machine operations authorized 47573
by this chapter and Chapter 2915. of the Revised Code, including 47574
the authority to complete the functions of licensing, regulating, 47575
investigating, and penalizing those persons in a manner that is 47576
consistent with the commission's authority to do the same with 47577
respect to casino gaming. To carry out this division, the 47578
commission may adopt rules under Chapter 119. of the Revised Code, 47579
including rules establishing fees and penalties related to the 47580
operation of skill-based amusement machines. 47581

Sec. 3772.99. (A) The commission shall levy and collect 47582
penalties for noncriminal violations of this chapter. Noncriminal 47583
violations include using the term "casino" in any advertisement in 47584
regard to a facility operating video lottery terminals, as defined 47585
in section 3770.21 of the Revised Code, in this state. Moneys 47586
collected from such penalty levies shall be credited to the 47587
general revenue fund. 47588

(B) If a licensed casino operator, management company, 47589
holding company, gaming-related vendor, or key employee violates 47590
this chapter or engages in a fraudulent act, the commission may 47591
suspend or revoke the license and may do either or both of the 47592
following: 47593

(1) Suspend, revoke, or restrict the casino gaming operations 47594
of a casino operator; 47595

(2) Require the removal of a management company, key 47596
employee, or discontinuance of services from a gaming-related 47597
vendor. 47598

(C) The commission shall impose civil penalties against a 47599
person who violates this chapter under the penalties adopted by 47600
commission rule and reviewed by the joint committee on gaming and 47601
wagering. 47602

(D) A person who purposely or knowingly ~~or intentionally~~ does 47603
any of the following commits a misdemeanor of the first degree on 47604
the first offense and a felony of the fifth degree for a 47605
subsequent offense: 47606

(1) Makes a false statement on an application submitted under 47607
this chapter; 47608

(2) Permits a person less than twenty-one years of age to 47609
make a wager at a casino facility; 47610

(3) Aids, induces, or causes a person less than twenty-one 47611
years of age who is not an employee of the casino gaming operation 47612
to enter or attempt to enter a casino facility; 47613

(4) Enters or attempts to enter a casino facility while under 47614
twenty-one years of age, unless the person enters a designated 47615
area as described in section 3772.24 of the Revised Code; 47616

(5) Is a casino operator or employee and participates in 47617
casino gaming other than as part of operation or employment. 47618

(E) A person who purposely or knowingly ~~or intentionally~~ does 47619
any of the following commits a felony of the fifth degree on a 47620
first offense and a felony of the fourth degree for a subsequent 47621
offense. If the person is a licensee under this chapter, the 47622
commission shall revoke the person's license after the first 47623
offense. 47624

(1) Uses or possesses with the intent to use a device to 47625
assist in projecting the outcome of the casino game, keeping track 47626
of the cards played, analyzing the probability of the occurrence 47627
of an event relating to the casino game, or analyzing the strategy 47628
for playing or betting to be used in the casino game, except as 47629
permitted by the commission; 47630

(2) Cheats at a casino game; 47631

(3) Manufactures, sells, or distributes any cards, chips, 47632

dice, game, or device that is intended to be used to violate this 47633
chapter; 47634

(4) Alters or misrepresents the outcome of a casino game on 47635
which wagers have been made after the outcome is made sure but 47636
before the outcome is revealed to the players; 47637

(5) Places, increases, or decreases a wager on the outcome of 47638
a casino game after acquiring knowledge that is not available to 47639
all players and concerns the outcome of the casino game that is 47640
the subject of the wager; 47641

(6) Aids a person in acquiring the knowledge described in 47642
division (E)(5) of this section for the purpose of placing, 47643
increasing, or decreasing a wager contingent on the outcome of a 47644
casino game; 47645

(7) Claims, collects, takes, or attempts to claim, collect, 47646
or take money or anything of value in or from a casino game with 47647
the intent to defraud or without having made a wager contingent on 47648
winning a casino game; 47649

(8) Claims, collects, or takes an amount of money or thing of 47650
value of greater value than the amount won in a casino game; 47651

(9) Uses or possesses counterfeit chips, tokens, or cashless 47652
wagering instruments in or for use in a casino game; 47653

(10) Possesses a key or device designed for opening, 47654
entering, or affecting the operation of a casino game, drop box, 47655
or an electronic or a mechanical device connected with the casino 47656
game or removing coins, tokens, chips, or other contents of a 47657
casino game. This division does not apply to a casino operator, 47658
management company, or gaming-related vendor or their agents and 47659
employees in the course of agency or employment. 47660

(11) Possesses materials used to manufacture a device 47661
intended to be used in a manner that violates this chapter; 47662

(12) Operates a casino gaming operation in which wagering is 47663
conducted or is to be conducted in a manner other than the manner 47664
required under this chapter or a skill-based amusement machine 47665
operation in a manner other than the manner required under Chapter 47666
2915. of the Revised Code. 47667

(F) The possession of more than one of the devices described 47668
in division (E)(9), (10), or (11) of this section creates a 47669
rebuttable presumption that the possessor intended to use the 47670
devices for cheating. 47671

(G) A person who purposely or knowingly ~~or intentionally~~ does 47672
any of the following commits a felony of the third degree. If the 47673
person is a licensee under this chapter, the commission shall 47674
revoke the person's license after the first offense. A public 47675
servant or party official who is convicted under this division is 47676
forever disqualified from holding any public office, employment, 47677
or position of trust in this state. 47678

(1) Offers, promises, or gives anything of value or benefit 47679
to a person who is connected with the casino operator, management 47680
company, holding company, or gaming-related vendor, including 47681
their officers and employees, under an agreement to influence or 47682
with the intent to influence the actions of the person to whom the 47683
offer, promise, or gift was made in order to affect or attempt to 47684
affect the outcome of a casino game or an official action of a 47685
commission member, agent, or employee; 47686

(2) Solicits, accepts, or receives a promise of anything of 47687
value or benefit while the person is connected with a casino, 47688
including an officer or employee of a casino operator, management 47689
company, or gaming-related vendor, under an agreement to influence 47690
or with the intent to influence the actions of the person to 47691
affect or attempt to affect the outcome of a casino game or an 47692
official action of a commission member, agent, or employee; 47693

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in 47725
section 1315.51 of the Revised Code. 47726

(K) Premises used or occupied in violation of division 47727
(E)(12) of this section constitute a nuisance subject to abatement 47728
under Chapter 3767. of the Revised Code. 47729

Sec. 3794.06. Posting of signs; prohibition of ashtrays; 47730
responsibilities of proprietors. 47731

In addition to the prohibitions contained in section 3794.02 47732
of ~~this chapter~~ the Revised Code, the proprietor of a public place 47733
or place of employment shall comply with the following 47734
requirements: 47735

(A) "No Smoking" signs or the international "No Smoking" 47736
symbol (consisting of a pictorial representation of a burning 47737
cigarette enclosed in a red circle with a red bar across it) shall 47738
be conspicuously posted in every public place and place of 47739
employment where smoking is prohibited by this chapter, including 47740
at each entrance to the public place or place of employment. Signs 47741
shall be of sufficient size to be clearly legible to a person of 47742
normal vision throughout the areas they are intended to mark. All 47743
signs shall contain a telephone number for reporting violations. 47744

(B) All ashtrays and other receptacles used for disposing of 47745
smoking materials shall be removed from any area where smoking is 47746
prohibited by this chapter. 47747

(C) A proprietor shall permit prompt entry of an officer or 47748
employee of the department of health or its designee to 47749
investigate complaints made under section 3794.07 of the Revised 47750
Code. Refusal to permit prompt entry is a violation of this 47751
chapter. 47752

Sec. 3794.07. Duties of the Department of Health. 47753

This chapter shall be enforced by the department of health 47754
and its designees. The director of health shall within six months 47755
of ~~the effective date of this section~~ December 7, 2006: 47756

(A) Promulgate rules in accordance with Chapter 119. of the 47757
Revised Code to implement and enforce all provisions of this 47758
chapter; 47759

(B) Promulgate rules in accordance with Chapter 119. of the 47760
Revised Code to prescribe a schedule of fines for violations of 47761
this chapter designed to foster compliance with the provisions of 47762
this chapter. The amount of a fine for a violation of divisions 47763
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 47764
(B) of section 3794.06 of the Revised Code shall not be less than 47765
one hundred dollars and the maximum for a violation shall be 47766
twenty five hundred dollars. The amount of a fine for a violation 47767
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 47768
be up to a maximum of one hundred dollars per violation. Each day 47769
of a violation shall constitute a separate violation. The schedule 47770
of fines that apply to a proprietor shall be progressive based on 47771
the number of prior violations by the proprietor. Violations which 47772
occurred more than two years prior to a subsequent violation shall 47773
not be considered if there has been no finding of a violation in 47774
the intervening time period. The fine schedule shall set forth 47775
specific factors that may be considered to decrease or waive the 47776
amount of a fine that otherwise would apply. Fines shall be 47777
doubled for intentional violations~~±~~. 47778

(C) Promulgate rules in accordance with Chapter 119. of the 47779
Revised Code to prescribe a procedure for providing a proprietor 47780
or individual written notice of a report of a violation and the 47781
opportunity to present in writing any statement or evidence to 47782
contest the report, and prescribing procedures for making findings 47783
whether a proprietor or individual violated a provision of this 47784
chapter and for imposing fines for violations; 47785

(D) Establish a system for receiving reports of violations of 47786
the provisions of this chapter from any member of the public, 47787
including, but not limited to, by mail and one or more e-mail 47788
addresses and toll-free telephone numbers exclusively for such 47789
purpose. A person shall not be required to disclose his or her 47790
identity in order to report a violation; 47791

(E) Inform proprietors of public places and places of 47792
employment of the requirements of this chapter and how to comply 47793
with its provisions, including, but not limited to, by providing 47794
printed and other materials and a toll-free telephone number and 47795
e-mail address exclusively for such purposes; and 47796

(F) Design and implement a program to educate the public 47797
regarding the provisions of this chapter, including, but not 47798
limited to, through the establishment of an internet ~~website~~ web 47799
site and how a violation may be reported. 47800

(G) Adopt rules to prescribe fines for a violation of 47801
division (E) of section 3794.03 of the Revised Code. Division (B) 47802
of this section does not apply to a fine for a violation of 47803
division (E) of section 3794.03 of the Revised Code. 47804

Sec. 3901.241. (A) As used in this section: 47805

(1) "Exchange" has the same meaning as in section 3905.01 of 47806
the Revised Code. 47807

(2) "Enrollee's expected contribution" means any portion of 47808
the cost of a health service covered by a health benefit plan 47809
offered through an exchange that a person enrolled under such a 47810
plan would be expected to pay, including any copayments or cost 47811
sharing. 47812

(B)(1) An insurer offering a health benefit plan through an 47813
exchange shall make available to individuals seeking information 47814
on the plan a list of the top twenty per cent of services, 47815

according to utilization of health services by individuals insured 47816
by the insurer, and an enrollee's expected contribution for each 47817
service. 47818

(2) The enrollee's expected contribution for each service 47819
shall be provided both for situations in which the enrollee has 47820
and has not met any associated deductibles. 47821

(C) A violation of division (B) of this section shall be 47822
considered an unfair and deceptive practice in the business of 47823
insurance under section 3901.21 of the Revised Code. 47824

Sec. 3903.81. As used in sections 3903.81 to 3903.93 of the 47825
Revised Code: 47826

(A) "Adjusted RBC report" means an RBC report that has been 47827
adjusted by the superintendent of insurance in accordance with 47828
division (C) of section 3903.82 of the Revised Code. 47829

(B) "Authorized control level RBC" means the number 47830
determined under the risk-based capital formula in accordance with 47831
the RBC instructions. 47832

(C) "Company action level RBC" means the product of 2.0 and 47833
an insurer's authorized control level RBC. 47834

(D) "Corrective order" means an order issued by the 47835
superintendent of insurance in accordance with division (B)(3) of 47836
section 3903.84 of the Revised Code specifying corrective actions 47837
that the superintendent has determined are required. 47838

(E) "Domestic insurer" means any insurance company organized 47839
under Chapter 3907. or 3925. of the Revised Code. 47840

(F) "Foreign insurer" means any insurance company licensed 47841
under section 3909.01 or 3927.01 of the Revised Code. 47842

(G) "Life or health insurer" means any insurance company 47843
licensed under section 3907.08 or 3909.01 of the Revised Code, a 47844

company possessing a certificate of authority pursuant to section 47845
3929.01 of the Revised Code that writes only accident and health 47846
insurance, ~~or~~ a fraternal benefit society licensed under Chapter 47847
3921. of the Revised Code, or a multiple employer welfare 47848
arrangement issued a certificate of authority under Chapter 1739. 47849
of the Revised Code. 47850

(H) "Mandatory control level RBC" means the product of .70 47851
and an insurer's authorized control level RBC. 47852

(I) "NAIC" means the national association of insurance 47853
commissioners. 47854

(J) "Negative trend" means a negative trend over a period of 47855
time for a life or health insurer as determined in accordance with 47856
the trend test calculation included in the RBC instructions. 47857

(K) "Property and casualty insurer" means any insurance 47858
company that has a certificate of authority pursuant to section 47859
3929.01 of the Revised Code. "Property and casualty insurer" does 47860
not include monoline mortgage guarantee insurers, financial 47861
guarantee insurers, or title insurers. 47862

(L) "RBC" means risk-based capital. 47863

(M) "RBC instructions" means the RBC report, including 47864
risk-based capital instructions, as adopted by the NAIC and as 47865
amended by the NAIC from time to time in accordance with the 47866
procedures adopted by the NAIC. "RBC instructions" shall also 47867
include any modifications adopted by the superintendent, as the 47868
superintendent considers to be necessary. 47869

(N) "RBC level" means an insurer's company action level RBC, 47870
regulatory action level RBC, authorized control level RBC, or 47871
mandatory control level RBC. 47872

(O) "RBC plan" means a comprehensive financial plan 47873
containing the elements specified in division (B) of section 47874

3903.83 of the Revised Code. 47875

(P) "Revised RBC plan" means an RBC plan rejected by the 47876
superintendent of insurance and then revised by an insurer with or 47877
without incorporating the superintendent of insurance's 47878
recommendation. 47879

(Q) "RBC report" means the report required by section 3903.82 47880
of the Revised Code. 47881

(R) "Regulatory action level RBC" means the product of 1.5 47882
and an insurer's authorized control level RBC. 47883

(S) "Total adjusted capital" means the sum of both of the 47884
following: 47885

(1) An insurer's statutory capital and surplus as determined 47886
in accordance with the statutory accounting applicable to the 47887
annual statements prepared on a form adopted under section 3901.77 47888
of the Revised Code, as required to be filed by sections 3907.19, 47889
3909.06, and 3929.30 of the Revised Code; 47890

(2) Such other items, if any, as the RBC instructions may 47891
provide. 47892

Sec. 3905.33. (A) No person licensed under section 3905.30 of 47893
the Revised Code shall solicit, procure an application for, bind, 47894
issue, renew, or deliver a policy with any insurer that is not 47895
eligible to write insurance on an unauthorized basis in this 47896
state. 47897

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 47898
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 47899
replacement law, where this state is the home state of the 47900
insured, an insurer shall be considered eligible to write 47901
insurance on an unauthorized basis in this state if either of the 47902
following are true: 47903

(1) The insurer meets the requirements and criteria in 47904

sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 47905
insurance model act adopted by the national association of 47906
insurance commissioners, or alternative nationwide uniform 47907
eligibility requirements adopted by this state through 47908
participation in a compact or other nationwide system pursuant to 47909
15 U.S.C. 8201 et seq., 124 Stat. 1589. 47910

(2) For unauthorized insurance placed with, or procured from 47911
an unauthorized insurer domiciled outside the United States, the 47912
insurer is listed on the quarterly listing of alien insurers 47913
maintained by the international insurers department of the 47914
national association of insurance commissioners. 47915

(B)(1) No surplus lines broker shall solicit, procure, place, 47916
or renew any insurance with an unauthorized insurer unless an 47917
agent or the surplus lines broker has complied with the due 47918
diligence requirements of this section and is unable to procure 47919
the requested insurance from an authorized insurer. 47920

Due diligence requires an agent to contact at least five of 47921
the authorized insurers the agent represents, or as many insurers 47922
as the agent represents, that customarily write the kind of 47923
insurance required by the insured. Due diligence is presumed if 47924
declinations are received from each authorized insurer contacted. 47925
If any authorized insurer fails to respond within ten days after 47926
the initial contact, the agent may assume the insurer has declined 47927
to accept the risk. 47928

(2) Due diligence shall only be performed by an agent 47929
licensed in this state that holds an active property and casualty 47930
insurance agent license. 47931

(3) An insurance agent or surplus lines broker is exempt from 47932
the due diligence requirements of this section if the agent or 47933
surplus lines broker is procuring insurance from a risk purchasing 47934
group or risk retention group as provided in Chapter 3960. of the 47935

Revised Code. 47936

(4) An insurance agent or surplus lines broker is exempt from 47937
the due diligence requirements of this section if the agent or 47938
surplus lines broker is seeking to procure or place unauthorized 47939
insurance for a person that qualifies as an exempt commercial 47940
purchaser under section 3905.331 of the Revised Code and both of 47941
the following are true: 47942

(a) The surplus lines broker procuring or placing the surplus 47943
lines insurance has disclosed to the exempt commercial purchaser 47944
that the insurance may or may not be available from the authorized 47945
market that may provide greater protection with more regulatory 47946
oversight. 47947

(b) After receipt of the disclosure required under division 47948
(B)(4)(a) of this section, the exempt commercial purchaser has 47949
requested in writing that the insurance agent or broker procure or 47950
place the insurance from an unauthorized insurer. 47951

(C) Except when exempt from due diligence requirements under 47952
division (B) of this section, an insurance agent who procures or 47953
places insurance through a surplus lines broker shall obtain ~~an~~ 47954
~~affidavit~~ a signed statement from the insured acknowledging that 47955
the insurance policy is to be placed with a company or insurer not 47956
authorized to do business in this state and acknowledging that, in 47957
the event of the insolvency of the insurer, the insured is not 47958
entitled to any benefits or proceeds from the Ohio insurance 47959
guaranty association. The ~~affidavit~~ statement must be on a form 47960
prescribed by the superintendent and need not be notarized. The 47961
agent shall submit the ~~originally executed affidavit~~ original 47962
signed statement to the surplus lines broker within thirty days 47963
after the effective date of the policy. If no other agent is 47964
involved, the surplus lines broker shall obtain the ~~affidavit~~ 47965
statement from the insured. 47966

The surplus lines broker shall maintain the ~~originally~~ 47967
~~executed affidavit~~ original signed statement or a copy of the 47968
~~affidavit~~ statement, and the originating agent shall keep a copy 47969
of the ~~affidavit~~ statement, for at least five years after the 47970
effective date of the policy to which the ~~affidavit~~ statement 47971
pertains. A copy of the ~~affidavit~~ signed statement shall be given 47972
to the insured at the time the insurance is bound or a policy is 47973
delivered. 47974

(D) For the purpose of carrying out the "Nonadmitted and 47975
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 47976
seq., or any successor or replacement law, the superintendent 47977
shall conduct a fiscal analysis of the impact of entering into a 47978
~~multi-state~~ multistate agreement or compact for determining 47979
eligibility for placement of unauthorized insurance and for 47980
payment, reporting, collection, and allocation of the tax on 47981
unauthorized insurance. If the fiscal analysis indicates that 47982
entering into a ~~multi-state~~ multistate agreement or compact is 47983
advantageous to this state, the superintendent may enter into the 47984
surplus lines insurance ~~multi-state~~ multistate compliance compact 47985
adopted by the national conference of insurance legislators and 47986
known as "SLIMPACT," as amended on December 21, 2010, and 47987
including any subsequent amendment; or, if it is in this state's 47988
financial best interest, the superintendent shall request that the 47989
general assembly authorize the superintendent to enter into a 47990
different ~~multi-state~~ multistate agreement or compact. 47991

(E) The superintendent may adopt rules in accordance with 47992
Chapter 119. of the Revised Code to carry out the purposes of 47993
sections 3905.30 to 3905.38 of the Revised Code. 47994

Sec. 3923.66. (A) As used in this section, "genetic screening 47995
or testing" has the same meaning as in section 1751.65 of the 47996
Revised Code. 47997

(B) No sickness and accident insurer issuing policies in this state and no public employee benefit plan shall do either of the following: 47998
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(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under a policy or plan or in determining insurability under such a policy or plan; 48001
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(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, limit benefits under, or set premiums for, a policy or plan. 48005
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(C) Any sickness and accident insurer that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code. 48009
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Sec. 3959.01. (A) "Administration fees" means any amount charged a covered person for services rendered. "Administration fees" includes commissions earned or paid by any person relative to services performed by an administrator. 48014
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(B) "Administrator" means any person who adjusts or settles claims on, residents of this state in connection with life, dental, health, prescription drugs, or disability insurance or self-insurance programs. "Administrator" includes a pharmacy benefit manager. "Administrator" does not include any of the following: 48018
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(1) An insurance agent or solicitor licensed in this state whose activities are limited exclusively to the sale of insurance and who does not provide any administrative services; 48024
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(2) Any person who administers or operates the workers' 48027

compensation program of a self-insuring employer under Chapter 4123. of the Revised Code; 48028
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(3) Any person who administers pension plans for the benefit of the person's own members or employees or administers pension plans for the benefit of the members or employees of any other person; 48030
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(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees; 48034
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(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 48038
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 48042
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 48047
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 48053
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~~(E)~~(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost 48057
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of the drug dispensed to a patient and does not include a 48059
dispensing or professional fee. 48060

(G) "Fiduciary" has the meaning set forth in section 48061
1002(21)(A) of the "Employee Retirement Income Security Act of 48062
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 48063

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period 48064
commencing on the date the plan is established and ending twelve 48065
months following that date, and each corresponding twelve-month 48066
accounting period thereafter as provided for in the summary plan 48067
description. 48068

~~(G)~~(I) "Insurer" means an entity authorized to do the 48069
business of insurance in this state or, for the purposes of this 48070
section, a health insuring corporation authorized to issue health 48071
care plans in this state. 48072

(J) "Managed care organization" means an entity that provides 48073
medical management and cost containment services and includes a 48074
medicaid managed care organization, as defined in section 5167.01 48075
of the Revised Code. 48076

(K) "Maximum allowable cost" means a maximum drug product 48077
reimbursement for an individual drug or for a group of 48078
therapeutically and pharmaceutically equivalent multiple source 48079
drugs that are listed in the United States food and drug 48080
administration's approved drug products with therapeutic 48081
equivalence evaluations, commonly referred to as the orange book. 48082

(L) "Maximum allowable cost list" means a list of the drugs 48083
for which a pharmacy benefit manager imposes a maximum allowable 48084
cost. 48085

(M) "Multiple employer welfare arrangement" has the same 48086
meaning as in section 1739.01 of the Revised Code. 48087

(N) "Pharmacy benefit manager" means an entity that contracts 48088

with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. 48089
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(O) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description. 48093
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~~(H)~~(P) "Plan sponsor" means the person who establishes the plan. "Plan sponsor" includes, with regard to a prescription drug plan, an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer that facilitates a health benefit plan that provides a drug benefit that is administered by a pharmacy benefit manager. 48096
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~~(I)~~(O) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses. 48103
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~~(J)~~(R) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum. 48110
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~~(K)~~(S) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder. 48115
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(T) "Third-party payer" has the same meaning as in section 48119

3901.38 of the Revised Code. 48120

Sec. 3959.111. (A)(1)(a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible. 48121
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(b) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace. 48131
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(2) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list: 48135
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(a) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by nationally recognized reference. 48139
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(b) The drug is generally available for purchase by pharmacies in this state from a national or regional wholesaler and is not obsolete. 48144
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(3) Each contract between a pharmacy benefit manager and a pharmacy shall include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that 48147
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<u>includes all of the following:</u>	48150
<u>(a) A twenty-one-day limit on the right to appeal following the initial claim;</u>	48151
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<u>(b) A requirement that the appeal be investigated and resolved within twenty-one days after the appeal;</u>	48153
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<u>(c) A telephone number at which the pharmacy may contact the pharmacy benefit manager to speak to a person responsible for processing appeals;</u>	48155
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<u>(d) A requirement that a pharmacy benefit manager provide a reason for any appeal denial and the identification of the national drug code of a drug that may be purchased in this state by the pharmacy in this state from a national or regional wholesaler at a price at or below the benchmark price determined by the pharmacy benefit manager;</u>	48158
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<u>(e) A requirement that a pharmacy benefit manager make an adjustment to a date related to a claim not later than one day after the date related to a claim and not later than one day after the date of determination of the appeal. The adjustment shall be retroactive to the date the appeal was made and shall apply to all situated pharmacies as determined by the pharmacy benefit manager. This requirement does not prohibit a pharmacy benefit manager from retroactively adjusting a claim for the appealing pharmacy or for any other similarly situated pharmacies.</u>	48164
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<u>(B)(1)(a) A pharmacy benefit manager shall disclose to the plan sponsor whether or not the pharmacy benefit manager uses the same maximum allowable cost list when billing a plan sponsor as it does when reimbursing a pharmacy.</u>	48173
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<u>(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.</u>	48177
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(2) The disclosures required under division (B)(1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or within ten days of any applicable update to a maximum allowable cost list or lists. 48181
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(C) Notwithstanding division (B)(5) of section 3959.01 of the Revised Code, a health insuring corporation or a sickness and accident insurer shall comply with the requirements of this section if the corporation or insurer is a pharmacy benefit manager, as defined in section 3959.01 of the Revised Code. 48186
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Sec. 4116.01. As used in ~~sections 4116.01 to 4116.04 of the Revised Code~~ this chapter: 48191
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(A) "~~Public authority~~ State agency" means any officer, board, or commission of the state, ~~or any political subdivision of the state, or any institution supported in whole or in part by public funds,~~ authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor, and includes a state institution of higher education. "~~Public authority~~" shall not mean any municipal corporation that has adopted a charter under sections three and seven of article XVIII of the Ohio Constitution, unless the specific contract for a public improvement includes state funds appropriated for the purposes of that public improvement. 48193
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(B) "Construction" means all of the following: 48204

(1) Any new construction of any public improvement performed by other than full-time employees who have completed their probationary periods in the classified service of a ~~public authority~~ state agency or political subdivision; 48205
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(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of any public improvement 48209
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performed by other than full-time employees who have completed 48211
their probationary period in the classified civil service of a 48212
~~public authority~~ state agency or political subdivision; 48213

(3) Construction on any project, facility, or project 48214
facility to which section 122.80, 166.02, or 1728.07 of the 48215
Revised Code applies; 48216

(4) Construction on any project as defined in section 122.39 48217
of the Revised Code, any project as defined in section 165.01 of 48218
the Revised Code, any energy resource development facility as 48219
defined in section 1551.01 of the Revised Code, or any project as 48220
defined in section 3706.01 of the Revised Code. 48221

(C) "Public improvement" means all buildings, roads, streets, 48222
alleys, sewers, ditches, sewage disposal plants, water works, and 48223
other structures or works constructed by a ~~public authority~~ state 48224
agency or political subdivision or by any person who, pursuant to 48225
a contract with a ~~public authority~~ state agency or political 48226
subdivision, constructs any structure or work for a ~~public~~ 48227
~~authority~~ state agency or political subdivision. When a ~~public~~ 48228
~~authority~~ state agency or political subdivision rents or leases a 48229
newly constructed structure within six months after completion of 48230
its construction, all work performed on that structure to suit it 48231
for occupancy by a ~~public authority~~ state agency or political 48232
subdivision is a "public improvement." 48233

(D) "Interested party," with respect to a particular public 48234
improvement, means all of the following: 48235

(1) Any person who submits a bid for the purpose of securing 48236
the award of a contract for the public improvement; 48237

(2) Any person acting as a subcontractor of a person 48238
mentioned in division (D)(1) of this section; 48239

(3) Any association having as members any of the persons 48240
mentioned in division (D)(1) or (2) of this section; 48241

(4) Any employee of a person mentioned in division (D)(1), 48242
(2), or (3) of this section; 48243

(5) Any individual who is a resident of the jurisdiction of 48244
the ~~public authority~~ state agency or political subdivision for 48245
whom products or services for a public improvement are being 48246
procured or for whom work on a public improvement is being 48247
performed. 48248

(E) "Political subdivision" has the same meaning as in 48249
section 9.23 of the Revised Code. 48250

(F) "State institution of higher education" has the same 48251
meaning as in section 3345.011 of the Revised Code. 48252

Sec. 4116.02. A ~~public authority~~ state agency, when engaged 48253
in procuring products or services, awarding contracts, or 48254
overseeing procurement or construction for public improvements 48255
undertaken by or on behalf of the state agency, shall ensure that 48256
bid specifications issued by the ~~public authority~~ state agency for 48257
the proposed public improvement, and any subsequent contract or 48258
other agreement for the public improvement to which the ~~public~~ 48259
~~authority~~ state agency and a contractor or subcontractor are 48260
direct parties, do not require or prohibit that a contractor or 48261
subcontractor ~~to~~ do any of the following: 48262

(A) Enter into agreements with any labor organization on the 48263
public improvement; 48264

(B) Enter into any agreement that requires the employees of 48265
that contractor or subcontractor to do either of the following as 48266
a condition of employment or continued employment: 48267

(1) Become members of or affiliated with a labor 48268
organization; 48269

(2) Pay dues or fees to a labor organization. 48270

Sec. 4116.03. No ~~public authority~~ state agency shall do any 48271
of the following: 48272

(A) Award a contract for a public improvement undertaken by 48273
or on behalf of the state agency in violation of section 4116.02 48274
of the Revised Code; 48275

(B) Discriminate against any bidder, contractor, or 48276
subcontractor for refusing or electing to become a party to any 48277
agreement with any labor organization on the public improvement 48278
undertaken by or on behalf of the state agency that currently is 48279
under bid or on projects related to that improvement; 48280

(C) Otherwise violate section 4116.02 of the Revised Code. 48281

Sec. 4116.031. No state funds shall be distributed for the 48282
purpose of the construction of a public improvement by or on 48283
behalf of a political subdivision, if the political subdivision, 48284
in procuring products or services, awarding contracts, or 48285
overseeing procurement or construction for public improvements 48286
undertaken by or on behalf of the political subdivision, requires 48287
in the bid specifications a contractor or subcontractor to enter 48288
into, or prohibits in the bid specifications a contractor or 48289
subcontractor from entering into, an agreement described in 48290
division (A) or (B) of section 4116.02 of the Revised Code. 48291

Sec. 4116.04. (A) An interested party may file a complaint 48292
against a ~~contracting public authority~~ state agency or political 48293
subdivision alleging a violation of section 4116.02 ~~or~~ 4116.03, 48294
or 4116.031 of the Revised Code within two years after the date on 48295
which the contract is signed for the public improvement in the 48296
court of common pleas of the county in which the public 48297
improvement is performed. The performance of the contract forms 48298
the basis of the allegation of a violation. The court in which the 48299
complaint is filed shall hear and decide the case and, upon a 48300

finding that a violation has occurred, shall void the contract and 48301
make any orders that will prevent further violations. 48302

The Rules of Civil Procedure govern all actions under this 48303
section. Any determination of a court under this section is 48304
subject to appellate review. 48305

(B) If, pursuant to this section, a court finds a violation 48306
of section 4116.02 ~~or~~, 4116.03, or 4116.031 of the Revised Code, 48307
the court may award reasonable attorney's fees, court costs, and 48308
any other fees incurred in the course of the civil action to the 48309
prevailing plaintiff. 48310

Sec. 4117.01. As used in this chapter: 48311

(A) "Person," in addition to those included in division (C) 48312
of section 1.59 of the Revised Code, includes employee 48313
organizations, public employees, and public employers. 48314

(B) "Public employer" means the state or any political 48315
subdivision of the state located entirely within the state, 48316
including, without limitation, any municipal corporation with a 48317
population of at least five thousand according to the most recent 48318
federal decennial census; county; township with a population of at 48319
least five thousand in the unincorporated area of the township 48320
according to the most recent federal decennial census; school 48321
district; governing authority of a community school established 48322
under Chapter 3314. of the Revised Code; college preparatory 48323
boarding school established under Chapter 3328. of the Revised 48324
Code or its operator; state institution of higher learning; public 48325
or special district; state agency, authority, commission, or 48326
board; or other branch of public employment. "Public employer" 48327
does not include the nonprofit corporation formed under section 48328
187.01 of the Revised Code. 48329

(C) "Public employee" means any person holding a position by 48330

appointment or employment in the service of a public employer, 48331
including any person working pursuant to a contract between a 48332
public employer and a private employer and over whom the national 48333
labor relations board has declined jurisdiction on the basis that 48334
the involved employees are employees of a public employer, except: 48335

(1) Persons holding elective office; 48336

(2) Employees of the general assembly and employees of any 48337
other legislative body of the public employer whose principal 48338
duties are directly related to the legislative functions of the 48339
body; 48340

(3) Employees on the staff of the governor or the chief 48341
executive of the public employer whose principal duties are 48342
directly related to the performance of the executive functions of 48343
the governor or the chief executive; 48344

(4) Persons who are members of the Ohio organized militia, 48345
while training or performing duty under section 5919.29 or 5923.12 48346
of the Revised Code; 48347

(5) Employees of the state employment relations board, 48348
including those employees of the state employment relations board 48349
utilized by the state personnel board of review in the exercise of 48350
the powers and the performance of the duties and functions of the 48351
state personnel board of review; 48352

(6) Confidential employees; 48353

(7) Management level employees; 48354

(8) Employees and officers of the courts, assistants to the 48355
attorney general, assistant prosecuting attorneys, and employees 48356
of the clerks of courts who perform a judicial function; 48357

(9) Employees of a public official who act in a fiduciary 48358
capacity, appointed pursuant to section 124.11 of the Revised 48359
Code; 48360

(10) Supervisors;	48361
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	48362 48363 48364 48365 48366
(12) Employees of county boards of election;	48367
(13) Seasonal and casual employees as determined by the state employment relations board;	48368 48369
(14) Part-time faculty members of an institution of higher education;	48370 48371
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	48372 48373 48374 48375 48376 48377
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	48378 48379 48380
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	48381 48382 48383 48384
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	48385 48386 48387 48388 48389
(E) "Exclusive representative" means the employee	48390

organization certified or recognized as an exclusive 48391
representative under section 4117.05 of the Revised Code. 48392

(F) "Supervisor" means any individual who has authority, in 48393
the interest of the public employer, to hire, transfer, suspend, 48394
lay off, recall, promote, discharge, assign, reward, or discipline 48395
other public employees; to responsibly direct them; to adjust 48396
their grievances; or to effectively recommend such action, if the 48397
exercise of that authority is not of a merely routine or clerical 48398
nature, but requires the use of independent judgment, provided 48399
that: 48400

(1) Employees of school districts who are department 48401
chairpersons or consulting teachers shall not be deemed 48402
supervisors. 48403

(2) With respect to members of a police or fire department, 48404
no person shall be deemed a supervisor except the chief of the 48405
department or those individuals who, in the absence of the chief, 48406
are authorized to exercise the authority and perform the duties of 48407
the chief of the department. Where prior to June 1, 1982, a public 48408
employer pursuant to a judicial decision, rendered in litigation 48409
to which the public employer was a party, has declined to engage 48410
in collective bargaining with members of a police or fire 48411
department on the basis that those members are supervisors, those 48412
members of a police or fire department do not have the rights 48413
specified in this chapter for the purposes of future collective 48414
bargaining. The state employment relations board shall decide all 48415
disputes concerning the application of division (F)(2) of this 48416
section. 48417

(3) With respect to faculty members of a state institution of 48418
higher education, heads of departments or divisions are 48419
supervisors; however, no other faculty member or group of faculty 48420
members is a supervisor solely because the faculty member or group 48421
of faculty members participate in decisions with respect to 48422

courses, curriculum, personnel, or other matters of academic 48423
policy+ 48424

(4) No teacher as defined in section 3319.09 of the Revised 48425
Code shall be designated as a supervisor or a management level 48426
employee unless the teacher is employed under a contract governed 48427
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 48428
is assigned to a position for which a license deemed to be for 48429
administrators under state board rules is required pursuant to 48430
section 3319.22 of the Revised Code. 48431

(G) "To bargain collectively" means to perform the mutual 48432
obligation of the public employer, by its representatives, and the 48433
representatives of its employees to negotiate in good faith at 48434
reasonable times and places with respect to wages, hours, terms, 48435
and other conditions of employment and the continuation, 48436
modification, or deletion of an existing provision of a collective 48437
bargaining agreement, with the intention of reaching an agreement, 48438
or to resolve questions arising under the agreement. "To bargain 48439
collectively" includes executing a written contract incorporating 48440
the terms of any agreement reached. The obligation to bargain 48441
collectively does not mean that either party is compelled to agree 48442
to a proposal nor does it require the making of a concession. 48443

(H) "Strike" means continuous concerted action in failing to 48444
report to duty; willful absence from one's position; or stoppage 48445
of work in whole from the full, faithful, and proper performance 48446
of the duties of employment, for the purpose of inducing, 48447
influencing, or coercing a change in wages, hours, terms, and 48448
other conditions of employment. "Strike" does not include a 48449
stoppage of work by employees in good faith because of dangerous 48450
or unhealthful working conditions at the place of employment that 48451
are abnormal to the place of employment. 48452

(I) "Unauthorized strike" includes, but is not limited to, 48453
concerted action during the term or extended term of a collective 48454

bargaining agreement or during the pendency of the settlement 48455
procedures set forth in section 4117.14 of the Revised Code in 48456
failing to report to duty; willful absence from one's position; 48457
stoppage of work; slowdown, or abstinence in whole or in part from 48458
the full, faithful, and proper performance of the duties of 48459
employment for the purpose of inducing, influencing, or coercing a 48460
change in wages, hours, terms, and other conditions of employment. 48461
"Unauthorized strike" includes any such action, absence, stoppage, 48462
slowdown, or abstinence when done partially or intermittently, 48463
whether during or after the expiration of the term or extended 48464
term of a collective bargaining agreement or during or after the 48465
pendency of the settlement procedures set forth in section 4117.14 48466
of the Revised Code. 48467

(J) "Professional employee" means any employee engaged in 48468
work that is predominantly intellectual, involving the consistent 48469
exercise of discretion and judgment in its performance and 48470
requiring knowledge of an advanced type in a field of science or 48471
learning customarily acquired by a prolonged course in an 48472
institution of higher learning or a hospital, as distinguished 48473
from a general academic education or from an apprenticeship; or an 48474
employee who has completed the courses of specialized intellectual 48475
instruction and is performing related work under the supervision 48476
of a professional person to become qualified as a professional 48477
employee. 48478

(K) "Confidential employee" means any employee who works in 48479
the personnel offices of a public employer and deals with 48480
information to be used by the public employer in collective 48481
bargaining; or any employee who works in a close continuing 48482
relationship with public officers or representatives directly 48483
participating in collective bargaining on behalf of the employer. 48484

(L) "Management level employee" means an individual who 48485
formulates policy on behalf of the public employer, who 48486

responsibly directs the implementation of policy, or who may 48487
reasonably be required on behalf of the public employer to assist 48488
in the preparation for the conduct of collective negotiations, 48489
administer collectively negotiated agreements, or have a major 48490
role in personnel administration. Assistant superintendents, 48491
principals, and assistant principals whose employment is governed 48492
by section 3319.02 of the Revised Code are management level 48493
employees. With respect to members of a faculty of a state 48494
institution of higher education, no person is a management level 48495
employee because of the person's involvement in the formulation or 48496
implementation of academic or institution policy. 48497

(M) "Wages" means hourly rates of pay, salaries, or other 48498
forms of compensation for services rendered. 48499

(N) "Member of a police department" means a person who is in 48500
the employ of a police department of a municipal corporation as a 48501
full-time regular police officer as the result of an appointment 48502
from a duly established civil service eligibility list or under 48503
section 737.15 or 737.16 of the Revised Code, a full-time deputy 48504
sheriff appointed under section 311.04 of the Revised Code, a 48505
township constable appointed under section 509.01 of the Revised 48506
Code, or a member of a township or joint police district police 48507
department appointed under section 505.49 of the Revised Code. 48508

(O) "Members of the state highway patrol" means highway 48509
patrol troopers and radio operators appointed under section 48510
5503.01 of the Revised Code. 48511

(P) "Member of a fire department" means a person who is in 48512
the employ of a fire department of a municipal corporation or a 48513
township as a fire cadet, full-time regular firefighter, or 48514
promoted rank as the result of an appointment from a duly 48515
established civil service eligibility list or under section 48516
505.38, 709.012, or 737.22 of the Revised Code. 48517

(Q) "Day" means calendar day. 48518

Sec. 4121.03. (A) The governor shall appoint from among the 48519
members of the industrial commission the chairperson of the 48520
industrial commission. The chairperson shall serve as chairperson 48521
at the pleasure of the governor. The chairperson is the head of 48522
the commission and its chief executive officer. 48523

(B) The chairperson shall appoint, after consultation with 48524
other commission members and obtaining the approval of at least 48525
one other commission member, an executive director of the 48526
commission. The executive director shall serve at the pleasure of 48527
the chairperson. The executive director, under the direction of 48528
the chairperson, shall perform all of the following duties: 48529

(1) Act as chief administrative officer for the commission; 48530

(2) Ensure that all commission personnel follow the rules of 48531
the commission; 48532

(3) Ensure that all orders, awards, and determinations are 48533
properly heard and signed, prior to attesting to the documents; 48534

(4) Coordinate, to the fullest extent possible, commission 48535
activities with the bureau of workers' compensation activities; 48536

(5) Do all things necessary for the efficient and effective 48537
implementation of the duties of the commission. 48538

The responsibilities assigned to the executive director of 48539
the commission do not relieve the chairperson from final 48540
responsibility for the proper performance of the acts specified in 48541
this division. 48542

(C) The chairperson shall do all of the following: 48543

(1) Except as otherwise provided in this division, employ, 48544
promote, supervise, remove, and establish the compensation of all 48545
employees as needed in connection with the performance of the 48546

commission's duties under this chapter and Chapters 4123., 4127., 48547
and 4131. of the Revised Code and may assign to them their duties 48548
to the extent necessary to achieve the most efficient performance 48549
of its functions, and to that end may establish, change, or 48550
abolish positions, and assign and reassign duties and 48551
responsibilities of every employee of the commission. The civil 48552
service status of any person employed by the commission prior to 48553
November 3, 1989, is not affected by this section. Personnel 48554
employed by the bureau or the commission who are subject to 48555
Chapter 4117. of the Revised Code shall retain all of their rights 48556
and benefits conferred pursuant to that chapter as it presently 48557
exists or is hereafter amended and nothing in this chapter or 48558
Chapter 4123. of the Revised Code shall be construed as 48559
eliminating or interfering with Chapter 4117. of the Revised Code 48560
or the rights and benefits conferred under that chapter to public 48561
employees or to any bargaining unit. 48562

(2) Hire district and staff hearing officers after 48563
consultation with other commission members and obtaining the 48564
approval of at least one other commission member; 48565

(3) Fire staff and district hearing officers when the 48566
chairperson finds appropriate after obtaining the approval of at 48567
least one other commission member; 48568

(4) Maintain the office for the commission in Columbus; 48569

(5) To the maximum extent possible, use electronic data 48570
processing equipment for the issuance of orders immediately 48571
following a hearing, scheduling of hearings and medical 48572
examinations, tracking of claims, retrieval of information, and 48573
any other matter within the commission's jurisdiction, and shall 48574
provide and input information into the electronic data processing 48575
equipment as necessary to effect the success of the claims 48576
tracking system established pursuant to division (B)~~(15)~~(14) of 48577
section 4121.121 of the Revised Code; 48578

(6) Exercise all administrative and nonadjudicatory powers 48579
and duties conferred upon the commission by Chapters 4121., 4123., 48580
4127., and 4131. of the Revised Code; 48581

(7) Approve all contracts for special services. 48582

(D) The chairperson is responsible for all administrative 48583
matters and may secure for the commission facilities, equipment, 48584
and supplies necessary to house the commission, any employees, and 48585
files and records under the commission's control and to discharge 48586
any duty imposed upon the commission by law, the expense thereof 48587
to be audited and paid in the same manner as other state expenses. 48588
For that purpose, the chairperson, separately from the budget 48589
prepared by the administrator of workers' compensation, shall 48590
prepare and submit to the office of budget and management a budget 48591
for each biennium according to sections 101.532 and 107.03 of the 48592
Revised Code. The budget submitted shall cover the costs of the 48593
commission and staff and district hearing officers in the 48594
discharge of any duty imposed upon the chairperson, the 48595
commission, and hearing officers by law. 48596

(E) A majority of the commission constitutes a quorum to 48597
transact business. No vacancy impairs the rights of the remaining 48598
members to exercise all of the powers of the commission, so long 48599
as a majority remains. Any investigation, inquiry, or hearing that 48600
the commission may hold or undertake may be held or undertaken by 48601
or before any one member of the commission, or before one of the 48602
deputies of the commission, except as otherwise provided in this 48603
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 48604
Every order made by a member, or by a deputy, when approved and 48605
confirmed by a majority of the members, and so shown on its record 48606
of proceedings, is the order of the commission. The commission may 48607
hold sessions at any place within the state. The commission is 48608
responsible for all of the following: 48609

(1) Establishing the overall adjudicatory policy and 48610

management of the commission under this chapter and Chapters 48611
4123., 4127., and 4131. of the Revised Code, except for those 48612
administrative matters within the jurisdiction of the chairperson, 48613
bureau of workers' compensation, and the administrator of workers' 48614
compensation under those chapters; 48615

(2) Hearing appeals and reconsiderations under this chapter 48616
and Chapters 4123., 4127., and 4131. of the Revised Code; 48617

(3) Engaging in rulemaking where required by this chapter or 48618
Chapter 4123., 4127., or 4131. of the Revised Code. 48619

Sec. 4121.121. (A) There is hereby created the bureau of 48620
workers' compensation, which shall be administered by the 48621
administrator of workers' compensation. A person appointed to the 48622
position of administrator shall possess significant management 48623
experience in effectively managing an organization or 48624
organizations of substantial size and complexity. A person 48625
appointed to the position of administrator also shall possess a 48626
minimum of five years of experience in the field of workers' 48627
compensation insurance or in another insurance industry, except as 48628
otherwise provided when the conditions specified in division (C) 48629
of this section are satisfied. The governor shall appoint the 48630
administrator as provided in section 121.03 of the Revised Code, 48631
and the administrator shall serve at the pleasure of the governor. 48632
The governor shall fix the administrator's salary on the basis of 48633
the administrator's experience and the administrator's 48634
responsibilities and duties under this chapter and Chapters 4123., 48635
4125., 4127., 4131., and 4167. of the Revised Code. The governor 48636
shall not appoint to the position of administrator any person who 48637
has, or whose spouse has, given a contribution to the campaign 48638
committee of the governor in an amount greater than one thousand 48639
dollars during the two-year period immediately preceding the date 48640
of the appointment of the administrator. 48641

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

(B) The administrator is responsible for the management of the bureau and for the discharge of all administrative duties imposed upon the administrator in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, and in the discharge thereof shall do all of the following:

(1) Perform all acts and exercise all authorities and powers, discretionary and otherwise that are required of or vested in the bureau or any of its employees in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, except the acts and the exercise of authority and power that is required of and vested in the bureau of workers' compensation board of directors or the industrial commission pursuant to those chapters. The treasurer of state shall honor all warrants signed by the administrator, or by one or more of the administrator's employees, authorized by the administrator in writing, or bearing the facsimile signature of the administrator or such employee under sections 4123.42 and 4123.44 of the Revised Code.

(2) Employ, direct, and supervise all employees required in connection with the performance of the duties assigned to the bureau by this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, including an actuary, and may establish job classification plans and compensation for all employees of the bureau provided that this grant of authority

shall not be construed as affecting any employee for whom the 48674
state employment relations board has established an appropriate 48675
bargaining unit under section 4117.06 of the Revised Code. All 48676
positions of employment in the bureau are in the classified civil 48677
service except those employees the administrator may appoint to 48678
serve at the administrator's pleasure in the unclassified civil 48679
service pursuant to section 124.11 of the Revised Code. The 48680
administrator shall fix the salaries of employees the 48681
administrator appoints to serve at the administrator's pleasure, 48682
including the chief operating officer, staff physicians, and other 48683
senior management personnel of the bureau and shall establish the 48684
compensation of staff attorneys of the bureau's legal section and 48685
their immediate supervisors, and take whatever steps are necessary 48686
to provide adequate compensation for other staff attorneys. 48687

The administrator may appoint a person who holds a certified 48688
position in the classified service within the bureau to a position 48689
in the unclassified service within the bureau. A person appointed 48690
pursuant to this division to a position in the unclassified 48691
service shall retain the right to resume the position and status 48692
held by the person in the classified service immediately prior to 48693
the person's appointment in the unclassified service, regardless 48694
of the number of positions the person held in the unclassified 48695
service. An employee's right to resume a position in the 48696
classified service may only be exercised when the administrator 48697
demotes the employee to a pay range lower than the employee's 48698
current pay range or revokes the employee's appointment to the 48699
unclassified service. An employee forfeits the right to resume a 48700
position in the classified service when the employee is removed 48701
from the position in the unclassified service due to incompetence, 48702
inefficiency, dishonesty, drunkenness, immoral conduct, 48703
insubordination, discourteous treatment of the public, neglect of 48704
duty, violation of this chapter or Chapter 124., 4123., 4125., 48705
4127., 4131., or 4167. of the Revised Code, violation of the rules 48706

of the director of administrative services or the administrator, 48707
any other failure of good behavior, any other acts of misfeasance, 48708
malfeasance, or nonfeasance in office, or conviction of a felony. 48709
An employee also forfeits the right to resume a position in the 48710
classified service upon transfer to a different agency. 48711

Reinstatement to a position in the classified service shall 48712
be to a position substantially equal to that position in the 48713
classified service held previously, as certified by the department 48714
of administrative services. If the position the person previously 48715
held in the classified service has been placed in the unclassified 48716
service or is otherwise unavailable, the person shall be appointed 48717
to a position in the classified service within the bureau that the 48718
director of administrative services certifies is comparable in 48719
compensation to the position the person previously held in the 48720
classified service. Service in the position in the unclassified 48721
service shall be counted as service in the position in the 48722
classified service held by the person immediately prior to the 48723
person's appointment in the unclassified service. When a person is 48724
reinstated to a position in the classified service as provided in 48725
this division, the person is entitled to all rights, status, and 48726
benefits accruing to the position during the person's time of 48727
service in the position in the unclassified service. 48728

(3) Reorganize the work of the bureau, its sections, 48729
departments, and offices to the extent necessary to achieve the 48730
most efficient performance of its functions and to that end may 48731
establish, change, or abolish positions and assign and reassign 48732
duties and responsibilities of every employee of the bureau. All 48733
persons employed by the commission in positions that, after 48734
November 3, 1989, are supervised and directed by the administrator 48735
under this section are transferred to the bureau in their 48736
respective classifications but subject to reassignment and 48737
reclassification of position and compensation as the administrator 48738

determines to be in the interest of efficient administration. The 48739
civil service status of any person employed by the commission is 48740
not affected by this section. Personnel employed by the bureau or 48741
the commission who are subject to Chapter 4117. of the Revised 48742
Code shall retain all of their rights and benefits conferred 48743
pursuant to that chapter as it presently exists or is hereafter 48744
amended and nothing in this chapter or Chapter 4123. of the 48745
Revised Code shall be construed as eliminating or interfering with 48746
Chapter 4117. of the Revised Code or the rights and benefits 48747
conferred under that chapter to public employees or to any 48748
bargaining unit. 48749

(4) Provide offices, equipment, supplies, and other 48750
facilities for the bureau. 48751

(5) Prepare and submit to the board information the 48752
administrator considers pertinent or the board requires, together 48753
with the administrator's recommendations, in the form of 48754
administrative rules, for the advice and consent of the board, for 48755
classifications of occupations or industries, for premium rates 48756
and contributions, for the amount to be credited to the surplus 48757
fund, for rules and systems of rating, rate revisions, and merit 48758
rating. The administrator shall obtain, prepare, and submit any 48759
other information the board requires for the prompt and efficient 48760
discharge of its duties. 48761

(6) Keep the accounts required by division (A) of section 48762
4123.34 of the Revised Code and all other accounts and records 48763
necessary to the collection, administration, and distribution of 48764
the workers' compensation funds and shall obtain the statistical 48765
and other information required by section 4123.19 of the Revised 48766
Code. 48767

(7) Exercise the investment powers vested in the 48768
administrator by section 4123.44 of the Revised Code in accordance 48769
with the investment policy approved by the board pursuant to 48770

section 4121.12 of the Revised Code and in consultation with the 48771
chief investment officer of the bureau of workers' compensation. 48772
The administrator shall not engage in any prohibited investment 48773
activity specified by the board pursuant to division (F)(9) of 48774
section 4121.12 of the Revised Code and shall not invest in any 48775
type of investment specified in divisions (B)(1) to (10) of 48776
section 4123.442 of the Revised Code. All business shall be 48777
transacted, all funds invested, all warrants for money drawn and 48778
payments made, and all cash and securities and other property 48779
held, in the name of the bureau, or in the name of its nominee, 48780
provided that nominees are authorized by the administrator solely 48781
for the purpose of facilitating the transfer of securities, and 48782
restricted to the administrator and designated employees. 48783

~~(8) Make contracts for and supervise the construction of any 48784
project or improvement or the construction or repair of buildings 48785
under the control of the bureau. 48786~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 48787
Code, purchase supplies, materials, equipment, and services; ~~make~~ 48788
~~contracts for, operate, and superintend the telephone, other~~ 48789
~~telecommunication, and computer services for the use of the~~ 48790
~~bureau; and make contracts in connection with office reproduction,~~ 48791
~~forms management, printing, and other services. Notwithstanding~~ 48792
~~sections 125.12 to 125.14 of the Revised Code, the administrator~~ 48793
~~may transfer surplus computers and computer equipment directly to~~ 48794
~~an accredited public school within the state. The computers and~~ 48795
~~computer equipment may be repaired or refurbished prior to the~~ 48796
~~transfer. 48797~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 48798
internal operating purposes for the board's approval. The 48799
administrator also shall, separately from the budget the 48800
industrial commission submits, prepare and submit to the director 48801
of budget and management a budget for each biennium. The budgets 48802

submitted to the board and the director shall include estimates of 48803
the costs and necessary expenditures of the bureau in the 48804
discharge of any duty imposed by law. 48805

~~(11)~~(10) As promptly as possible in the course of efficient 48806
administration, decentralize and relocate such of the personnel 48807
and activities of the bureau as is appropriate to the end that the 48808
receipt, investigation, determination, and payment of claims may 48809
be undertaken at or near the place of injury or the residence of 48810
the claimant and for that purpose establish regional offices, in 48811
such places as the administrator considers proper, capable of 48812
discharging as many of the functions of the bureau as is 48813
practicable so as to promote prompt and efficient administration 48814
in the processing of claims. All active and inactive lost-time 48815
claims files shall be held at the service office responsible for 48816
the claim. A claimant, at the claimant's request, shall be 48817
provided with information by telephone as to the location of the 48818
file pertaining to the claimant's claim. The administrator shall 48819
ensure that all service office employees report directly to the 48820
director for their service office. 48821

~~(12)~~(11) Provide a written binder on new coverage where the 48822
administrator considers it to be in the best interest of the risk. 48823
The administrator, or any other person authorized by the 48824
administrator, shall grant the binder upon submission of a request 48825
for coverage by the employer. A binder is effective for a period 48826
of thirty days from date of issuance and is nonrenewable. Payroll 48827
reports and premium charges shall coincide with the effective date 48828
of the binder. 48829

~~(13)~~(12) Set standards for the reasonable and maximum 48830
handling time of claims payment functions, ensure, by rules, the 48831
impartial and prompt treatment of all claims and employer risk 48832
accounts, and establish a secure, accurate method of time stamping 48833
all incoming mail and documents hand delivered to bureau 48834

employees. 48835

~~(14)~~(13) Ensure that all employees of the bureau follow the 48836
orders and rules of the commission as such orders and rules relate 48837
to the commission's overall adjudicatory policy-making and 48838
management duties under this chapter and Chapters 4123., 4127., 48839
and 4131. of the Revised Code. 48840

~~(15)~~(14) Manage and operate a data processing system with a 48841
common data base for the use of both the bureau and the commission 48842
and, in consultation with the commission, using electronic data 48843
processing equipment, shall develop a claims tracking system that 48844
is sufficient to monitor the status of a claim at any time and 48845
that lists appeals that have been filed and orders or 48846
determinations that have been issued pursuant to section 4123.511 48847
or 4123.512 of the Revised Code, including the dates of such 48848
filings and issuances. 48849

~~(16)~~(15) Establish and maintain a medical section within the 48850
bureau. The medical section shall do all of the following: 48851

(a) Assist the administrator in establishing standard medical 48852
fees, approving medical procedures, and determining eligibility 48853
and reasonableness of the compensation payments for medical, 48854
hospital, and nursing services, and in establishing guidelines for 48855
payment policies which recognize usual, customary, and reasonable 48856
methods of payment for covered services; 48857

(b) Provide a resource to respond to questions from claims 48858
examiners for employees of the bureau; 48859

(c) Audit fee bill payments; 48860

(d) Implement a program to utilize, to the maximum extent 48861
possible, electronic data processing equipment for storage of 48862
information to facilitate authorizations of compensation payments 48863
for medical, hospital, drug, and nursing services; 48864

(e) Perform other duties assigned to it by the administrator. 48865

~~(17)~~(16) Appoint, as the administrator determines necessary, 48866
panels to review and advise the administrator on disputes arising 48867
over a determination that a health care service or supply provided 48868
to a claimant is not covered under this chapter or Chapter 4123., 48869
4127., or 4131. of the Revised Code or is medically unnecessary. 48870
If an individual health care provider is involved in the dispute, 48871
the panel shall consist of individuals licensed pursuant to the 48872
same section of the Revised Code as such health care provider. 48873

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 48874
approve applications for the final settlement of claims for 48875
compensation or benefits under this chapter and Chapters 4123., 48876
4127., and 4131. of the Revised Code as the administrator 48877
determines appropriate, except in regard to the applications of 48878
self-insuring employers and their employees. 48879

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 48880
except in regard to contracts entered into pursuant to the 48881
authority contained in section 4121.44 of the Revised Code, comply 48882
with the competitive bidding procedures set forth in the Revised 48883
Code for all contracts into which the administrator enters 48884
provided that those contracts fall within the type of contracts 48885
and dollar amounts specified in the Revised Code for competitive 48886
bidding and further provided that those contracts are not 48887
otherwise specifically exempt from the competitive bidding 48888
procedures contained in the Revised Code. 48889

~~(20)~~(19) Adopt, with the advice and consent of the board, 48890
rules for the operation of the bureau. 48891

~~(21)~~(20) Prepare and submit to the board information the 48892
administrator considers pertinent or the board requires, together 48893
with the administrator's recommendations, in the form of 48894
administrative rules, for the advice and consent of the board, for 48895

the health partnership program and the qualified health plan 48896
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 48897
the Revised Code. 48898

(C) The administrator, with the advice and consent of the 48899
senate, shall appoint a chief operating officer who has a minimum 48900
of five years of experience in the field of workers' compensation 48901
insurance or in another similar insurance industry if the 48902
administrator does not possess such experience. The chief 48903
operating officer shall not commence the chief operating officer's 48904
duties until after the senate consents to the chief operating 48905
officer's appointment. The chief operating officer shall serve in 48906
the unclassified civil service of the state. 48907

Sec. 4123.322. (A) The administrator of workers' 48908
compensation, with the advice and consent of the bureau of 48909
workers' compensation board of directors, shall adopt rules 48910
establishing a prospective payment system, which shall include all 48911
of the following: 48912

(1) A requirement that upon an initial application for 48913
coverage, a private employer shall file with the application an 48914
estimate of the employer's payroll for the period the 48915
administrator determines pursuant to rules the administrator 48916
adopts, and shall pay the amount the administrator determines by 48917
rule in order to establish coverage for the employer as described 48918
in division (B)(12) of section 4121.121 of the Revised Code; 48919

(2) A requirement that upon an initial application for 48920
coverage, a public employer, except for a state agency or state 48921
university or college, shall file with the application an estimate 48922
of the employer's payroll for the period the administrator 48923
determines pursuant to rules the administrator adopts, and shall 48924
pay the amount the administrator determines by rule in order to 48925
establish coverage for the employer as described in division 48926

(B) (12) (11) of section 4121.121 of the Revised Code;	48927
(3) A requirement that an employer complete periodic payroll reports of actual expenditures for previous coverage periods for reconciliation with estimated payroll reports;	48928 48929 48930
(4) The assessment of a penalty for late payroll reconciliation reports and for late payment of any reconciliation premium;	48931 48932 48933
(5) The establishment of a transition period during which time the bureau shall determine the adequacy of existing premium security deposits of employers, the establishment of provisions for additional premium payments during that transition, the provision of a credit of those deposits toward the first premium due from an employer under the rules adopted under divisions (A)(1) to (4) of this section, and the establishment of penalties for late payment or failure to comply with the rules.	48934 48935 48936 48937 48938 48939 48940 48941
(B) For purposes of division (A)(3) of this section, an employer shall make timely payment of any premium owed when actual payroll expenditures exceeded estimated payroll, and the employer shall receive premium credit when the estimated payroll exceeded the actual payroll.	48942 48943 48944 48945 48946
(C) For purposes of division (A)(4) of this section, if the employer's actual payroll substantially exceeds the estimated payroll, the administrator may assess additional penalties specified in rules the administrator adopts on the reconciliation premium.	48947 48948 48949 48950 48951
(D) As used in this section, "state university or college" has the same meaning as in section 4123.32 of the Revised Code.	48952 48953
Sec. 4301.01. (A) As used in the Revised Code:	48954
(1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per	48955 48956

cent or more of alcohol by volume which are fit to use for 48957
beverage purposes, from whatever source and by whatever process 48958
produced, by whatever name called, and whether they are medicated, 48959
proprietary, or patented. "Intoxicating liquor" and "liquor" 48960
include cider and alcohol, and all solids and confections which 48961
contain one-half of one per cent or more of alcohol by volume. 48962

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 48963
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 48964
Revised Code, "sale" and "sell" include exchange, barter, gift, 48965
offer for sale, sale, distribution and delivery of any kind, and 48966
the transfer of title or possession of beer and intoxicating 48967
liquor either by constructive or actual delivery by any means or 48968
devices whatever, including the sale of beer or intoxicating 48969
liquor by means of a controlled access alcohol and beverage 48970
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 48971
and "sell" do not include the mere solicitation of orders for beer 48972
or intoxicating liquor from the holders of permits issued by the 48973
division of liquor control authorizing the sale of the beer or 48974
intoxicating liquor, but no solicitor shall solicit any such 48975
orders until the solicitor has been registered with the division 48976
pursuant to section 4303.25 of the Revised Code. 48977

(3) "Vehicle" includes all means of transportation by land, 48978
by water, or by air, and everything made use of in any way for 48979
such transportation. 48980

(B) As used in this chapter: 48981

(1) "Alcohol" means ethyl alcohol, whether rectified or 48982
diluted with water or not, whatever its origin may be, and 48983
includes synthetic ethyl alcohol. "Alcohol" does not include 48984
denatured alcohol and wood alcohol. 48985

(2) "Beer" includes all beverages brewed or fermented wholly 48986
or in part from malt products and containing one-half of one per 48987

cent or more, but not more than twelve per cent, of alcohol by 48988
volume. 48989

(3) "Wine" includes all liquids fit to use for beverage 48990
purposes containing not less than one-half of one per cent of 48991
alcohol by volume and not more than twenty-one per cent of alcohol 48992
by volume, which is made from the fermented juices of grapes, 48993
fruits, or other agricultural products, except that as used in 48994
sections 4301.13, 4301.421, 4301.422, 4301.425, 4301.432, and 48995
4301.44 of the Revised Code, and, for purposes of determining the 48996
rate of the tax that applies, division (B) of section 4301.43 of 48997
the Revised Code, "wine" does not include cider. 48998

(4) "Mixed beverages" include bottled and prepared cordials, 48999
cocktails, highballs, and solids and confections that are obtained 49000
by mixing any type of whiskey, neutral spirits, brandy, gin, or 49001
other distilled spirits with, or over, carbonated or plain water, 49002
pure juices from flowers and plants, and other flavoring 49003
materials. The completed product shall contain not less than 49004
one-half of one per cent of alcohol by volume and not more than 49005
twenty-one per cent of alcohol by volume. 49006

(5) "Spirituous liquor" includes all intoxicating liquors 49007
containing more than twenty-one per cent of alcohol by volume. 49008

(6) "Sealed container" means any container having a capacity 49009
of not more than one hundred twenty-eight fluid ounces, the 49010
opening of which is closed to prevent the entrance of air. 49011

(7) "Person" includes firms and corporations. 49012

(8) "Manufacture" includes all processes by which beer or 49013
intoxicating liquor is produced, whether by distillation, 49014
rectifying, fortifying, blending, fermentation, or brewing, or in 49015
any other manner. 49016

(9) "Manufacturer" means any person engaged in the business 49017
of manufacturing beer or intoxicating liquor. 49018

(10) "Wholesale distributor" and "distributor" means a person engaged in the business of selling to retail dealers for purposes of resale.

(11) "Hotel" has the same meaning as in section 3731.01 of the Revised Code, subject to the exceptions mentioned in section 3731.03 of the Revised Code.

(12) "Restaurant" means a place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. "Restaurant" does not include pharmacies, confectionery stores, lunch stands, night clubs, and filling stations.

(13) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, lessor, or occupant of a permanent building or part of a permanent building operated solely for those purposes, membership in which entails the prepayment of regular dues, and includes the place so operated.

(14) "Night club" means a place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons.

(15) "At retail" means for use or consumption by the purchaser and not for resale.

(16) "Pharmacy" means an establishment, as defined in section 4729.01 of the Revised Code, that is under the management or control of a licensed pharmacist in accordance with section

4729.27 of the Revised Code. 49050

(17) "Enclosed shopping center" means a group of retail sales 49051
and service business establishments that face into an enclosed 49052
mall, share common ingress, egress, and parking facilities, and 49053
are situated on a tract of land that contains an area of not less 49054
than five hundred thousand square feet. "Enclosed shopping center" 49055
also includes not more than one business establishment that is 49056
located within a free-standing building on such a tract of land, 49057
so long as the sale of beer and intoxicating liquor on the tract 49058
of land was approved in an election held under former section 49059
4301.353 of the Revised Code. 49060

(18) "Controlled access alcohol and beverage cabinet" means a 49061
closed container, either refrigerated, in whole or in part, or 49062
nonrefrigerated, access to the interior of which is restricted by 49063
means of a device that requires the use of a key, magnetic card, 49064
or similar device and from which beer, intoxicating liquor, other 49065
beverages, or food may be sold. 49066

(19) "Community facility" means either of the following: 49067

(a) Any convention, sports, or entertainment facility or 49068
complex, or any combination of these, that is used by or 49069
accessible to the general public and that is owned or operated in 49070
whole or in part by the state, a state agency, or a political 49071
subdivision of the state or that is leased from, or located on 49072
property owned by or leased from, the state, a state agency, a 49073
political subdivision of the state, or a convention facilities 49074
authority created pursuant to section 351.02 of the Revised Code; 49075

(b) An area designated as a community entertainment district 49076
pursuant to section 4301.80 of the Revised Code. 49077

(20) "Low-alcohol beverage" means any brewed or fermented 49078
malt product, or any product made from the fermented juices of 49079
grapes, fruits, or other agricultural products, that contains 49080

either no alcohol or less than one-half of one per cent of alcohol 49081
by volume. The beverages described in division (B)(20) of this 49082
section do not include a soft drink such as root beer, birch beer, 49083
or ginger beer. 49084

(21) "Cider" means all liquids fit to use for beverage 49085
purposes that contain one-half of one per cent of alcohol by 49086
volume, but not more than six per cent of alcohol by weight, and 49087
that are made through the normal alcoholic fermentation of the 49088
juice of sound, ripe apples, including, without limitation, 49089
flavored, sparkling, or carbonated cider and cider made from pure 49090
condensed apple must. 49091

(22) "Sales area or territory" means an exclusive geographic 49092
area or territory that is assigned to a particular A or B permit 49093
holder and that either has one or more political subdivisions as 49094
its boundaries or consists of an area of land with readily 49095
identifiable geographic boundaries. "Sales area or territory" does 49096
not include, however, any particular retail location in an 49097
exclusive geographic area or territory that had been assigned to 49098
another A or B permit holder before April 9, 2001. 49099

Sec. 4301.102. (A) The superintendent of liquor control shall 49100
collect the tax levied under section 307.697, 3381.041, or 49101
4301.424 of the Revised Code on sales of spirituous liquor sold to 49102
liquor permit holders for resale, and sold at retail by the 49103
division of liquor control, in the county in which the tax is 49104
levied, and shall deposit the tax into the state treasury to the 49105
credit of the liquor control fund created by section 4301.12 of 49106
the Revised Code. The superintendent shall provide for payment of 49107
the full amount of the tax collected to the county in which the 49108
tax is levied as follows: 49109

(1) For each county in which a tax is levied under section 49110
307.697, 3381.041, or 4301.424 of the Revised Code, the 49111

superintendent of liquor control shall, on or before the sixteenth 49112
day of each month: 49113

(a) From the best information available to the 49114
superintendent, determine and certify to the director of budget 49115
and management and to the tax commissioner the full amount of the 49116
tax levied in the county and collected during the first fifteen 49117
days of the preceding month; 49118

(b) On or before the last working day of each month, from the 49119
best information available to the superintendent, determine and 49120
certify to the director of budget and management and to the tax 49121
commissioner the full amount of the tax levied in the county and 49122
collected during the remainder of the preceding month. 49123

(2) Upon receipt of such certification, the director of 49124
budget and management shall transfer from the liquor control fund 49125
to the permissive tax distribution fund created by division (B)(1) 49126
of section 4301.423 of the Revised Code the full amount certified 49127
to the director under division (A)(1) of this section. 49128

(3) Within five working days after receiving the 49129
certification provided for in division (A)(1) of this section, the 49130
tax commissioner shall provide for payment to the county treasurer 49131
of each county that imposes a tax under section 307.697, 3381.041, 49132
or 4301.424 of the Revised Code the full amount certified to be 49133
paid to the county. 49134

(B) The superintendent of liquor control may adopt any rules 49135
necessary for the administration, collection, and enforcement of 49136
taxes levied under section 307.697, 3381.041, or 4301.424 of the 49137
Revised Code. 49138

(C) Notwithstanding any other provision of law to the 49139
contrary, no permit holder shall purchase liquor from the division 49140
of liquor control at wholesale from a store that is located 49141
outside of a county in which a tax is levied under section 49142

307.697, 3381.041, or 4301.424 of the Revised Code if the liquor 49143
is to be resold in the county in which the tax is levied. 49144

Sec. 4301.12. The division of liquor control shall provide 49145
for the custody, safekeeping, and deposit of all moneys, checks, 49146
and drafts received by it or any of its employees or agents prior 49147
to paying them to the treasurer of state as provided by section 49148
113.08 of the Revised Code. 49149

A sum equal to three dollars and thirty-eight cents for each 49150
gallon of spirituous liquor sold by the division, JobsOhio, or a 49151
designee of JobsOhio during the period covered by the payment 49152
shall be paid into the state treasury to the credit of the general 49153
revenue fund. All moneys received from permit fees, except B-2a 49154
and S permit fees from B-2a and S permit holders who do not also 49155
hold A-2 permits, shall be paid to the credit of the undivided 49156
liquor permit fund established by section 4301.30 of the Revised 49157
Code. 49158

Except as otherwise provided by law, the division shall 49159
deposit all moneys collected under Chapters 4301. and 4303. of the 49160
Revised Code ~~shall be paid by the division~~ into the state treasury 49161
to the credit of the ~~liquor control fund, which is hereby created~~ 49162
state liquor regulatory fund created in section 4301.30 of the 49163
Revised Code. In addition, revenue resulting from any contracts 49164
with the department of commerce pertaining to the responsibilities 49165
and operations described in this chapter may be credited to the 49166
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 49167
~~operating expenses of the liquor control commission.~~ 49168

Whenever, in the judgment of the director of budget and 49169
management, the amount in the liquor control fund is in excess of 49170
that needed to meet the maturing obligations of the division, as 49171
working capital for its further operations, to pay the operating 49172
expenses of the commission, and for the alcohol testing program 49173

under section 3701.143 of the Revised Code, the director shall 49174
transfer the excess to the credit of the general revenue fund. If 49175
the director determines that the amount in the liquor control fund 49176
is insufficient, the director may transfer money from the general 49177
revenue fund to the liquor control fund. 49178

Sec. 4301.422. (A) Any person who makes sales of beer, cider, 49179
wine, or mixed beverages to persons for resale at retail in a 49180
county in which a tax has been enacted pursuant to section 49181
4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code, and any 49182
manufacturer, bottler, importer, or other person who makes sales 49183
at retail in the county upon which the tax has not been paid, is 49184
liable for the tax. Each person liable for the tax shall register 49185
with the tax commissioner on a form prescribed by the commissioner 49186
and provide whatever information the commissioner considers 49187
necessary. 49188

(B) Each person liable for the tax shall file a return and 49189
pay the tax to the tax commissioner by the last day of the month 49190
following the month in which the sale occurred. The return is 49191
considered to be filed when received by the tax commissioner. The 49192
return shall be prescribed by the commissioner, and no person 49193
filing such a return shall fail to provide the information 49194
specified on the return. If the return is filed and the amount of 49195
tax shown on the return to be due is paid on or before the date 49196
the return is required to be filed, the person required to file 49197
the return shall receive an administrative fee of two and one-half 49198
per cent of that person's total tax liability under section 49199
4301.421 or 4301.425 of the Revised Code for the purpose of 49200
offsetting additional costs incurred in collecting and remitting 49201
the tax. Any person required to file a return who fails to file 49202
timely may be required to forfeit and pay into the state treasury 49203
an amount not exceeding fifty dollars or ten per cent of the tax 49204
due, whichever is greater, as revenue arising from the tax. That 49205

amount may be collected by assessment in the manner specified in 49206
sections 4305.13 and 4305.131 of the Revised Code. 49207

(C) A tax levied pursuant to section 4301.421 ~~or~~ 4301.424, 49208
or 4301.425 of the Revised Code shall be administered by the tax 49209
commissioner. The commissioner shall have all powers and authority 49210
incident to such administration, including examination of records, 49211
audit, refund, assessment, and seizure and forfeiture of untaxed 49212
beverages. The procedures, rights, privileges, limitations, 49213
prohibitions, responsibilities, and duties specified in sections 49214
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 49215
the Revised Code apply in the administration of the tax. 49216

(D) Each person required to pay the tax levied pursuant to 49217
section 4301.421 ~~or~~ 4301.424, or 4301.425 of the Revised Code who 49218
sells beer, cider, wine, or mixed beverages for resale at retail 49219
within a county in which the tax is levied shall clearly mark on 49220
all invoices, billings, and similar documents the amount of tax 49221
and the name of the county in which the tax is levied. 49222

(E) Each person required to pay the tax levied by section 49223
4301.421 ~~or~~ 4301.424, or 4301.425 of the Revised Code shall 49224
maintain complete records of all sales for at least three years. 49225
The records shall be open to inspection by the tax commissioner. 49226

(F) All money collected by the tax commissioner under this 49227
section shall be paid to the treasurer of state as revenue arising 49228
from the tax imposed by section 4301.421 ~~or~~ 4301.424, or 4301.425 49229
of the Revised Code. 49230

Sec. 4301.423. The treasurer of state shall credit all moneys 49231
arising from each county's taxes levied under section 4301.421 ~~or~~ 49232
4301.424, or 4301.425 of the Revised Code as follows: 49233

(A) To the tax refund fund created by section 5703.052 of the 49234
Revised Code, amounts equal to the refunds from each tax as 49235

certified by the tax commissioner pursuant to section 4307.05 of the Revised Code; 49236
49237

(B) Following the crediting of amounts pursuant to division (A) of this section: 49238
49239

(1) To the permissive tax distribution fund, which is hereby created in the state treasury, an amount equal to ninety-eight per cent of the remainder collected; 49240
49241
49242

(2) To the local excise tax administration fund created by division (B)(2) of section 5743.024 of the Revised Code, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs the commissioner incurs in administering the tax. 49243
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On or before the second working day of each month, the treasurer of state shall certify to the tax commissioner the amount of taxes levied in each county under section 4301.421 or 4301.425 of the Revised Code and paid to the treasurer of state during the preceding month. 49248
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On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund from such taxes during the preceding month by providing for payment in the appropriate amount to the county treasurer of each county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of county commissioners or the board of directors of a convention facilities authority levying the tax. 49253
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Sec. 4301.425. (A) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of 49261
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county commissioners that created a regional arts and culture 49266
district created under section 3381.041 of the Revised Code may 49267
levy a tax on the sale of beer at a rate not to exceed sixteen 49268
cents per gallon, on the sale of cider at a rate not to exceed 49269
twenty-four cents per gallon, and on the sale of wine and mixed 49270
beverages at a rate not to exceed thirty-two cents per gallon. The 49271
tax shall be imposed on all beer, cider, wine, and mixed beverages 49272
sold for resale at retail in the county, and on all beer, cider, 49273
wine, and mixed beverages sold at retail in the county by the 49274
manufacturer, bottler, importer, or other person upon which the 49275
tax has not been paid. The tax shall not be levied on the sale of 49276
wine to be used for known sacramental purposes. The tax may be 49277
levied for any number of years not exceeding twenty. The tax shall 49278
be in addition to the taxes imposed by sections 4301.42, 4301.43, 49279
4301.432, and 4305.01 of the Revised Code. The tax shall not be 49280
considered a cost in any computation required under rules of the 49281
liquor control commission regulating minimum prices or mark-ups. 49282

(B) Only one sale of the same article shall be used in 49283
computing, reporting, and paying the amount of tax due. 49284

(C) The tax shall be levied pursuant to a resolution of the 49285
county commissioners approved by a majority of the electors in the 49286
county voting on the question of levying the tax, which resolution 49287
shall specify the rate of the tax, the number of years the tax 49288
will be levied, and the purposes for which the tax is levied. The 49289
election may be held on the date of a general election or special 49290
election held not sooner than ninety days after the date the board 49291
certifies its resolution to the board of elections. If approved by 49292
the electors, the tax shall take effect on the first day of the 49293
month specified in the resolution but not sooner than the first 49294
day of the month that is at least sixty days after the 49295
certification of the election results by the board of elections. A 49296
copy of the resolution levying the tax and the certification of 49297

the board of elections shall be certified to the tax commissioner 49298
at least sixty days before the date on which the tax is to become 49299
effective. 49300

(D) A resolution under this section may be joined on the 49301
ballot as a single question with a resolution adopted under 49302
section 3381.041 or 5743.021 of the Revised Code to levy a tax for 49303
the same purposes. The form of the ballot in an election held 49304
pursuant to this section shall be as prescribed by section 49305
3381.041 of the Revised Code. 49306

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 49307
the Revised Code: 49308

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 49309
fluid ounces. 49310

(2) "Sale" or "sell" includes exchange, barter, gift, 49311
distribution, and, except with respect to A-4 permit holders, 49312
offer for sale. 49313

(B) For the purposes of providing revenues for the support of 49314
the state and encouraging the grape industries in the state, a tax 49315
is hereby levied on the sale or distribution of wine in Ohio, 49316
except for known sacramental purposes, at the rate of thirty cents 49317
per wine gallon for wine containing not less than four per cent of 49318
alcohol by volume and not more than fourteen per cent of alcohol 49319
by volume, ninety-eight cents per wine gallon for wine containing 49320
more than fourteen per cent but not more than twenty-one per cent 49321
of alcohol by volume, one dollar and eight cents per wine gallon 49322
for vermouth, and one dollar and forty-eight cents per wine gallon 49323
for sparkling and carbonated wine and champagne, the tax to be 49324
paid by the holders of A-2 and B-5 permits or by any other person 49325
selling or distributing wine upon which no tax has been paid. From 49326
the tax paid under this section on wine, vermouth, and sparkling 49327
and carbonated wine and champagne, the treasurer of state shall 49328

credit to the Ohio grape industries fund created under section 49329
924.54 of the Revised Code a sum equal to one cent per gallon for 49330
each gallon upon which the tax is paid. 49331

(C) For the purpose of providing revenues for the support of 49332
the state, there is hereby levied a tax on prepared and bottled 49333
highballs, cocktails, cordials, and other mixed beverages at the 49334
rate of one dollar and twenty cents per wine gallon to be paid by 49335
holders of A-4 permits or by any other person selling or 49336
distributing those products upon which no tax has been paid. Only 49337
one sale of the same article shall be used in computing the amount 49338
of tax due. The tax on mixed beverages to be paid by holders of 49339
A-4 permits under this section shall not attach until the 49340
ownership of the mixed beverage is transferred for valuable 49341
consideration to a wholesaler or retailer, and no payment of the 49342
tax shall be required prior to that time. 49343

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 49344
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 49345
and sparkling and carbonated wine and champagne, the treasurer of 49346
state shall credit to the Ohio grape industries fund created under 49347
section 924.54 of the Revised Code a sum equal to two cents per 49348
gallon upon which the tax is paid. The amount credited under this 49349
division is in addition to the amount credited to the Ohio grape 49350
industries fund under division (B) of this section. 49351

(E) For the purpose of providing revenues for the support of 49352
the state, there is hereby levied a tax on cider at the rate of 49353
twenty-four cents per wine gallon to be paid by the holders of A-2 49354
and B-5 permits or by any other person selling or distributing 49355
cider upon which no tax has been paid. Only one sale of the same 49356
article shall be used in computing the amount of the tax due. 49357

Sec. 4301.46. (A) Except as otherwise provided by law, moneys 49358
received into the state treasury from the taxes levied, penalties 49359

assessed, and sums recovered under Chapters 4301. and 4303. of the Revised Code shall be credited to the general revenue fund.

(B) Two per cent of all revenue received from the taxes levied under sections 4301.42 and 4305.01 of the Revised Code shall be credited to the major sporting events site selection fund, which is hereby created, provided that the total amount of such revenue credited to the fund in any fiscal year shall not exceed one million dollars. All money credited to the fund shall be used by the director of development services to make grants under section 122.121 of the Revised Code.

Sec. 4301.49. No person shall prevent or hinder the tax commissioner from making a full inspection of any place where beer, wine, or mixed beverages subject to the tax imposed by section 4301.42, 4301.421, 4301.424, 4301.425, or 4301.43 of the Revised Code is manufactured, sold, or stored. No person shall prevent or hinder the full inspection of invoices, books, records, or papers required to be kept under this chapter and Chapters 4305. and 4307. of the Revised Code.

Sec. 4301.50. No person, firm, or corporation or ~~his or its~~ an employee or agent thereof shall distribute or sell any beverage upon which the tax provided for by sections 4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 4305.01 of the Revised Code has not been paid. Any person, firm, or corporation ~~or his or its~~ an employee or agent ~~who~~ thereof that violates this section or any rule of the tax commissioner shall be subject to all penalties provided in division (A) of section 4307.99 of the Revised Code.

Sec. 4301.61. (A) As used in this section and section 4301.611 of the Revised Code:

(1) "Card holder" means any person who presents a driver's or commercial driver's license or an identification card to a permit

holder, or an agent or employee of a permit holder, for either of 49390
the purposes listed in division (A)(4)(a) or (b) of this section. 49391

(2) "Identification card" means an identification card issued 49392
under sections 4507.50 to 4507.52 of the Revised Code or an 49393
equivalent identification card issued by another state. 49394

(3) "Permit holder" means the holder of a permit issued under 49395
Chapter 4303. of the Revised Code. 49396

(4) "Transaction scan" means the process by which a permit 49397
holder or an agent or employee of a permit holder checks, by means 49398
of a transaction scan device, the validity of a driver's or 49399
commercial driver's license or an identification card that is 49400
presented as a condition for doing either of the following: 49401

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 49402
beverage; 49403

(b) Gaining admission to a premises that has been issued a 49404
liquor permit authorizing the sale of beer or intoxicating liquor 49405
for consumption on the premises where sold, and where admission is 49406
restricted to persons twenty-one years of age or older. 49407

(5) "Transaction scan device" means any commercial device or 49408
combination of devices used at a point of sale that is capable of 49409
deciphering in an electronically readable format the information 49410
encoded on the magnetic strip or bar code of a driver's or 49411
commercial driver's license or an identification card. 49412

(B)(1) A permit holder or an agent or employee of a permit 49413
holder may perform a transaction scan by means of a transaction 49414
scan device to check the validity of a driver's or commercial 49415
driver's license or identification card presented by a card holder 49416
for either of the purposes listed in division (A)(4)(a) or (b) of 49417
this section. 49418

(2) If the information deciphered by the transaction scan 49419

performed under division (B)(1) of this section fails to match the 49420
information printed on the driver's or commercial driver's license 49421
or identification card presented by the card holder, or if the 49422
transaction scan indicates that the information so printed is 49423
false or fraudulent, neither the permit holder nor any agent or 49424
employee of the permit holder shall sell any beer, intoxicating 49425
liquor, or low-alcohol beverage to the card holder. 49426

(3) Division (B)(1) of this section does not preclude a 49427
permit holder or an agent or employee of a permit holder from 49428
using a transaction scan device to check the validity of a 49429
document other than a driver's or commercial driver's license or 49430
an identification card, if the document includes a bar code or 49431
magnetic strip that may be scanned by the device, as a condition 49432
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 49433
or of granting admission to a premises described in division 49434
(A)(4) of this section. 49435

(C) The registrar of motor vehicles, with the approval of the 49436
liquor control commission, shall adopt, and may amend or rescind, 49437
rules in accordance with Chapter 119. of the Revised Code that do 49438
both of the following: 49439

(1) Govern the recording and maintenance of information 49440
described in divisions (D)(1)(a) and (b) of this section, 49441
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 49442
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 49443
Revised Code; 49444

(2) Ensure quality control in the use of transaction scan 49445
devices under this section and sections 2927.021, 2927.022, 49446
2925.57, 2925.58, and 4301.611 of the Revised Code. 49447

(D)(1) No permit holder or agent or employee of a permit 49448
holder shall electronically or mechanically record or maintain any 49449
information derived from a transaction scan, except the following: 49450

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No permit holder or agent or employee of a permit holder shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained by division (D)(1) of this section, except for purposes of section 4301.611 of the Revised Code.

(3) No permit holder or agent or employee of a permit holder shall use a transaction scan device for a purpose other than a purpose listed in division (A)(4)(a) or (b) of this section.

(4) No permit holder or agent or employee of a permit holder shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a permit holder or agent or employee of a permit holder may release that information pursuant to a court order or as specifically authorized by section 4301.611 or another section of the Revised Code.

(E) Nothing in this section or section 4301.611 of the Revised Code relieves a permit holder or an agent or employee of a permit holder of any responsibility to comply with any other applicable state or federal laws or rules governing the sale of beer, intoxicating liquor, or low-alcohol beverages.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of an illegal liquor transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand

dollars for each violation. The clerk of the court shall pay each 49482
collected civil penalty to the county treasurer for deposit into 49483
the county treasury. 49484

Sec. 4301.639. (A) No permit holder, agent or employee of a 49485
permit holder, or any other person may be found guilty of a 49486
violation of any section of this chapter or any rule of the liquor 49487
control commission in which age is an element of the offense, if 49488
the liquor control commission or any court of record finds all of 49489
the following: 49490

(1) That the person buying, at the time of so doing, 49491
exhibited to the permit holder, the agent or employee of the 49492
permit holder, or the other person a driver's or commercial 49493
driver's license, an identification card ~~issued under sections~~ 49494
~~4507.50 to 4507.52~~ as defined in section 4301.61 of the Revised 49495
Code, ~~or~~ a military identification card issued by the United 49496
States department of defense, or a United States or foreign 49497
passport, that displays a picture of the individual for whom the 49498
license ~~or~~, card, or passport was issued and shows that the person 49499
buying was then at least twenty-one years of age, if the person 49500
was buying beer as defined in section 4301.01 of the Revised Code 49501
or intoxicating liquor, or that the person was then at least 49502
eighteen years of age, if the person was buying any low-alcohol 49503
beverage; 49504

(2) That the permit holder, the agent or employee of the 49505
permit holder, or the other person made a bona fide effort to 49506
ascertain the true age of the person buying by checking the 49507
identification presented, at the time of the purchase, to 49508
ascertain that the description on the identification compared with 49509
the appearance of the buyer and that the identification presented 49510
had not been altered in any way; 49511

(3) That the permit holder, the agent or employee of the 49512

permit holder, or the other person had reason to believe that the 49513
person buying was of legal age. 49514

(B) In any hearing before the liquor control commission and 49515
in any action or proceeding before a court of record in which a 49516
defense is raised under division (A) of this section, the 49517
registrar of motor vehicles or deputy registrar who issued an 49518
identification card under sections 4507.50 to 4507.52 of the 49519
Revised Code shall be permitted to submit certified copies of the 49520
records, in the registrar's or deputy's possession, of that 49521
issuance in lieu of the testimony of the personnel of or 49522
contractors with the bureau of motor vehicles at the hearing, 49523
action, or proceeding. 49524

(C) The defense provided by division (A) of this section is 49525
in addition to the affirmative defense provided by section 49526
4301.611 of the Revised Code. 49527

Sec. 4303.071. (A)(1) Permit B-2a may be issued to a person 49528
that is the brand owner or United States importer of wine, is the 49529
designated agent of a brand owner or importer for all wine sold in 49530
this state for that owner or importer, or manufactures wine if 49531
such manufacturer is entitled to a tax credit under 27 C.F.R. 49532
24.278 and produces less than two hundred fifty thousand gallons 49533
of wine per year. If the person resides outside this state, the 49534
person shall comply with the requirements governing the issuance 49535
of licenses or permits that authorize the sale of intoxicating 49536
liquor by the appropriate authority of the state in which the 49537
person resides or by the alcohol and tobacco tax and trade bureau 49538
in the United States department of the treasury. 49539

(2) The fee for the B-2a permit is twenty-five dollars. 49540

(3) The holder of a B-2a permit may sell wine to a retail 49541
permit holder, but a B-2a permit holder that is a wine 49542
manufacturer may sell to a retail permit holder only wine that the 49543

B-2a permit holder has manufactured. 49544

(4) The holder of a B-2a permit shall renew the permit in 49545
accordance with section 4303.271 of the Revised Code, except that 49546
renewal shall not be subject to the notice and hearing 49547
requirements established in division (B) of that section. 49548

(B) The holder of a B-2a permit shall collect and pay the 49549
taxes relating to the delivery of wine to a retailer that are 49550
levied under sections 4301.421, 4301.425, and 4301.432 and 49551
Chapters 5739. and 5741. of the Revised Code. 49552

(C) The holder of a B-2a permit shall comply with this 49553
chapter, Chapter 4301. of the Revised Code, and any rules adopted 49554
by the liquor control commission under section 4301.03 of the 49555
Revised Code. 49556

Sec. 4303.181. (A) Permit D-5a may be issued either to the 49557
owner or operator of a hotel or motel that is required to be 49558
licensed under section 3731.03 of the Revised Code, that contains 49559
at least fifty rooms for registered transient guests or is owned 49560
by a state institution of higher education as defined in section 49561
3345.011 of the Revised Code or a private college or university, 49562
and that qualifies under the other requirements of this section, 49563
or to the owner or operator of a restaurant specified under this 49564
section, to sell beer and any intoxicating liquor at retail, only 49565
by the individual drink in glass and from the container, for 49566
consumption on the premises where sold, and to registered guests 49567
in their rooms, which may be sold by means of a controlled access 49568
alcohol and beverage cabinet in accordance with division (B) of 49569
section 4301.21 of the Revised Code; and to sell the same products 49570
in the same manner and amounts not for consumption on the premises 49571
as may be sold by holders of D-1 and D-2 permits. The premises of 49572
the hotel or motel shall include a retail food establishment or a 49573
food service operation licensed pursuant to Chapter 3717. of the 49574

Revised Code that operates as a restaurant for purposes of this 49575
chapter and that is affiliated with the hotel or motel and within 49576
or contiguous to the hotel or motel, and that serves food within 49577
the hotel or motel, but the principal business of the owner or 49578
operator of the hotel or motel shall be the accommodation of 49579
transient guests. In addition to the privileges authorized in this 49580
division, the holder of a D-5a permit may exercise the same 49581
privileges as the holder of a D-5 permit. 49582

The owner or operator of a hotel, motel, or restaurant who 49583
qualified for and held a D-5a permit on August 4, 1976, may, if 49584
the owner or operator held another permit before holding a D-5a 49585
permit, either retain a D-5a permit or apply for the permit 49586
formerly held, and the division of liquor control shall issue the 49587
permit for which the owner or operator applies and formerly held, 49588
notwithstanding any quota. 49589

A D-5a permit shall not be transferred to another location. 49590
No quota restriction shall be placed on the number of D-5a permits 49591
that may be issued. 49592

The fee for this permit is two thousand three hundred 49593
forty-four dollars. 49594

(B) Permit D-5b may be issued to the owner, operator, tenant, 49595
lessee, or occupant of an enclosed shopping center to sell beer 49596
and intoxicating liquor at retail, only by the individual drink in 49597
glass and from the container, for consumption on the premises 49598
where sold; and to sell the same products in the same manner and 49599
amount not for consumption on the premises as may be sold by 49600
holders of D-1 and D-2 permits. In addition to the privileges 49601
authorized in this division, the holder of a D-5b permit may 49602
exercise the same privileges as a holder of a D-5 permit. 49603

A D-5b permit shall not be transferred to another location. 49604

One D-5b permit may be issued at an enclosed shopping center 49605

containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area. 49606
49607

Two D-5b permits may be issued at an enclosed shopping center 49608
containing at least four hundred thousand square feet of floor 49609
area. No more than one D-5b permit may be issued at an enclosed 49610
shopping center for each additional two hundred thousand square 49611
feet of floor area or fraction of that floor area, up to a maximum 49612
of five D-5b permits for each enclosed shopping center. The number 49613
of D-5b permits that may be issued at an enclosed shopping center 49614
shall be determined by subtracting the number of D-3 and D-5 49615
permits issued in the enclosed shopping center from the number of 49616
D-5b permits that otherwise may be issued at the enclosed shopping 49617
center under the formulas provided in this division. Except as 49618
provided in this section, no quota shall be placed on the number 49619
of D-5b permits that may be issued. Notwithstanding any quota 49620
provided in this section, the holder of any D-5b permit first 49621
issued in accordance with this section is entitled to its renewal 49622
in accordance with section 4303.271 of the Revised Code. 49623

The holder of a D-5b permit issued before April 4, 1984, 49624
whose tenancy is terminated for a cause other than nonpayment of 49625
rent, may return the D-5b permit to the division of liquor 49626
control, and the division shall cancel that permit. Upon 49627
cancellation of that permit and upon the permit holder's payment 49628
of taxes, contributions, premiums, assessments, and other debts 49629
owing or accrued upon the date of cancellation to this state and 49630
its political subdivisions and a filing with the division of a 49631
certification of that payment, the division shall issue to that 49632
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 49633
that person requests. The division shall issue the D-5 permit, or 49634
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 49635
D-3, or D-5 permits currently issued in the municipal corporation 49636
or in the unincorporated area of the township where that person's 49637

proposed premises is located equals or exceeds the maximum number 49638
of such permits that can be issued in that municipal corporation 49639
or in the unincorporated area of that township under the 49640
population quota restrictions contained in section 4303.29 of the 49641
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 49642
be transferred to another location. If a D-5b permit is canceled 49643
under the provisions of this paragraph, the number of D-5b permits 49644
that may be issued at the enclosed shopping center for which the 49645
D-5b permit was issued, under the formula provided in this 49646
division, shall be reduced by one if the enclosed shopping center 49647
was entitled to more than one D-5b permit under the formula. 49648

The fee for this permit is two thousand three hundred 49649
forty-four dollars. 49650

(C) Permit D-5c may be issued to the owner or operator of a 49651
retail food establishment or a food service operation licensed 49652
pursuant to Chapter 3717. of the Revised Code that operates as a 49653
restaurant for purposes of this chapter and that qualifies under 49654
the other requirements of this section to sell beer and any 49655
intoxicating liquor at retail, only by the individual drink in 49656
glass and from the container, for consumption on the premises 49657
where sold, and to sell the same products in the same manner and 49658
amounts not for consumption on the premises as may be sold by 49659
holders of D-1 and D-2 permits. In addition to the privileges 49660
authorized in this division, the holder of a D-5c permit may 49661
exercise the same privileges as the holder of a D-5 permit. 49662

To qualify for a D-5c permit, the owner or operator of a 49663
retail food establishment or a food service operation licensed 49664
pursuant to Chapter 3717. of the Revised Code that operates as a 49665
restaurant for purposes of this chapter, shall have operated the 49666
restaurant at the proposed premises for not less than twenty-four 49667
consecutive months immediately preceding the filing of the 49668
application for the permit, have applied for a D-5 permit no later 49669

than December 31, 1988, and appear on the division's quota waiting 49670
list for not less than six months immediately preceding the filing 49671
of the application for the permit. In addition to these 49672
requirements, the proposed D-5c permit premises shall be located 49673
within a municipal corporation and further within an election 49674
precinct that, at the time of the application, has no more than 49675
twenty-five per cent of its total land area zoned for residential 49676
use. 49677

A D-5c permit shall not be transferred to another location. 49678
No quota restriction shall be placed on the number of such permits 49679
that may be issued. 49680

Any person who has held a D-5c permit for at least two years 49681
may apply for a D-5 permit, and the division of liquor control 49682
shall issue the D-5 permit notwithstanding the quota restrictions 49683
contained in section 4303.29 of the Revised Code or in any rule of 49684
the liquor control commission. 49685

The fee for this permit is one thousand five hundred 49686
sixty-three dollars. 49687

(D) Permit D-5d may be issued to the owner or operator of a 49688
retail food establishment or a food service operation licensed 49689
pursuant to Chapter 3717. of the Revised Code that operates as a 49690
restaurant for purposes of this chapter and that is located at an 49691
airport operated by a board of county commissioners pursuant to 49692
section 307.20 of the Revised Code, at an airport operated by a 49693
port authority pursuant to Chapter 4582. of the Revised Code, or 49694
at an airport operated by a regional airport authority pursuant to 49695
Chapter 308. of the Revised Code. The holder of a D-5d permit may 49696
sell beer and any intoxicating liquor at retail, only by the 49697
individual drink in glass and from the container, for consumption 49698
on the premises where sold, and may sell the same products in the 49699
same manner and amounts not for consumption on the premises where 49700
sold as may be sold by the holders of D-1 and D-2 permits. In 49701

addition to the privileges authorized in this division, the holder 49702
of a D-5d permit may exercise the same privileges as the holder of 49703
a D-5 permit. 49704

A D-5d permit shall not be transferred to another location. 49705
No quota restrictions shall be placed on the number of such 49706
permits that may be issued. 49707

The fee for this permit is two thousand three hundred 49708
forty-four dollars. 49709

(E) Permit D-5e may be issued to any nonprofit organization 49710
that is exempt from federal income taxation under the "Internal 49711
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 49712
amended, or that is a charitable organization under any chapter of 49713
the Revised Code, and that owns or operates a riverboat that meets 49714
all of the following: 49715

(1) Is permanently docked at one location; 49716

(2) Is designated as an historical riverboat by the Ohio 49717
historical society; 49718

(3) Contains not less than fifteen hundred square feet of 49719
floor area; 49720

(4) Has a seating capacity of fifty or more persons. 49721

The holder of a D-5e permit may sell beer and intoxicating 49722
liquor at retail, only by the individual drink in glass and from 49723
the container, for consumption on the premises where sold. 49724

A D-5e permit shall not be transferred to another location. 49725
No quota restriction shall be placed on the number of such permits 49726
that may be issued. The population quota restrictions contained in 49727
section 4303.29 of the Revised Code or in any rule of the liquor 49728
control commission shall not apply to this division, and the 49729
division shall issue a D-5e permit to any applicant who meets the 49730
requirements of this division. However, the division shall not 49731

issue a D-5e permit if the permit premises or proposed permit 49732
premises are located within an area in which the sale of 49733
spirituous liquor by the glass is prohibited. 49734

The fee for this permit is one thousand two hundred nineteen 49735
dollars. 49736

(F) Permit D-5f may be issued to the owner or operator of a 49737
retail food establishment or a food service operation licensed 49738
under Chapter 3717. of the Revised Code that operates as a 49739
restaurant for purposes of this chapter and that meets all of the 49740
following: 49741

(1) It contains not less than twenty-five hundred square feet 49742
of floor area. 49743

(2) It is located on or in, or immediately adjacent to, the 49744
shoreline of, a navigable river. 49745

(3) It provides docking space for twenty-five boats. 49746

(4) It provides entertainment and recreation, provided that 49747
not less than fifty per cent of the business on the permit 49748
premises shall be preparing and serving meals for a consideration. 49749

In addition, each application for a D-5f permit shall be 49750
accompanied by a certification from the local legislative 49751
authority that the issuance of the D-5f permit is not inconsistent 49752
with that political subdivision's comprehensive development plan 49753
or other economic development goal as officially established by 49754
the local legislative authority. 49755

The holder of a D-5f permit may sell beer and intoxicating 49756
liquor at retail, only by the individual drink in glass and from 49757
the container, for consumption on the premises where sold. 49758

A D-5f permit shall not be transferred to another location. 49759

The division of liquor control shall not issue a D-5f permit 49760
if the permit premises or proposed permit premises are located 49761

within an area in which the sale of spirituous liquor by the glass 49762
is prohibited. 49763

A fee for this permit is two thousand three hundred 49764
forty-four dollars. 49765

As used in this division, "navigable river" means a river 49766
that is also a "navigable water" as defined in the "Federal Power 49767
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 49768

(G) Permit D-5g may be issued to a nonprofit corporation that 49769
is either the owner or the operator of a national professional 49770
sports museum. The holder of a D-5g permit may sell beer and any 49771
intoxicating liquor at retail, only by the individual drink in 49772
glass and from the container, for consumption on the premises 49773
where sold. The holder of a D-5g permit shall sell no beer or 49774
intoxicating liquor for consumption on the premises where sold 49775
after two-thirty a.m. A D-5g permit shall not be transferred to 49776
another location. No quota restrictions shall be placed on the 49777
number of D-5g permits that may be issued. The fee for this permit 49778
is one thousand eight hundred seventy-five dollars. 49779

(H)(1) Permit D-5h may be issued to any nonprofit 49780
organization that is exempt from federal income taxation under the 49781
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 49782
501(c)(3), as amended, that owns or operates any of the following: 49783

(a) A fine arts museum, provided that the nonprofit 49784
organization has no less than one thousand five hundred bona fide 49785
members possessing full membership privileges; 49786

(b) A community arts center. As used in division (H)(1)(b) of 49787
this section, "community arts center" means a facility that 49788
provides arts programming to the community in more than one arts 49789
discipline, including, but not limited to, exhibits of works of 49790
art and performances by both professional and amateur artists. 49791

(c) A community theater, provided that the nonprofit 49792

organization is a member of the Ohio arts council and the American 49793
community theatre association and has been in existence for not 49794
less than ten years. As used in division (H)(1)(c) of this 49795
section, "community theater" means a facility that contains at 49796
least one hundred fifty seats and has a primary function of 49797
presenting live theatrical performances and providing recreational 49798
opportunities to the community. 49799

(2) The holder of a D-5h permit may sell beer and any 49800
intoxicating liquor at retail, only by the individual drink in 49801
glass and from the container, for consumption on the premises 49802
where sold. The holder of a D-5h permit shall sell no beer or 49803
intoxicating liquor for consumption on the premises where sold 49804
after one a.m. A D-5h permit shall not be transferred to another 49805
location. No quota restrictions shall be placed on the number of 49806
D-5h permits that may be issued. 49807

(3) The fee for a D-5h permit is one thousand eight hundred 49808
seventy-five dollars. 49809

(I) Permit D-5i may be issued to the owner or operator of a 49810
retail food establishment or a food service operation licensed 49811
under Chapter 3717. of the Revised Code that operates as a 49812
restaurant for purposes of this chapter and that meets all of the 49813
following requirements: 49814

(1) It is located in a municipal corporation or a township 49815
with a population of one hundred thousand or less. 49816

(2) It has inside seating capacity for at least one hundred 49817
forty persons. 49818

(3) It has at least four thousand square feet of floor area. 49819

(4) It offers full-course meals, appetizers, and sandwiches. 49820

(5) Its receipts from beer and liquor sales, excluding wine 49821
sales, do not exceed twenty-five per cent of its total gross 49822

receipts. 49823

(6) It has at least one of the following characteristics: 49824

(a) The value of its real and personal property exceeds seven 49825
hundred twenty-five thousand dollars. 49826

(b) It is located on property that is owned or leased by the 49827
state or a state agency, and its owner or operator has 49828
authorization from the state or the state agency that owns or 49829
leases the property to obtain a D-5i permit. 49830

The holder of a D-5i permit may sell beer and any 49831
intoxicating liquor at retail, only by the individual drink in 49832
glass and from the container, for consumption on the premises 49833
where sold, and may sell the same products in the same manner and 49834
amounts not for consumption on the premises where sold as may be 49835
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 49836
permit shall sell no beer or intoxicating liquor for consumption 49837
on the premises where sold after two-thirty a.m. In addition to 49838
the privileges authorized in this division, the holder of a D-5i 49839
permit may exercise the same privileges as the holder of a D-5 49840
permit. 49841

A D-5i permit shall not be transferred to another location. 49842
The division of liquor control shall not renew a D-5i permit 49843
unless the retail food establishment or food service operation for 49844
which it is issued continues to meet the requirements described in 49845
divisions (I)(1) to (6) of this section. No quota restrictions 49846
shall be placed on the number of D-5i permits that may be issued. 49847
The fee for the D-5i permit is two thousand three hundred 49848
forty-four dollars. 49849

(J) Permit D-5j may be issued to the owner or the operator of 49850
a retail food establishment or a food service operation licensed 49851
under Chapter 3717. of the Revised Code to sell beer and 49852
intoxicating liquor at retail, only by the individual drink in 49853

glass and from the container, for consumption on the premises 49854
where sold and to sell beer and intoxicating liquor in the same 49855
manner and amounts not for consumption on the premises where sold 49856
as may be sold by the holders of D-1 and D-2 permits. The holder 49857
of a D-5j permit may exercise the same privileges, and shall 49858
observe the same hours of operation, as the holder of a D-5 49859
permit. 49860

The D-5j permit shall be issued only within a community 49861
entertainment district that is designated under section 4301.80 of 49862
the Revised Code and that meets one of the following 49863
qualifications: 49864

(1) It is located in a municipal corporation with a 49865
population of at least one hundred thousand. 49866

(2) It is located in a municipal corporation with a 49867
population of at least twenty thousand, and either of the 49868
following applies: 49869

(a) It contains an amusement park the rides of which have 49870
been issued a permit by the department of agriculture under 49871
Chapter 1711. of the Revised Code. 49872

(b) Not less than fifty million dollars will be invested in 49873
development and construction in the community entertainment 49874
district's area located in the municipal corporation. 49875

(3) It is located in a township with a population of at least 49876
forty thousand. 49877

(4) It is located in a township with a population of at least 49878
twenty thousand, and not less than seventy million dollars will be 49879
invested in development and construction in the community 49880
entertainment district's area located in the township. 49881

(5) It is located in a municipal corporation with a 49882
population between ~~ten~~ seven thousand and twenty thousand, and 49883

both of the following apply: 49884

(a) The municipal corporation was incorporated as a village 49885
prior to calendar year 1860 and currently has a historic downtown 49886
business district. 49887

(b) The municipal corporation is located in the same county 49888
as another municipal corporation with at least one community 49889
entertainment district. 49890

(6) It is located in a municipal corporation with a 49891
population of at least ten thousand, and not less than seventy 49892
million dollars will be invested in development and construction 49893
in the community entertainment district's area located in the 49894
municipal corporation. 49895

(7) It is located in a municipal corporation with a 49896
population of at least five thousand, and not less than one 49897
hundred million dollars will be invested in development and 49898
construction in the community entertainment district's area 49899
located in the municipal corporation. 49900

The location of a D-5j permit may be transferred only within 49901
the geographic boundaries of the community entertainment district 49902
in which it was issued and shall not be transferred outside the 49903
geographic boundaries of that district. 49904

Not more than one D-5j permit shall be issued within each 49905
community entertainment district for each five acres of land 49906
located within the district. Not more than fifteen D-5j permits 49907
may be issued within a single community entertainment district. 49908
Except as otherwise provided in division (J)(4) of this section, 49909
no quota restrictions shall be placed upon the number of D-5j 49910
permits that may be issued. 49911

The fee for a D-5j permit is two thousand three hundred 49912
forty-four dollars. 49913

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.

(4) A D-5k permit shall not be transferred to another location.

(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(2) The D-5l permit shall be issued only to a premises to

which all of the following apply: 49945

(a) The premises has gross annual receipts from the sale of 49946
food and meals that constitute not less than seventy-five per cent 49947
of its total gross annual receipts. 49948

(b) The premises is located within a revitalization district 49949
that is designated under section 4301.81 of the Revised Code. 49950

(c) The premises is located in a municipal corporation or 49951
township in which the number of D-5 permits issued equals or 49952
exceeds the number of those permits that may be issued in that 49953
municipal corporation or township under section 4303.29 of the 49954
Revised Code. 49955

(d) The premises meets any of the following qualifications: 49956

(i) It is located in a county with a population of one 49957
hundred twenty-five thousand or less according to the population 49958
estimates certified by the development services agency for 49959
calendar year 2006. 49960

(ii) It is located in the municipal corporation that has the 49961
largest population in a county when the county has a population 49962
between two hundred fifteen thousand and two hundred twenty-five 49963
thousand according to the population estimates certified by the 49964
development services agency for calendar year 2006. Division 49965
(L)(2)(d)(ii) of this section applies only to a municipal 49966
corporation that is wholly located in a county. 49967

(iii) It is located in the municipal corporation that has the 49968
largest population in a county when the county has a population 49969
between one hundred forty thousand and one hundred forty-one 49970
thousand according to the population estimates certified by the 49971
development services agency for calendar year 2006. Division 49972
(L)(2)(d)(iii) of this section applies only to a municipal 49973
corporation that is wholly located in a county. 49974

(3) The location of a D-5l permit may be transferred only 49975
within the geographic boundaries of the revitalization district in 49976
which it was issued and shall not be transferred outside the 49977
geographic boundaries of that district. 49978

(4) Not more than one D-5l permit shall be issued within each 49979
revitalization district for each five acres of land located within 49980
the district. Not more than fifteen D-5l permits may be issued 49981
within a single revitalization district. Except as otherwise 49982
provided in division (L)(4) of this section, no quota restrictions 49983
shall be placed upon the number of D-5l permits that may be 49984
issued. 49985

(5) No D-5l permit shall be issued to an adult entertainment 49986
establishment as defined in section 2907.39 of the Revised Code. 49987

(6) The fee for a D-5l permit is two thousand three hundred 49988
forty-four dollars. 49989

(M) Permit D-5m may be issued to either the owner or the 49990
operator of a retail food establishment or food service operation 49991
licensed under Chapter 3717. of the Revised Code that operates as 49992
a restaurant for purposes of this chapter and that is located in, 49993
or affiliated with, a center for the preservation of wild animals 49994
as defined in section 4301.404 of the Revised Code, to sell beer 49995
and any intoxicating liquor at retail, only by the glass and from 49996
the container, for consumption on the premises where sold, and to 49997
sell the same products in the same manner and amounts not for 49998
consumption on the premises as may be sold by the holders of D-1 49999
and D-2 permits. In addition to the privileges authorized by this 50000
division, the holder of a D-5m permit may exercise the same 50001
privileges as the holder of a D-5 permit. 50002

A D-5m permit shall not be transferred to another location. 50003
No quota restrictions shall be placed on the number of D-5m 50004
permits that may be issued. The fee for a permit D-5m is two 50005

thousand three hundred forty-four dollars. 50006

(N) Permit D-5n shall be issued to either a casino operator 50007
or a casino management company licensed under Chapter 3772. of the 50008
Revised Code that operates a casino facility under that chapter, 50009
to sell beer and any intoxicating liquor at retail, only by the 50010
individual drink in glass and from the container, for consumption 50011
on the premises where sold, and to sell the same products in the 50012
same manner and amounts not for consumption on the premises as may 50013
be sold by the holders of D-1 and D-2 permits. In addition to the 50014
privileges authorized by this division, the holder of a D-5n 50015
permit may exercise the same privileges as the holder of a D-5 50016
permit. A D-5n permit shall not be transferred to another 50017
location. Only one D-5n permit may be issued per casino facility 50018
and not more than four D-5n permits shall be issued in this state. 50019
The fee for a permit D-5n shall be twenty thousand dollars. The 50020
holder of a D-5n permit may conduct casino gaming on the permit 50021
premises notwithstanding any provision of the Revised Code or 50022
Administrative Code. 50023

(O) Permit D-5o may be issued to the owner or operator of a 50024
retail food establishment or a food service operation licensed 50025
under Chapter 3717. of the Revised Code that operates as a 50026
restaurant for purposes of this chapter and that is located within 50027
a casino facility for which a D-5n permit has been issued. The 50028
holder of a D-5o permit may sell beer and any intoxicating liquor 50029
at retail, only by the individual drink in glass and from the 50030
container, for consumption on the premises where sold, and may 50031
sell the same products in the same manner and amounts not for 50032
consumption on the premises where sold as may be sold by the 50033
holders of D-1 and D-2 permits. In addition to the privileges 50034
authorized by this division, the holder of a D-5o permit may 50035
exercise the same privileges as the holder of a D-5 permit. A D-5o 50036
permit shall not be transferred to another location. No quota 50037

restrictions shall be placed on the number of such permits that 50038
may be issued. The fee for this permit is two thousand three 50039
hundred forty-four dollars. 50040

Sec. 4303.182. (A) Except as otherwise provided in divisions 50041
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 50042
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 50043
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 50044
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 50045
that permit as follows: 50046

(1) Between the hours of ten a.m. and midnight on Sunday if 50047
sale during those hours has been approved under question (C)(1), 50048
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 50049
under question (B)(2) of section 4301.355 of the Revised Code, or 50050
under section 4301.356 of the Revised Code and has been authorized 50051
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50052
Revised Code, under the restrictions of that authorization; 50053

(2) Between the hours of eleven a.m. and midnight on Sunday, 50054
if sale during those hours has been approved on or after ~~the~~ 50055
~~effective date of this amendment~~ October 16, 2009, under question 50056
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 50057
Code, under question (B)(2) of section 4301.355 of the Revised 50058
Code, or under section 4301.356 of the Revised Code and has been 50059
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 50060
of the Revised Code, under the restrictions of that authorization; 50061

(3) Between the hours of eleven a.m. and midnight on Sunday 50062
if sale between the hours of one p.m. and midnight was approved 50063
before ~~the effective date of this amendment~~ October 16, 2009, 50064
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 50065
of the Revised Code, under question (B)(2) of section 4301.355 of 50066
the Revised Code, or under section 4301.356 of the Revised Code 50067
and has been authorized under section 4301.361, 4301.364, 50068

4301.365, or 4301.366 of the Revised Code, under the other 50069
restrictions of that authorization. 50070

(B) Permit D-6 shall be issued to the holder of any permit, 50071
including a D-4a and D-5d permit, authorizing the sale of 50072
intoxicating liquor issued for a premises located at any publicly 50073
owned airport, as defined in section 4563.01 of the Revised Code, 50074
at which commercial airline companies operate regularly scheduled 50075
flights on which space is available to the public, to allow sale 50076
under such permit between the hours of ten a.m. and midnight on 50077
Sunday, whether or not that sale has been authorized under section 50078
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50079

(C) Permit D-6 shall be issued to the holder of a D-5a 50080
permit, and to the holder of a D-3 or D-3a permit who is the owner 50081
or operator of a hotel or motel that is required to be licensed 50082
under section 3731.03 of the Revised Code, that contains at least 50083
fifty rooms for registered transient guests, and that has on its 50084
premises a retail food establishment or a food service operation 50085
licensed pursuant to Chapter 3717. of the Revised Code that 50086
operates as a restaurant for purposes of this chapter and is 50087
affiliated with the hotel or motel and within or contiguous to the 50088
hotel or motel and serving food within the hotel or motel, to 50089
allow sale under such permit between the hours of ten a.m. and 50090
midnight on Sunday, whether or not that sale has been authorized 50091
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50092
Revised Code. 50093

(D) The holder of a D-6 permit that is issued to a sports 50094
facility may make sales under the permit between the hours of 50095
eleven a.m. and midnight on any Sunday on which a professional 50096
baseball, basketball, football, hockey, or soccer game is being 50097
played at the sports facility. As used in this division, "sports 50098
facility" means a stadium or arena that has a seating capacity of 50099
at least four thousand and that is owned or leased by a 50100

professional baseball, basketball, football, hockey, or soccer 50101
franchise or any combination of those franchises. 50102

(E) Permit D-6 shall be issued to the holder of any permit 50103
that authorizes the sale of beer or intoxicating liquor and that 50104
is issued to a premises located in or at the Ohio historical 50105
society area or the state fairgrounds, as defined in division (B) 50106
of section 4301.40 of the Revised Code, to allow sale under that 50107
permit between the hours of ten a.m. and midnight on Sunday, 50108
whether or not that sale has been authorized under section 50109
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50110

(F) Permit D-6 shall be issued to the holder of any permit 50111
that authorizes the sale of intoxicating liquor and that is issued 50112
to an outdoor performing arts center to allow sale under that 50113
permit between the hours of one p.m. and midnight on Sunday, 50114
whether or not that sale has been authorized under section 50115
4301.361 of the Revised Code. A D-6 permit issued under this 50116
division is subject to the results of an election, held after the 50117
D-6 permit is issued, on question (B)(4) as set forth in section 50118
4301.351 of the Revised Code. Following the end of the period 50119
during which an election may be held on question (B)(4) as set 50120
forth in that section, sales of intoxicating liquor may continue 50121
at an outdoor performing arts center under a D-6 permit issued 50122
under this division, unless an election on that question is held 50123
during the permitted period and a majority of the voters voting in 50124
the precinct on that question vote "no." 50125

As used in this division, "outdoor performing arts center" 50126
means an outdoor performing arts center that is located on not 50127
less than eight hundred acres of land and that is open for 50128
performances from the first day of April to the last day of 50129
October of each year. 50130

(G) Permit D-6 shall be issued to the holder of any permit 50131
that authorizes the sale of beer or intoxicating liquor and that 50132

is issued to a golf course owned by the state, a conservancy 50133
district, a park district created under Chapter 1545. of the 50134
Revised Code, or another political subdivision to allow sale under 50135
that permit between the hours of ten a.m. and midnight on Sunday, 50136
whether or not that sale has been authorized under section 50137
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50138

(H) Permit D-6 shall be issued to the holder of a D-5g permit 50139
to allow sale under that permit between the hours of ten a.m. and 50140
midnight on Sunday, whether or not that sale has been authorized 50141
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50142
Revised Code. 50143

(I) Permit D-6 shall be issued to the holder of any D permit 50144
for a premises that is licensed under Chapter 3717. of the Revised 50145
Code and that is located at a ski area to allow sale under the D-6 50146
permit between the hours of ten a.m. and midnight on Sunday, 50147
whether or not that sale has been authorized under section 50148
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50149

As used in this division, "ski area" means a ski area as 50150
defined in section 4169.01 of the Revised Code, provided that the 50151
passenger tramway operator at that area is registered under 50152
section 4169.03 of the Revised Code. 50153

(J) Permit D-6 shall be issued to the holder of any permit 50154
that is described in division (A) of this section for a permit 50155
premises that is located in a community entertainment district, as 50156
defined in section 4301.80 of the Revised Code, that was approved 50157
by the legislative authority of a municipal corporation under that 50158
section between October 1 and October 15, 2005, to allow sale 50159
under the permit between the hours of ten a.m. and midnight on 50160
Sunday, whether or not that sale has been authorized under section 50161
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50162

(K) A D-6 permit shall be issued to the holder of any D 50163

permit for a premises that is licensed under Chapter 3717. of the 50164
Revised Code and that is located in a state park to allow sales 50165
under the D-6 permit between the hours of ten a.m. and midnight on 50166
Sunday, whether or not those sales have been authorized under 50167
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 50168
Code. 50169

As used in this division, "state park" means a state park 50170
that is established or dedicated under Chapter 1541. of the 50171
Revised Code and that has a working farm on its property. 50172

(L) If the restriction to licensed premises where the sale of 50173
food and other goods and services exceeds fifty per cent of the 50174
total gross receipts of the permit holder at the premises is 50175
applicable, the division of liquor control may accept an affidavit 50176
from the permit holder to show the proportion of the permit 50177
holder's gross receipts derived from the sale of food and other 50178
goods and services. If the liquor control commission determines 50179
that affidavit to have been false, it shall revoke the permits of 50180
the permit holder at the premises concerned. 50181

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 50182
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 50183
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 50184
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 50185
fee for the D-6 permit is four hundred dollars when it is issued 50186
to the holder of a C-2 permit. 50187

Sec. 4303.184. (A) Subject to division (B) of this section, a 50188
D-8 permit may be issued to ~~either~~ any of the following: 50189

(1) An agency store; 50190

(2) The holder of a C-1, C-2, or C-2x permit issued to a 50191
retail store that has any of the following characteristics: 50192

(a) The store has at least five thousand five hundred square 50193

feet of floor area, and it generates more than sixty per cent of
its sales in general merchandise items and food for consumption
off the premises where sold.

(b) The store is located in a municipal corporation or
township with a population of five thousand or less, has at least
four thousand five hundred square feet of floor area, and
generates more than sixty per cent of its sales in general
merchandise items and food for consumption off the premises where
sold.

(c) Wine constitutes at least sixty per cent of the value of
the store's inventory.

(3) The holder of both a C-1 and C-2 permit, or the holder of
a C-2x permit, issued to a retail store that is located within a
municipal corporation or township with a population of fifteen
thousand or less.

(B) A D-8 permit may be issued to the holder of a C-1, C-2,
or C-2x permit only if the premises of the permit holder are
located in a precinct, or at a particular location in a precinct,
in which the sale of beer, wine, or mixed beverages is permitted
for consumption off the premises where sold. Sales under a D-8
permit are not affected by whether sales for consumption on the
premises where sold are permitted in the precinct or at the
particular location where the D-8 premises are located.

(C)(1) The holder of a D-8 permit described in division
(A)(2) or (3) of this section may sell tasting samples of beer,
wine, and mixed beverages, but not spirituous liquor, at retail,
for consumption on the premises where sold in an amount not to
exceed two ounces or another amount designated by rule of the
liquor control commission. A tasting sample shall not be sold for
general consumption.

(2) The holder of a D-8 permit described in division (A)(1)

of this section may allow the sale of tasting samples of 50225
spirituous liquor in accordance with section 4301.171 of the 50226
Revised Code. 50227

(3) No D-8 permit holder described in division (A)(2) or (3) 50228
of this section shall allow any authorized purchaser to consume 50229
more than four tasting samples of beer, wine, or mixed beverages, 50230
or any combination of beer, wine, or mixed beverages, per day. 50231

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 50232
Revised Code, the holder of a D-8 permit described in division 50233
(A)(2) or (3) of this section may sell beer that is dispensed from 50234
containers that have a capacity equal to or greater than five and 50235
one-sixth gallons if all of the following conditions are met: 50236

(a) A product registration fee for the beer has been paid as 50237
required in division (A)(8)(b) of section 4301.10 of the Revised 50238
Code. 50239

(b) The beer is dispensed only in glass containers whose 50240
capacity does not exceed one gallon and not for consumption on the 50241
premises where sold. 50242

(c) The containers are sealed, marked, and transported in 50243
accordance with division (E) of section 4301.62 of the Revised 50244
Code. 50245

(d) The containers have been cleaned immediately before being 50246
filled in accordance with rule 4301:1-1-28 of the Administrative 50247
Code. 50248

(2) Beer that is sold and dispensed under division (D)(1) of 50249
this section is subject to both of the following: 50250

(a) All applicable rules adopted by the liquor control 50251
commission, including, but not limited to, rule 4301:1-1-27 and 50252
rule 4301:1-1-72 of the Administrative Code; 50253

(b) All applicable federal laws and regulations. 50254

(E) The privileges authorized for the holder of a D-8 permit 50255
described in division (A)(2) or (3) of this section may only be 50256
exercised in conjunction with and during the hours of operation 50257
authorized by a C-1, C-2, C-2x, or D-6 permit. 50258

(F) A D-8 permit shall not be transferred to another 50259
location. 50260

(G) The fee for the D-8 permit is five hundred dollars. 50261

Sec. 4303.232. (A)(1) Permit S may be issued to a person that 50262
is the brand owner or United States importer of beer or wine, is 50263
the designated agent of a brand owner or importer for all beer or 50264
wine sold in this state for that owner or importer, or 50265
manufactures wine if the manufacturer is entitled to a tax credit 50266
under 27 C.F.R. 24.278 and produces less than two hundred fifty 50267
thousand gallons of wine per year. If the person resides outside 50268
this state, the person shall comply with the requirements 50269
governing the issuance of licenses or permits that authorize the 50270
sale of beer or intoxicating liquor by the appropriate authority 50271
of the state in which the person resides or by the alcohol and 50272
tobacco tax and trade bureau of the United States department of 50273
the treasury. 50274

(2) The fee for the S permit is twenty-five dollars. 50275

(3) The holder of an S permit may sell beer or wine to a 50276
personal consumer by receiving and filling orders that the 50277
personal consumer submits to the permit holder. The permit holder 50278
shall sell only wine that the permit holder has manufactured to a 50279
personal consumer. 50280

(4) The holder of an S permit shall renew the permit in 50281
accordance with section 4303.271 of the Revised Code, except that 50282
the renewal shall not be subject to the notice and hearing 50283
requirements established in division (B) of that section. 50284

(5) The division of liquor control may refuse to renew an S permit for any of the reasons specified in section 4303.292 of the Revised Code or if the holder of the permit fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (B) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(B)(1) The holder of an S permit who sells wine shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.425, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(2) The holder of an S permit who sells beer shall collect and pay the taxes relating to the delivery of beer to a personal consumer that are levied under sections 4301.42 ~~and~~, 4301.421, and 4301.425 and Chapters 4305., 4307., 5739., and 5741. of the Revised Code.

(C)(1) The holder of an S permit shall send a shipment of beer or wine that has been paid for by a personal consumer to that personal consumer via the holder of an H permit. Prior to sending a shipment of beer or wine to a personal consumer, the holder of an S permit, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of beer or wine shall be shipped in a package that clearly has written on it in bold print the words "alcohol enclosed." No person shall fail to comply with division (C)(1) of this section.

(2) Upon delivering a shipment of beer or wine to a personal

consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) The holder of an S permit shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use beer or wine purchased in accordance with this

section for personal consumption only and not for resale or other 50347
commercial purposes. 50348

(E) The holder of an S permit shall comply with this chapter, 50349
Chapter 4301. of the Revised Code, and any rules adopted by the 50350
liquor control commission under section 4301.03 of the Revised 50351
Code. 50352

Sec. 4305.131. (A) If any permit holder fails to pay the 50353
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 50354
the Revised Code in the manner prescribed by section 4303.33 of 50355
the Revised Code, or by section 4301.421 ~~or~~, 4301.424, or 4301.425 50356
of the Revised Code in the manner prescribed in section 4301.422 50357
of the Revised Code, and by the rules of the tax commissioner, the 50358
commissioner may make an assessment against the permit holder 50359
based upon any information in the commissioner's possession. 50360

No assessment shall be made against any permit holder for any 50361
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.425, 50362
4301.43, 4301.432, or 4305.01 of the Revised Code more than three 50363
years after the last day of the calendar month in which the sale 50364
was made or more than three years after the return for that period 50365
is filed, whichever is later. This section does not bar an 50366
assessment against any permit holder or registrant as provided in 50367
section 4303.331 of the Revised Code who fails to file a return as 50368
required by section 4301.422 or 4303.33 of the Revised Code, or 50369
who files a fraudulent return. 50370

A penalty of up to thirty per cent may be added to the amount 50371
of every assessment made under this section. The commissioner may 50372
adopt rules providing for the imposition and remission of 50373
penalties added to assessments made under this section. 50374

The commissioner shall give the party assessed written notice 50375
of the assessment in the manner provided in section 5703.37 of the 50376
Revised Code. With the notice, the commissioner shall provide 50377

instructions on how to petition for reassessment and request a hearing on the petition. 50378
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(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 50380
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(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the permit holder's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county. 50392
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Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state beer and liquor sales taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as 50402
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otherwise provided in this chapter and Chapters 4301. and 4307. of 50410
the Revised Code. 50411

If the assessment is not paid in its entirety within sixty 50412
days after the day the assessment was issued, the portion of the 50413
assessment consisting of tax due shall bear interest at the rate 50414
per annum prescribed by section 5703.47 of the Revised Code from 50415
the day the commissioner issues the assessment until it is paid or 50416
until it is certified to the attorney general for collection under 50417
section 131.02 of the Revised Code, whichever comes first. If the 50418
unpaid portion of the assessment is certified to the attorney 50419
general for collection, the entire unpaid portion of the 50420
assessment shall bear interest at the rate per annum prescribed by 50421
section 5703.47 of the Revised Code from the date of certification 50422
until the date it is paid in its entirety. Interest shall be paid 50423
in the same manner as the tax and may be collected by the issuance 50424
of an assessment under this section. 50425

(D) All money collected under this section shall be 50426
considered as revenue arising from the taxes imposed by sections 50427
4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 50428
4305.01 of the Revised Code. 50429

Sec. 4307.04. The tax commissioner shall enforce and 50430
administer sections 4301.42, 4301.421, 4301.422, 4301.423, 50431
4301.424, 4301.425, 4303.33, 4303.331, 4305.01, and 4307.01 to 50432
4307.12 of the Revised Code. The commissioner may adopt such rules 50433
as are necessary to carry out such sections and may adopt 50434
different detail rules applicable to diverse methods and 50435
conditions of sale of bottled beverages in this state. All books, 50436
papers, invoices, and records of any manufacturer, bottler, or 50437
wholesale or retail dealer in this state, whether or not required 50438
under sections 4307.01 to 4307.12 of the Revised Code to be kept 50439
by that person, showing that person's sales receipts and purchases 50440

of bottled beverages, shall at all times, during the usual 50441
business hours of the day, be open for the inspection of the 50442
commissioner. The commissioner may investigate and examine the 50443
stock of bottled beverages in and upon any premises where the same 50444
is placed, stored, or sold. 50445

Sec. 4307.05. (A) The tax commissioner shall refund to 50446
persons required to pay the tax levied under section 4301.42, 50447
4301.421, 4301.424, 4301.425, 4301.43, 4301.432, 4303.33, or 50448
4305.01 of the Revised Code the amount of tax paid illegally or 50449
erroneously or paid on an illegal or erroneous assessment. 50450
Applications for refund shall be filed with the commissioner, on 50451
the form prescribed by the commissioner, within three years from 50452
the date of the illegal or erroneous payment of the tax or 50453
assessment. 50454

On the filing of the application, the commissioner shall 50455
determine the amount of the refund to which the applicant is 50456
entitled. If the amount is not less than that claimed, the 50457
commissioner shall certify the amount to the director of budget 50458
and management and treasurer of state for payment from the tax 50459
refund fund created by section 5703.052 of the Revised Code. If 50460
the amount is less than that claimed, the commissioner shall 50461
proceed in accordance with section 5703.70 of the Revised Code. 50462

(B) The holder of a B-3 permit is entitled to a refund of the 50463
actual amount of tax paid on wine sold for sacramental purposes, 50464
upon the conditions that the permit holder make affidavit that the 50465
wine was so sold, that the tax had been paid on the wine, and that 50466
the permit holder furnish both of the following: 50467

(1) A written acknowledgment from the purchaser that the 50468
purchaser has received the wine and that the price paid did not 50469
include the tax; 50470

(2) The name and address of the purchaser. 50471

Application for a refund shall be made as an application for 50472
refund of tax erroneously paid and shall be subject to the 50473
requirements and procedures of division (A) of this section. On 50474
the filing of the application, the commissioner shall determine 50475
the amount of refund due and certify that amount to the director 50476
of budget and management and treasurer of state for payment from 50477
the tax refund fund. When a refund is granted for payment of an 50478
illegal or erroneous assessment issued by the commissioner, the 50479
refund shall include interest on the amount of the refund from the 50480
date of the overpayment. The interest shall be computed at the 50481
rate per annum prescribed by section 5703.47 of the Revised Code. 50482

Sec. 4503.181. (A) As used in this section, "historical motor 50483
vehicle" means any motor vehicle that is more than twenty-five 50484
years old and that is owned solely as a collector's item and for 50485
participation in club activities, exhibitions, tours, parades, and 50486
similar uses. A historical motor vehicle shall not be used for 50487
general transportation, but may be operated on the public roads 50488
and highways to and from a location where maintenance is performed 50489
on the vehicle. 50490

(B) In lieu of the annual license tax levied in sections 50491
4503.02 and 4503.04 of the Revised Code, a license fee of ten 50492
dollars is levied on the operation of a historical motor vehicle. 50493

(C) A person who owns a historical motor vehicle and applies 50494
for a historical license ~~plates~~ plate under this section shall 50495
execute an affidavit that the vehicle for which ~~plates are the~~ 50496
plate is requested is owned and operated solely for the purposes 50497
enumerated in division (A) of this section, ~~and. The affidavit~~ 50498
also ~~setting shall set~~ shall set forth in the affidavit that the vehicle has 50499
been inspected and found safe to operate on the public roads and 50500
highways in the state. A person who owns a historical motor 50501
vehicle and desires to display a model year license ~~plates~~ plate 50502

on the vehicle as permitted by this section shall execute at the 50503
time of registration an affidavit setting forth that the model 50504
year license ~~plates~~ plate the person desires to display on the 50505
person's historical motor vehicle ~~are~~ is a legible and serviceable 50506
license ~~plates~~ plate that originally ~~were~~ was issued by this 50507
state. No registration issued pursuant to this section need 50508
specify the weight of the vehicle. 50509

(D) A vehicle registered under this section may display 50510
either a historical vehicle license ~~plates~~ plate issued by the 50511
registrar of motor vehicles or a model year license ~~plates~~ plate 50512
procured by the applicant. ~~Historical~~ A historical vehicle license 50513
~~plates~~ plate shall not bear a date, but shall bear the inscription 50514
"Historical Vehicle--Ohio" and the registration number, which 50515
shall be shown thereon. ~~Model~~ A model year license ~~plates~~ plate 50516
shall be a legible and serviceable license ~~plates~~ plate issued by 50517
this state and inscribed with the date of the year corresponding 50518
to the model year when the vehicle was manufactured. 50519
~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 50520
model year license ~~plate~~ is required to plates, duplicates of each 50521
other, may be displayed on ~~the rear of~~ the historical motor 50522
vehicle at ~~all times~~ any time, one plate on the front and one 50523
plate on the rear of the vehicle. The registration certificate and 50524
the historical vehicle license ~~plates~~ plate issued by the 50525
registrar shall be kept in the vehicle at all times the vehicle is 50526
operated on the public roads and highways in this state. 50527

Notwithstanding section 4503.21 of the Revised Code, the 50528
owner of a historical motor vehicle that was manufactured for 50529
military purposes and that is registered under this section may 50530
display the assigned registration number of the vehicle by 50531
painting the number on the front and rear of the vehicle. The 50532
number shall be painted, in accordance with the size and style 50533
specifications established for numerals and letters shown on 50534

license plates in section 4503.22 of the Revised Code, in a color 50535
that contrasts clearly with the color of the vehicle, and shall be 50536
legible and visible at all times. Upon application for 50537
registration under this section and payment of the license fee 50538
prescribed in division (B) of this section, the owner of such a 50539
historical motor vehicle shall be issued a historical vehicle 50540
license ~~plates~~ plate. The registration certificate and ~~at least~~ 50541
~~one such~~ the license plate shall be kept in the vehicle at all 50542
times the vehicle is operated on the public roads and highways in 50543
this state. If ownership of such a vehicle is transferred, the 50544
transferor shall surrender the historical vehicle license ~~plates~~ 50545
plate or transfer ~~them~~ it to another historical motor vehicle the 50546
transferor owns, and remove or obliterate the registration numbers 50547
painted on the vehicle. 50548

(E) Historical vehicle and model year license plates are 50549
valid without renewal as long as the vehicle for which they were 50550
issued or procured is in existence. ~~Historical~~ A historical 50551
vehicle ~~plates are~~ plate is issued for the owner's use only for 50552
such vehicle unless later transferred to another historical motor 50553
vehicle owned by that person. In order to effect such a transfer, 50554
the owner of the historical motor vehicle that originally 50555
displayed the historical vehicle ~~plates~~ plate shall comply with 50556
division (C) of this section. In the event of a transfer of title, 50557
the transferor shall surrender the historical vehicle license 50558
~~plates~~ plate or transfer ~~them~~ it to another historical motor 50559
vehicle owned by the transferor, but a model year license plate or 50560
plates may be retained by the transferor. The registrar may revoke 50561
license plates issued under this section, for cause shown and 50562
after hearing, for failure of the applicant to comply with this 50563
section. Upon revocation, a historical vehicle license ~~plates~~ 50564
plate shall be surrendered; a model year license plate or plates 50565
may be retained, but the plate or plates are no longer ~~are~~ valid 50566
for display on the vehicle. 50567

(F) The owner of a historical motor vehicle bearing a 50568
historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a 50569
model year license ~~plates~~ plate by surrendering the historical 50570
vehicle license ~~plates~~ plate and motor vehicle certificate of 50571
registration to the registrar. The owner, at the time of 50572
registration, shall execute an affidavit setting forth that the 50573
model year ~~plates are~~ plate is a legible and serviceable license 50574
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 50575
an owner is required to pay the license fee prescribed by division 50576
(B) of this section, but the owner is not required to have the 50577
historical motor vehicle reinspected under division (C) of this 50578
section. 50579

A person who owns a historical motor vehicle bearing a model 50580
year license ~~plates~~ plate may replace ~~them~~ it with a historical 50581
vehicle license ~~plates~~ plate by surrendering the motor vehicle 50582
certificate of registration and applying for issuance of a 50583
historical vehicle license ~~plates~~ plate. Such a person is required 50584
to pay the license fee prescribed by division (B) of this section, 50585
but the person is not required to have the historical motor 50586
vehicle reinspected under division (C) of this section. 50587

Sec. 4503.535. (A) The owner or lessee of any passenger car, 50588
noncommercial motor vehicle, recreational vehicle, motorcycle, 50589
motorized bicycle or moped, trailer, or other vehicle of a class 50590
approved by the registrar of motor vehicles, and, effective 50591
January 1, 2017, the owner or lessee of any motor-driven cycle or 50592
motor scooter or cab-enclosed motorcycle, may apply to the 50593
registrar for the registration of the vehicle and issuance of 50594
POW/MIA awareness license plates. The application for POW/MIA 50595
awareness license plates may be combined with a request for a 50596
special reserved license plate under section 4503.40 or 4503.42 of 50597
the Revised Code. Upon receipt of the completed application and 50598
compliance with division (B) of this section, the registrar shall 50599

issue to the applicant the appropriate vehicle registration and a 50600
set of POW/MIA awareness license plates with a validation sticker, 50601
or a validation sticker alone when required by section 4503.191 of 50602
the Revised Code. 50603

In addition to the letters and numbers ordinarily inscribed 50604
thereon, POW/MIA awareness license plates shall bear the markings 50605
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 50606
awareness license plates, except for motorcycle, motorized 50607
bicycle, or moped license plates, also shall bear the words "not 50608
forgotten." The registrar shall approve the final design. POW/MIA 50609
awareness license plates shall bear county identification stickers 50610
that identify the county of registration by name or number. 50611

(B) POW/MIA awareness license plates and validation stickers 50612
shall be issued upon payment of the regular license tax as 50613
prescribed under section 4503.04 of the Revised Code, any 50614
applicable motor vehicle tax levied under Chapter 4504. of the 50615
Revised Code, a bureau of motor vehicles administrative fee of ten 50616
dollars, the contribution specified in division (C) of this 50617
section, and compliance with all other applicable laws relating to 50618
the registration of motor vehicles. If the application for POW/MIA 50619
awareness license plates is combined with a request for a special 50620
reserved license plate under section 4503.40 or 4503.42 of the 50621
Revised Code, the license plates and validation sticker shall be 50622
issued upon payment of the contribution, fees, and taxes contained 50623
in this division and the additional fee prescribed under section 50624
4503.40 or 4503.42 of the Revised Code. 50625

(C) For each application for registration and registration 50626
renewal submitted under this section, the registrar shall collect 50627
a contribution of twenty-five dollars. The registrar shall pay 50628
this contribution into the state treasury to the credit of the 50629
military injury relief fund created in section ~~5101.98~~ 5902.05 of 50630

the Revised Code. 50631

The registrar shall pay the ten-dollar bureau administrative 50632
fee, the purpose of which is to compensate the bureau for 50633
additional services required in issuing POW/MIA awareness license 50634
plates, into the state treasury to the credit of the state bureau 50635
of motor vehicles fund created in section 4501.25 of the Revised 50636
Code. 50637

Sec. 4505.06. (A)(1) Application for a certificate of title 50638
shall be made in a form prescribed by the registrar of motor 50639
vehicles and shall be sworn to before a notary public or other 50640
officer empowered to administer oaths. The application shall be 50641
filed with the clerk of any court of common pleas. An application 50642
for a certificate of title may be filed electronically by any 50643
electronic means approved by the registrar in any county with the 50644
clerk of the court of common pleas of that county. Any payments 50645
required by this chapter shall be considered as accompanying any 50646
electronically transmitted application when payment actually is 50647
received by the clerk. Payment of any fee or taxes may be made by 50648
electronic transfer of funds. 50649

(2) The application for a certificate of title shall be 50650
accompanied by the fee prescribed in section 4505.09 of the 50651
Revised Code. The fee shall be retained by the clerk who issues 50652
the certificate of title and shall be distributed in accordance 50653
with that section. If a clerk of a court of common pleas, other 50654
than the clerk of the court of common pleas of an applicant's 50655
county of residence, issues a certificate of title to the 50656
applicant, the clerk shall transmit data related to the 50657
transaction to the automated title processing system. 50658

(3) If a certificate of title previously has been issued for 50659
a motor vehicle in this state, the application for a certificate 50660
of title also shall be accompanied by that certificate of title 50661

duly assigned, unless otherwise provided in this chapter. If a 50662
certificate of title previously has not been issued for the motor 50663
vehicle in this state, the application, unless otherwise provided 50664
in this chapter, shall be accompanied by a manufacturer's or 50665
importer's certificate or by a certificate of title of another 50666
state from which the motor vehicle was brought into this state. If 50667
the application refers to a motor vehicle last previously 50668
registered in another state, the application also shall be 50669
accompanied by the physical inspection certificate required by 50670
section 4505.061 of the Revised Code. If the application is made 50671
by two persons regarding a motor vehicle in which they wish to 50672
establish joint ownership with right of survivorship, they may do 50673
so as provided in section 2131.12 of the Revised Code. If the 50674
applicant requests a designation of the motor vehicle in 50675
beneficiary form so that upon the death of the owner of the motor 50676
vehicle, ownership of the motor vehicle will pass to a designated 50677
transfer-on-death beneficiary or beneficiaries, the applicant may 50678
do so as provided in section 2131.13 of the Revised Code. A person 50679
who establishes ownership of a motor vehicle that is transferable 50680
on death in accordance with section 2131.13 of the Revised Code 50681
may terminate that type of ownership or change the designation of 50682
the transfer-on-death beneficiary or beneficiaries by applying for 50683
a certificate of title pursuant to this section. The clerk shall 50684
retain the evidence of title presented by the applicant and on 50685
which the certificate of title is issued, except that, if an 50686
application for a certificate of title is filed electronically by 50687
an electronic motor vehicle dealer on behalf of the purchaser of a 50688
motor vehicle, the clerk shall retain the completed electronic 50689
record to which the dealer converted the certificate of title 50690
application and other required documents. The registrar, after 50691
consultation with the attorney general, shall adopt rules that 50692
govern the location at which, and the manner in which, are stored 50693
the actual application and all other documents relating to the 50694

sale of a motor vehicle when an electronic motor vehicle dealer 50695
files the application for a certificate of title electronically on 50696
behalf of the purchaser. Not later than December 31, 2011, the 50697
registrar shall enable all electronic motor vehicle dealers to 50698
file applications for certificates of title on behalf of 50699
purchasers of motor vehicles electronically directly with the 50700
registrar and not through a third party. 50701

The clerk shall use reasonable diligence in ascertaining 50702
whether or not the facts in the application for a certificate of 50703
title are true by checking the application and documents 50704
accompanying it or the electronic record to which a dealer 50705
converted the application and accompanying documents with the 50706
records of motor vehicles in the clerk's office. If the clerk is 50707
satisfied that the applicant is the owner of the motor vehicle and 50708
that the application is in the proper form, the clerk, within five 50709
business days after the application is filed and except as 50710
provided in section 4505.021 of the Revised Code, shall issue a 50711
physical certificate of title over the clerk's signature and 50712
sealed with the clerk's seal, unless the applicant specifically 50713
requests the clerk not to issue a physical certificate of title 50714
and instead to issue an electronic certificate of title. For 50715
purposes of the transfer of a certificate of title, if the clerk 50716
is satisfied that the secured party has duly discharged a lien 50717
notation but has not canceled the lien notation with a clerk, the 50718
clerk may cancel the lien notation on the automated title 50719
processing system and notify the clerk of the county of origin. 50720

(4) In the case of the sale of a motor vehicle to a general 50721
buyer or user by a dealer, by a motor vehicle leasing dealer 50722
selling the motor vehicle to the lessee or, in a case in which the 50723
leasing dealer subleased the motor vehicle, the sublessee, at the 50724
end of the lease agreement or sublease agreement, or by a 50725
manufactured housing broker, the certificate of title shall be 50726

obtained in the name of the buyer by the dealer, leasing dealer, 50727
or manufactured housing broker, as the case may be, upon 50728
application signed by the buyer. The certificate of title shall be 50729
issued, or the process of entering the certificate of title 50730
application information into the automated title processing system 50731
if a physical certificate of title is not to be issued shall be 50732
completed, within five business days after the application for 50733
title is filed with the clerk. If the buyer of the motor vehicle 50734
previously leased the motor vehicle and is buying the motor 50735
vehicle at the end of the lease pursuant to that lease, the 50736
certificate of title shall be obtained in the name of the buyer by 50737
the motor vehicle leasing dealer who previously leased the motor 50738
vehicle to the buyer or by the motor vehicle leasing dealer who 50739
subleased the motor vehicle to the buyer under a sublease 50740
agreement. 50741

In all other cases, except as provided in section 4505.032 50742
and division (D)(2) of section 4505.11 of the Revised Code, such 50743
certificates shall be obtained by the buyer. 50744

(5)(a)(i) If the certificate of title is being obtained in 50745
the name of the buyer by a motor vehicle dealer or motor vehicle 50746
leasing dealer and there is a security interest to be noted on the 50747
certificate of title, the dealer or leasing dealer shall submit 50748
the application for the certificate of title and payment of the 50749
applicable tax to a clerk within seven business days after the 50750
later of the delivery of the motor vehicle to the buyer or the 50751
date the dealer or leasing dealer obtains the manufacturer's or 50752
importer's certificate, or certificate of title issued in the name 50753
of the dealer or leasing dealer, for the motor vehicle. Submission 50754
of the application for the certificate of title and payment of the 50755
applicable tax within the required seven business days may be 50756
indicated by postmark or receipt by a clerk within that period. 50757

(ii) Upon receipt of the certificate of title with the 50758

security interest noted on its face, the dealer or leasing dealer 50759
shall forward the certificate of title to the secured party at the 50760
location noted in the financing documents or otherwise specified 50761
by the secured party. 50762

(iii) A motor vehicle dealer or motor vehicle leasing dealer 50763
is liable to a secured party for a late fee of ten dollars per day 50764
for each certificate of title application and payment of the 50765
applicable tax that is submitted to a clerk more than seven 50766
business days but less than twenty-one days after the later of the 50767
delivery of the motor vehicle to the buyer or the date the dealer 50768
or leasing dealer obtains the manufacturer's or importer's 50769
certificate, or certificate of title issued in the name of the 50770
dealer or leasing dealer, for the motor vehicle and, from then on, 50771
twenty-five dollars per day until the application and applicable 50772
tax are submitted to a clerk. 50773

(b) In all cases of transfer of a motor vehicle except the 50774
transfer of a manufactured home or mobile home, the application 50775
for certificate of title shall be filed within thirty days after 50776
the assignment or delivery of the motor vehicle. 50777

(c) An application for a certificate of title for a new 50778
manufactured home shall be filed within thirty days after the 50779
delivery of the new manufactured home to the purchaser. The date 50780
of the delivery shall be the date on which an occupancy permit for 50781
the manufactured home is delivered to the purchaser of the home by 50782
the appropriate legal authority. 50783

(d) An application for a certificate of title for a used 50784
manufactured home or a used mobile home shall be filed as follows: 50785

(i) If a certificate of title for the used manufactured home 50786
or used mobile home was issued to the motor vehicle dealer prior 50787
to the sale of the manufactured or mobile home to the purchaser, 50788
the application for certificate of title shall be filed within 50789

thirty days after the date on which an occupancy permit for the 50790
manufactured or mobile home is delivered to the purchaser by the 50791
appropriate legal authority. 50792

(ii) If the motor vehicle dealer has been designated by a 50793
secured party to display the manufactured or mobile home for sale, 50794
or to sell the manufactured or mobile home under section 4505.20 50795
of the Revised Code, but the certificate of title has not been 50796
transferred by the secured party to the motor vehicle dealer, and 50797
the dealer has complied with the requirements of division (A) of 50798
section 4505.181 of the Revised Code, the application for 50799
certificate of title shall be filed within thirty days after the 50800
date on which the motor vehicle dealer obtains the certificate of 50801
title for the home from the secured party or the date on which an 50802
occupancy permit for the manufactured or mobile home is delivered 50803
to the purchaser by the appropriate legal authority, whichever 50804
occurs later. 50805

(6) If an application for a certificate of title is not filed 50806
within the period specified in division (A)(5)(b), (c), or (d) of 50807
this section, the clerk shall collect a fee of five dollars for 50808
the issuance of the certificate, except that no such fee shall be 50809
required from a motor vehicle salvage dealer, as defined in 50810
division (A) of section 4738.01 of the Revised Code, who 50811
immediately surrenders the certificate of title for cancellation. 50812
The fee shall be in addition to all other fees established by this 50813
chapter, and shall be retained by the clerk. The registrar shall 50814
provide, on the certificate of title form prescribed by section 50815
4505.07 of the Revised Code, language necessary to give evidence 50816
of the date on which the assignment or delivery of the motor 50817
vehicle was made. 50818

(7) As used in division (A) of this section, "lease 50819
agreement," "lessee," and "sublease agreement" have the same 50820
meanings as in section 4505.04 of the Revised Code and "new 50821

manufactured home," "used manufactured home," and "used mobile
home" have the same meanings as in section 5739.0210 of the
Revised Code.

(B)(1) The clerk, except as provided in this section, shall
refuse to accept for filing any application for a certificate of
title and shall refuse to issue a certificate of title unless the
dealer or the applicant, in cases in which the certificate shall
be obtained by the buyer, submits with the application payment of
the tax levied by or pursuant to Chapters 5739. and 5741. of the
Revised Code based on the purchaser's county of residence. Upon
payment of the tax in accordance with division (E) of this
section, the clerk shall issue a receipt prescribed by the
registrar and agreed upon by the tax commissioner showing payment
of the tax or a receipt issued by the commissioner showing the
payment of the tax. When submitting payment of the tax to the
clerk, a dealer shall retain any discount to which the dealer is
entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk
by a resident of the clerk's county, the clerk may retain a
poundage fee of one and one one-hundredth per cent, and the clerk
shall pay the poundage fee into the certificate of title
administration fund created by section 325.33 of the Revised Code.
The clerk shall not retain a poundage fee from payments of taxes
by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk
an amount equal to the poundage fees associated with certificates
of title issued by other clerks of courts of common pleas to
applicants who reside in the first clerk's county. The registrar,
in consultation with the tax commissioner and the clerks of the
courts of common pleas, shall develop a report from the automated
title processing system that informs each clerk of the amount of
the poundage fees that the clerk is permitted to retain from those

taxes because of certificates of title issued by the clerks of 50854
other counties to applicants who reside in the first clerk's 50855
county. 50856

(3) In the case of casual sales of motor vehicles, as defined 50857
in section 4517.01 of the Revised Code, the price for the purpose 50858
of determining the tax shall be the purchase price on the assigned 50859
certificate of title executed by the seller and filed with the 50860
clerk by the buyer on a form to be prescribed by the registrar, 50861
which shall be prima-facie evidence of the amount for the 50862
determination of the tax. 50863

(4) Each county clerk shall forward to the treasurer of state 50864
all sales and use tax collections resulting from sales of motor 50865
vehicles, off-highway motorcycles, and all-purpose vehicles during 50866
a calendar week on or before the Friday following the close of 50867
that week. If, on any Friday, the offices of the clerk of courts 50868
or the state are not open for business, the tax shall be forwarded 50869
to the treasurer of state on or before the next day on which the 50870
offices are open. Every remittance of tax under division (B)(4) of 50871
this section shall be accompanied by a remittance report in such 50872
form as the tax commissioner prescribes. Upon receipt of a tax 50873
remittance and remittance report, the treasurer of state shall 50874
date stamp the report and forward it to the tax commissioner. If 50875
the tax due for any week is not remitted by a clerk of courts as 50876
required under division (B)(4) of this section, the commissioner 50877
may require the clerk to forfeit the poundage fees for the sales 50878
made during that week. The treasurer of state may require the 50879
clerks of courts to transmit tax collections and remittance 50880
reports electronically. 50881

(C)(1) If the transferor indicates on the certificate of 50882
title that the odometer reflects mileage in excess of the designed 50883
mechanical limit of the odometer, the clerk shall enter the phrase 50884
"exceeds mechanical limits" following the mileage designation. If 50885

the transferor indicates on the certificate of title that the 50886
odometer reading is not the actual mileage, the clerk shall enter 50887
the phrase "nonactual: warning - odometer discrepancy" following 50888
the mileage designation. The clerk shall use reasonable care in 50889
transferring the information supplied by the transferor, but is 50890
not liable for any errors or omissions of the clerk or those of 50891
the clerk's deputies in the performance of the clerk's duties 50892
created by this chapter. 50893

The registrar shall prescribe an affidavit in which the 50894
transferor shall swear to the true selling price and, except as 50895
provided in this division, the true odometer reading of the motor 50896
vehicle. The registrar may prescribe an affidavit in which the 50897
seller and buyer provide information pertaining to the odometer 50898
reading of the motor vehicle in addition to that required by this 50899
section, as such information may be required by the United States 50900
secretary of transportation by rule prescribed under authority of 50901
subchapter IV of the "Motor Vehicle Information and Cost Savings 50902
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 50903

(2) Division (C)(1) of this section does not require the 50904
giving of information concerning the odometer and odometer reading 50905
of a motor vehicle when ownership of a motor vehicle is being 50906
transferred as a result of a bequest, under the laws of intestate 50907
succession, to a survivor pursuant to section 2106.18, 2131.12, or 50908
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 50909
beneficiaries pursuant to section 2131.13 of the Revised Code, in 50910
connection with the creation of a security interest or for a 50911
vehicle with a gross vehicle weight rating of more than sixteen 50912
thousand pounds. 50913

(D) When the transfer to the applicant was made in some other 50914
state or in interstate commerce, the clerk, except as provided in 50915
this section, shall refuse to issue any certificate of title 50916
unless the tax imposed by or pursuant to Chapter 5741. of the 50917

Revised Code based on the purchaser's county of residence has been 50918
paid as evidenced by a receipt issued by the tax commissioner, or 50919
unless the applicant submits with the application payment of the 50920
tax. Upon payment of the tax in accordance with division (E) of 50921
this section, the clerk shall issue a receipt prescribed by the 50922
registrar and agreed upon by the tax commissioner, showing payment 50923
of the tax. 50924

For receiving and disbursing such taxes paid to the clerk by 50925
a resident of the clerk's county, the clerk may retain a poundage 50926
fee of one and one one-hundredth per cent. The clerk shall not 50927
retain a poundage fee from payments of taxes by persons who do not 50928
reside in the clerk's county. 50929

A clerk, however, may retain from the taxes paid to the clerk 50930
an amount equal to the poundage fees associated with certificates 50931
of title issued by other clerks of courts of common pleas to 50932
applicants who reside in the first clerk's county. The registrar, 50933
in consultation with the tax commissioner and the clerks of the 50934
courts of common pleas, shall develop a report from the automated 50935
title processing system that informs each clerk of the amount of 50936
the poundage fees that the clerk is permitted to retain from those 50937
taxes because of certificates of title issued by the clerks of 50938
other counties to applicants who reside in the first clerk's 50939
county. 50940

When the vendor is not regularly engaged in the business of 50941
selling motor vehicles, the vendor shall not be required to 50942
purchase a vendor's license or make reports concerning those 50943
sales. 50944

(E) The clerk shall accept any payment of a tax in cash, or 50945
by cashier's check, certified check, draft, money order, or teller 50946
check issued by any insured financial institution payable to the 50947
clerk and submitted with an application for a certificate of title 50948
under division (B) or (D) of this section. The clerk also may 50949

accept payment of the tax by corporate, business, or personal 50950
check, credit card, electronic transfer or wire transfer, debit 50951
card, or any other accepted form of payment made payable to the 50952
clerk. The clerk may require bonds, guarantees, or letters of 50953
credit to ensure the collection of corporate, business, or 50954
personal checks. Any service fee charged by a third party to a 50955
clerk for the use of any form of payment may be paid by the clerk 50956
from the certificate of title administration fund created in 50957
section 325.33 of the Revised Code, or may be assessed by the 50958
clerk upon the applicant as an additional fee. Upon collection, 50959
the additional fees shall be paid by the clerk into that 50960
certificate of title administration fund. 50961

The clerk shall make a good faith effort to collect any 50962
payment of taxes due but not made because the payment was returned 50963
or dishonored, but the clerk is not personally liable for the 50964
payment of uncollected taxes or uncollected fees. The clerk shall 50965
notify the tax commissioner of any such payment of taxes that is 50966
due but not made and shall furnish the information to the 50967
commissioner that the commissioner requires. The clerk shall 50968
deduct the amount of taxes due but not paid from the clerk's 50969
periodic remittance of tax payments, in accordance with procedures 50970
agreed upon by the tax commissioner. The commissioner may collect 50971
taxes due by assessment in the manner provided in section 5739.13 50972
of the Revised Code. 50973

Any person who presents payment that is returned or 50974
dishonored for any reason is liable to the clerk for payment of a 50975
penalty over and above the amount of the taxes due. The clerk 50976
shall determine the amount of the penalty, and the penalty shall 50977
be no greater than that amount necessary to compensate the clerk 50978
for banking charges, legal fees, or other expenses incurred by the 50979
clerk in collecting the returned or dishonored payment. The 50980
remedies and procedures provided in this section are in addition 50981

to any other available civil or criminal remedies. Subsequently 50982
collected penalties, poundage fees, and title fees, less any title 50983
fee due the state, from returned or dishonored payments collected 50984
by the clerk shall be paid into the certificate of title 50985
administration fund. Subsequently collected taxes, less poundage 50986
fees, shall be sent by the clerk to the treasurer of state at the 50987
next scheduled periodic remittance of tax payments, with 50988
information as the commissioner may require. The clerk may abate 50989
all or any part of any penalty assessed under this division. 50990

(F) In the following cases, the clerk shall accept for filing 50991
an application and shall issue a certificate of title without 50992
requiring payment or evidence of payment of the tax: 50993

(1) When the purchaser is this state or any of its political 50994
subdivisions, a church, or an organization whose purchases are 50995
exempted by section 5739.02 of the Revised Code; 50996

(2) When the transaction in this state is not a retail sale 50997
as defined by section 5739.01 of the Revised Code; 50998

(3) When the purchase is outside this state or in interstate 50999
commerce and the purpose of the purchaser is not to use, store, or 51000
consume within the meaning of section 5741.01 of the Revised Code; 51001

(4) When the purchaser is the federal government; 51002

(5) When the motor vehicle was purchased outside this state 51003
for use outside this state; 51004

(6) When the motor vehicle is purchased by a nonresident 51005
under the circumstances described in division (B)(1) of section 51006
5739.029 of the Revised Code, and upon presentation of a copy of 51007
the affidavit provided by that section, and a copy of the 51008
exemption certificate provided by section 5739.03 of the Revised 51009
Code. 51010

(G) An application, as prescribed by the registrar and agreed 51011

to by the tax commissioner, shall be filled out and sworn to by 51012
the buyer of a motor vehicle in a casual sale. The application 51013
shall contain the following notice in bold lettering: "WARNING TO 51014
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 51015
law to state the true selling price. A false statement is in 51016
violation of section 2921.13 of the Revised Code and is punishable 51017
by six months' imprisonment or a fine of up to one thousand 51018
dollars, or both. All transfers are audited by the department of 51019
taxation. The seller and buyer must provide any information 51020
requested by the department of taxation. The buyer may be assessed 51021
any additional tax found to be due." 51022

(H) For sales of manufactured homes or mobile homes occurring 51023
on or after January 1, 2000, the clerk shall accept for filing, 51024
pursuant to Chapter 5739. of the Revised Code, an application for 51025
a certificate of title for a manufactured home or mobile home 51026
without requiring payment of any tax pursuant to section 5739.02, 51027
5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code, 51028
or a receipt issued by the tax commissioner showing payment of the 51029
tax. For sales of manufactured homes or mobile homes occurring on 51030
or after January 1, 2000, the applicant shall pay to the clerk an 51031
additional fee of five dollars for each certificate of title 51032
issued by the clerk for a manufactured or mobile home pursuant to 51033
division (H) of section 4505.11 of the Revised Code and for each 51034
certificate of title issued upon transfer of ownership of the 51035
home. The clerk shall credit the fee to the county certificate of 51036
title administration fund, and the fee shall be used to pay the 51037
expenses of archiving those certificates pursuant to division (A) 51038
of section 4505.08 and division (H)(3) of section 4505.11 of the 51039
Revised Code. The tax commissioner shall administer any tax on a 51040
manufactured or mobile home pursuant to Chapters 5739. and 5741. 51041
of the Revised Code. 51042

(I) Every clerk shall have the capability to transact by 51043

electronic means all procedures and transactions relating to the 51044
issuance of motor vehicle certificates of title that are described 51045
in the Revised Code as being accomplished by electronic means. 51046

Sec. 4505.102. (A) If a pawnbroker licensed under Chapter 51047
4727. of the Revised Code makes a loan that is secured by a motor 51048
vehicle, watercraft, or outboard motor and has taken possession of 51049
the motor vehicle, watercraft, or outboard motor and the 51050
certificate of title to the motor vehicle, watercraft, or outboard 51051
motor, and the owner of the motor vehicle, watercraft, or outboard 51052
motor fails to redeem or pay interest on the loan for which the 51053
motor vehicle, watercraft, or outboard motor was pledged within 51054
two months from the date of the loan or the date on which the last 51055
interest payment is due, and the pawnbroker notifies the owner by 51056
mail, with proof of mailing, as required by division (A) of 51057
section 4727.11 of the Revised Code, or electronically, as 51058
permitted by that division, of the possible forfeiture of the 51059
motor vehicle, watercraft, or outboard motor, and the owner fails 51060
to redeem the motor vehicle, watercraft, or outboard motor within 51061
the thirty-day period required by that division to be specified in 51062
the notice, the pawnbroker shall proceed to obtain a certificate 51063
of title to the motor vehicle, watercraft, or outboard motor in 51064
the pawnbroker's name in the manner provided in this section. 51065

(B) The pawnbroker shall execute an affidavit stating all of 51066
the following: 51067

(1) That the pawnbroker is a pawnbroker licensed under 51068
Chapter 4727. of the Revised Code; 51069

(2) That the pawnbroker has made a loan to the owner of a 51070
motor vehicle, watercraft, or outboard motor, and the security for 51071
the loan is the motor vehicle, watercraft, or outboard motor; 51072

(3) That both the motor vehicle, watercraft, or outboard 51073
motor and the certificate of title to the motor vehicle, 51074

watercraft, or outboard motor are in the possession of the 51075
pawnbroker; 51076

(4) That the owner of the motor vehicle, watercraft, or 51077
outboard motor has failed to redeem the pledged motor vehicle, 51078
watercraft, or outboard motor or pay interest on the loan for 51079
which the motor vehicle, watercraft, or outboard motor was pledged 51080
within two months from the date of the loan or the date on which 51081
the last interest payment was due; 51082

(5) That the pawnbroker has notified the owner of the motor 51083
vehicle, watercraft, or outboard motor by mail, with proof of 51084
mailing, as required by division (A) of section 4727.11 of the 51085
Revised Code, or electronically, as permitted by that division, 51086
and the owner has failed to redeem the motor vehicle, watercraft, 51087
or outboard motor within the thirty-day period required by that 51088
division to be specified in the notice. 51089

Upon presentation by the pawnbroker of a copy of the 51090
affidavit, a copy of the pawn form, a copy of the proof of mailing 51091
or that the electronic mail was sent, and the certificate of title 51092
to the motor vehicle, watercraft, or outboard motor, a clerk of a 51093
court of common pleas shall issue, if the record shows no lien or 51094
encumbrances exist, a certificate of title, free and clear of all 51095
liens and encumbrances, to the pawnbroker. 51096

(C) No person shall execute or present the affidavit required 51097
by this section, knowing any entry on the affidavit to be false. 51098

(D) Whoever violates this section shall be fined not more 51099
than two hundred dollars, imprisoned not more than ninety days, or 51100
both. 51101

Sec. 4511.0915. (A) On or before July 31, 2015, any local 51102
authority that has operated a traffic law photo-monitoring device 51103
between March 23, 2015, and June 30, 2015, shall file either a 51104

report or statement of compliance with the auditor of state as follows: 51105
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(1) If the local authority operated any traffic law photo-monitoring device without fully complying with sections 4511.092 to 4511.0914 of the Revised Code, the local authority shall file a report that includes a detailed statement of the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic law photo-monitoring device, including the gross amount of fines that have been billed. 51107
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(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections. 51115
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(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 51119
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(C) The auditor of state shall do all of the following: 51128

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 51129
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 51133
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(3) Notify the commissioner when a subdivision that is the 51135
subject of a notification under division (C)(2) of this section 51136
files all reports or signed statements the subdivision is required 51137
to file. 51138

Sec. 4511.191. (A)(1) As used in this section: 51139

(a) "Physical control" has the same meaning as in section 51140
4511.194 of the Revised Code. 51141

(b) "Alcohol monitoring device" means any device that 51142
provides for continuous alcohol monitoring, any ignition interlock 51143
device, any immobilizing or disabling device other than an 51144
ignition interlock device that is constantly available to monitor 51145
the concentration of alcohol in a person's system, or any other 51146
device that provides for the automatic testing and periodic 51147
reporting of alcohol consumption by a person and that a court 51148
orders a person to use as a sanction imposed as a result of the 51149
person's conviction of or plea of guilty to an offense. 51150

(c) "Community addiction services provider" has the same 51151
meaning as in section 5119.01 of the Revised Code. 51152

(2) Any person who operates a vehicle, streetcar, or 51153
trackless trolley upon a highway or any public or private property 51154
used by the public for vehicular travel or parking within this 51155
state or who is in physical control of a vehicle, streetcar, or 51156
trackless trolley shall be deemed to have given consent to a 51157
chemical test or tests of the person's whole blood, blood serum or 51158
plasma, breath, or urine to determine the alcohol, drug of abuse, 51159
controlled substance, metabolite of a controlled substance, or 51160
combination content of the person's whole blood, blood serum or 51161
plasma, breath, or urine if arrested for a violation of division 51162
(A) or (B) of section 4511.19 of the Revised Code, section 51163
4511.194 of the Revised Code or a substantially equivalent 51164
municipal ordinance, or a municipal OVI ordinance. 51165

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if

the person refuses to take a chemical test the officer may employ 51198
whatever reasonable means are necessary to ensure that the person 51199
submits to a chemical test of the person's whole blood or blood 51200
serum or plasma. The officer shall also advise the person at the 51201
time of the arrest that the person may have an independent 51202
chemical test taken at the person's own expense. Divisions (A)(3) 51203
and (4) of this section apply to the administration of a chemical 51204
test or tests pursuant to this division. 51205

(b) If a person refuses to submit to a chemical test upon a 51206
request made pursuant to division (A)(5)(a) of this section, the 51207
law enforcement officer who made the request may employ whatever 51208
reasonable means are necessary to ensure that the person submits 51209
to a chemical test of the person's whole blood or blood serum or 51210
plasma. A law enforcement officer who acts pursuant to this 51211
division to ensure that a person submits to a chemical test of the 51212
person's whole blood or blood serum or plasma is immune from 51213
criminal and civil liability based upon a claim for assault and 51214
battery or any other claim for the acts, unless the officer so 51215
acted with malicious purpose, in bad faith, or in a wanton or 51216
reckless manner. 51217

(B)(1) Upon receipt of the sworn report of a law enforcement 51218
officer who arrested a person for a violation of division (A) or 51219
(B) of section 4511.19 of the Revised Code, section 4511.194 of 51220
the Revised Code or a substantially equivalent municipal 51221
ordinance, or a municipal OVI ordinance that was completed and 51222
sent to the registrar of motor vehicles and a court pursuant to 51223
section 4511.192 of the Revised Code in regard to a person who 51224
refused to take the designated chemical test, the registrar shall 51225
enter into the registrar's records the fact that the person's 51226
driver's or commercial driver's license or permit or nonresident 51227
operating privilege was suspended by the arresting officer under 51228
this division and that section and the period of the suspension, 51229

as determined under this section. The suspension shall be subject 51230
to appeal as provided in section 4511.197 of the Revised Code. The 51231
suspension shall be for whichever of the following periods 51232
applies: 51233

(a) Except when division (B)(1)(b), (c), or (d) of this 51234
section applies and specifies a different class or length of 51235
suspension, the suspension shall be a class C suspension for the 51236
period of time specified in division (B)(3) of section 4510.02 of 51237
the Revised Code. 51238

(b) If the arrested person, within six years of the date on 51239
which the person refused the request to consent to the chemical 51240
test, had refused one previous request to consent to a chemical 51241
test or had been convicted of or pleaded guilty to one violation 51242
of division (A) or (B) of section 4511.19 of the Revised Code or 51243
one other equivalent offense, the suspension shall be a class B 51244
suspension imposed for the period of time specified in division 51245
(B)(2) of section 4510.02 of the Revised Code. 51246

(c) If the arrested person, within six years of the date on 51247
which the person refused the request to consent to the chemical 51248
test, had refused two previous requests to consent to a chemical 51249
test, had been convicted of or pleaded guilty to two violations of 51250
division (A) or (B) of section 4511.19 of the Revised Code or 51251
other equivalent offenses, or had refused one previous request to 51252
consent to a chemical test and also had been convicted of or 51253
pleaded guilty to one violation of division (A) or (B) of section 51254
4511.19 of the Revised Code or other equivalent offenses, which 51255
violation or offense arose from an incident other than the 51256
incident that led to the refusal, the suspension shall be a class 51257
A suspension imposed for the period of time specified in division 51258
(B)(1) of section 4510.02 of the Revised Code. 51259

(d) If the arrested person, within six years of the date on 51260
which the person refused the request to consent to the chemical 51261

test, had refused three or more previous requests to consent to a 51262
chemical test, had been convicted of or pleaded guilty to three or 51263
more violations of division (A) or (B) of section 4511.19 of the 51264
Revised Code or other equivalent offenses, or had refused a number 51265
of previous requests to consent to a chemical test and also had 51266
been convicted of or pleaded guilty to a number of violations of 51267
division (A) or (B) of section 4511.19 of the Revised Code or 51268
other equivalent offenses that cumulatively total three or more 51269
such refusals, convictions, and guilty pleas, the suspension shall 51270
be for five years. 51271

(2) The registrar shall terminate a suspension of the 51272
driver's or commercial driver's license or permit of a resident or 51273
of the operating privilege of a nonresident, or a denial of a 51274
driver's or commercial driver's license or permit, imposed 51275
pursuant to division (B)(1) of this section upon receipt of notice 51276
that the person has entered a plea of guilty to, or that the 51277
person has been convicted after entering a plea of no contest to, 51278
operating a vehicle in violation of section 4511.19 of the Revised 51279
Code or in violation of a municipal OVI ordinance, if the offense 51280
for which the conviction is had or the plea is entered arose from 51281
the same incident that led to the suspension or denial. 51282

The registrar shall credit against any judicial suspension of 51283
a person's driver's or commercial driver's license or permit or 51284
nonresident operating privilege imposed pursuant to section 51285
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 51286
Revised Code for a violation of a municipal OVI ordinance, any 51287
time during which the person serves a related suspension imposed 51288
pursuant to division (B)(1) of this section. 51289

(C)(1) Upon receipt of the sworn report of the law 51290
enforcement officer who arrested a person for a violation of 51291
division (A) or (B) of section 4511.19 of the Revised Code or a 51292
municipal OVI ordinance that was completed and sent to the 51293

registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, 51326
the person has been convicted of or pleaded guilty to two 51327
violations of a statute or ordinance described in division 51328
(C)(1)(b) of this section, the suspension shall be a class B 51329
suspension imposed for the period of time specified in division 51330
(B)(2) of section 4510.02 of the Revised Code. 51331

(d) If, within six years of the date the test was conducted, 51332
the person has been convicted of or pleaded guilty to more than 51333
two violations of a statute or ordinance described in division 51334
(C)(1)(b) of this section, the suspension shall be a class A 51335
suspension imposed for the period of time specified in division 51336
(B)(1) of section 4510.02 of the Revised Code. 51337

(2) The registrar shall terminate a suspension of the 51338
driver's or commercial driver's license or permit of a resident or 51339
of the operating privilege of a nonresident, or a denial of a 51340
driver's or commercial driver's license or permit, imposed 51341
pursuant to division (C)(1) of this section upon receipt of notice 51342
that the person has entered a plea of guilty to, or that the 51343
person has been convicted after entering a plea of no contest to, 51344
operating a vehicle in violation of section 4511.19 of the Revised 51345
Code or in violation of a municipal OVI ordinance, if the offense 51346
for which the conviction is had or the plea is entered arose from 51347
the same incident that led to the suspension or denial. 51348

The registrar shall credit against any judicial suspension of 51349
a person's driver's or commercial driver's license or permit or 51350
nonresident operating privilege imposed pursuant to section 51351
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 51352
Revised Code for a violation of a municipal OVI ordinance, any 51353
time during which the person serves a related suspension imposed 51354
pursuant to division (C)(1) of this section. 51355

(D)(1) A suspension of a person's driver's or commercial 51356
driver's license or permit or nonresident operating privilege 51357

under this section for the time described in division (B) or (C) 51358
of this section is effective immediately from the time at which 51359
the arresting officer serves the notice of suspension upon the 51360
arrested person. Any subsequent finding that the person is not 51361
guilty of the charge that resulted in the person being requested 51362
to take the chemical test or tests under division (A) of this 51363
section does not affect the suspension. 51364

(2) If a person is arrested for operating a vehicle, 51365
streetcar, or trackless trolley in violation of division (A) or 51366
(B) of section 4511.19 of the Revised Code or a municipal OVI 51367
ordinance, or for being in physical control of a vehicle, 51368
streetcar, or trackless trolley in violation of section 4511.194 51369
of the Revised Code or a substantially equivalent municipal 51370
ordinance, regardless of whether the person's driver's or 51371
commercial driver's license or permit or nonresident operating 51372
privilege is or is not suspended under division (B) or (C) of this 51373
section or Chapter 4510. of the Revised Code, the person's initial 51374
appearance on the charge resulting from the arrest shall be held 51375
within five days of the person's arrest or the issuance of the 51376
citation to the person, subject to any continuance granted by the 51377
court pursuant to section 4511.197 of the Revised Code regarding 51378
the issues specified in that division. 51379

(E) When it finally has been determined under the procedures 51380
of this section and sections 4511.192 to 4511.197 of the Revised 51381
Code that a nonresident's privilege to operate a vehicle within 51382
this state has been suspended, the registrar shall give 51383
information in writing of the action taken to the motor vehicle 51384
administrator of the state of the person's residence and of any 51385
state in which the person has a license. 51386

(F) At the end of a suspension period under this section, 51387
under section 4511.194, section 4511.196, or division (G) of 51388
section 4511.19 of the Revised Code, or under section 4510.07 of 51389

the Revised Code for a violation of a municipal OVI ordinance and 51390
upon the request of the person whose driver's or commercial 51391
driver's license or permit was suspended and who is not otherwise 51392
subject to suspension, cancellation, or disqualification, the 51393
registrar shall return the driver's or commercial driver's license 51394
or permit to the person upon the occurrence of all of the 51395
conditions specified in divisions (F)(1) and (2) of this section: 51396

(1) A showing that the person has proof of financial 51397
responsibility, a policy of liability insurance in effect that 51398
meets the minimum standards set forth in section 4509.51 of the 51399
Revised Code, or proof, to the satisfaction of the registrar, that 51400
the person is able to respond in damages in an amount at least 51401
equal to the minimum amounts specified in section 4509.51 of the 51402
Revised Code. 51403

(2) Subject to the limitation contained in division (F)(3) of 51404
this section, payment by the person to the registrar or an 51405
eligible deputy registrar of a license reinstatement fee of four 51406
hundred seventy-five dollars, which fee shall be deposited in the 51407
state treasury and credited as follows: 51408

(a) One hundred twelve dollars and fifty cents shall be 51409
credited to the statewide treatment and prevention fund created by 51410
section 4301.30 of the Revised Code. Money credited to the fund 51411
under this section shall be used for purposes identified under 51412
section 5119.22 of the Revised Code. 51413

(b) Seventy-five dollars shall be credited to the reparations 51414
fund created by section 2743.191 of the Revised Code. 51415

(c) Thirty-seven dollars and fifty cents shall be credited to 51416
the indigent drivers alcohol treatment fund, which is hereby 51417
established in the state treasury. The department of mental health 51418
and addiction services shall distribute the moneys in that fund to 51419
the county indigent drivers alcohol treatment funds, the county 51420

juvenile indigent drivers alcohol treatment funds, and the 51421
municipal indigent drivers alcohol treatment funds that are 51422
required to be established by counties and municipal corporations 51423
pursuant to division (H) of this section to be used only as 51424
provided in division (H)(3) of this section. Moneys in the fund 51425
that are not distributed to a county indigent drivers alcohol 51426
treatment fund, a county juvenile indigent drivers alcohol 51427
treatment fund, or a municipal indigent drivers alcohol treatment 51428
fund under division (H) of this section because the director of 51429
mental health and addiction services does not have the information 51430
necessary to identify the county or municipal corporation where 51431
the offender or juvenile offender was arrested may be transferred 51432
by the director of budget and management to the statewide 51433
treatment and prevention fund created by section 4301.30 of the 51434
Revised Code, upon certification of the amount by the director of 51435
mental health and addiction services. 51436

(d) Seventy-five dollars shall be credited to the 51437
opportunities for Ohioans with disabilities agency established by 51438
section 3304.15 of the Revised Code, to the services for 51439
rehabilitation fund, which is hereby established. The fund shall 51440
be used to match available federal matching funds where 51441
appropriate, and for any other purpose or program of the agency to 51442
rehabilitate persons with disabilities to help them become 51443
employed and independent. 51444

(e) Seventy-five dollars shall be deposited into the state 51445
treasury and credited to the drug abuse resistance education 51446
programs fund, which is hereby established, to be used by the 51447
attorney general for the purposes specified in division (F)(4) of 51448
this section. 51449

(f) Thirty dollars shall be credited to the state bureau of 51450
motor vehicles fund created by section 4501.25 of the Revised 51451
Code. 51452

(g) Twenty dollars shall be credited to the trauma and 51453
emergency medical services fund created by section 4513.263 of the 51454
Revised Code. 51455

(h) Fifty dollars shall be credited to the indigent drivers 51456
interlock and alcohol monitoring fund, which is hereby established 51457
in the state treasury. Moneys in the fund shall be distributed by 51458
the department of public safety to the county indigent drivers 51459
interlock and alcohol monitoring funds, the county juvenile 51460
indigent drivers interlock and alcohol monitoring funds, and the 51461
municipal indigent drivers interlock and alcohol monitoring funds 51462
that are required to be established by counties and municipal 51463
corporations pursuant to this section, and shall be used only to 51464
pay the cost of an immobilizing or disabling device, including a 51465
certified ignition interlock device, or an alcohol monitoring 51466
device used by an offender or juvenile offender who is ordered to 51467
use the device by a county, juvenile, or municipal court judge and 51468
who is determined by the county, juvenile, or municipal court 51469
judge not to have the means to pay for the person's use of the 51470
device. 51471

(3) If a person's driver's or commercial driver's license or 51472
permit is suspended under this section, under section 4511.196 or 51473
division (G) of section 4511.19 of the Revised Code, under section 51474
4510.07 of the Revised Code for a violation of a municipal OVI 51475
ordinance or under any combination of the suspensions described in 51476
division (F)(3) of this section, and if the suspensions arise from 51477
a single incident or a single set of facts and circumstances, the 51478
person is liable for payment of, and shall be required to pay to 51479
the registrar or an eligible deputy registrar, only one 51480
reinstatement fee of four hundred seventy-five dollars. The 51481
reinstatement fee shall be distributed by the bureau in accordance 51482
with division (F)(2) of this section. 51483

(4) The attorney general shall use amounts in the drug abuse 51484

resistance education programs fund to award grants to law 51485
enforcement agencies to establish and implement drug abuse 51486
resistance education programs in public schools. Grants awarded to 51487
a law enforcement agency under this section shall be used by the 51488
agency to pay for not more than fifty per cent of the amount of 51489
the salaries of law enforcement officers who conduct drug abuse 51490
resistance education programs in public schools. The attorney 51491
general shall not use more than six per cent of the amounts the 51492
attorney general's office receives under division (F)(2)(e) of 51493
this section to pay the costs it incurs in administering the grant 51494
program established by division (F)(2)(e) of this section and in 51495
providing training and materials relating to drug abuse resistance 51496
education programs. 51497

The attorney general shall report to the governor and the 51498
general assembly each fiscal year on the progress made in 51499
establishing and implementing drug abuse resistance education 51500
programs. These reports shall include an evaluation of the 51501
effectiveness of these programs. 51502

(5) In addition to the reinstatement fee under this section, 51503
if the person pays the reinstatement fee to a deputy registrar, 51504
the deputy registrar shall collect a service fee of ten dollars to 51505
compensate the deputy registrar for services performed under this 51506
section. The deputy registrar shall retain eight dollars of the 51507
service fee and shall transmit the reinstatement fee, plus two 51508
dollars of the service fee, to the registrar in the manner the 51509
registrar shall determine. 51510

(G) Suspension of a commercial driver's license under 51511
division (B) or (C) of this section shall be concurrent with any 51512
period of disqualification under section 3123.611 or 4506.16 of 51513
the Revised Code or any period of suspension under section 3123.58 51514
of the Revised Code. No person who is disqualified for life from 51515
holding a commercial driver's license under section 4506.16 of the 51516

Revised Code shall be issued a driver's license under Chapter 51517
4507. of the Revised Code during the period for which the 51518
commercial driver's license was suspended under division (B) or 51519
(C) of this section. No person whose commercial driver's license 51520
is suspended under division (B) or (C) of this section shall be 51521
issued a driver's license under Chapter 4507. of the Revised Code 51522
during the period of the suspension. 51523

(H)(1) Each county shall establish an indigent drivers 51524
alcohol treatment fund and a juvenile indigent drivers alcohol 51525
treatment fund. Each municipal corporation in which there is a 51526
municipal court shall establish an indigent drivers alcohol 51527
treatment fund. All revenue that the general assembly appropriates 51528
to the indigent drivers alcohol treatment fund for transfer to a 51529
county indigent drivers alcohol treatment fund, a county juvenile 51530
indigent drivers alcohol treatment fund, or a municipal indigent 51531
drivers alcohol treatment fund, all portions of fees that are paid 51532
under division (F) of this section and that are credited under 51533
that division to the indigent drivers alcohol treatment fund in 51534
the state treasury for a county indigent drivers alcohol treatment 51535
fund, a county juvenile indigent drivers alcohol treatment fund, 51536
or a municipal indigent drivers alcohol treatment fund, all 51537
portions of additional costs imposed under section 2949.094 of the 51538
Revised Code that are specified for deposit into a county, county 51539
juvenile, or municipal indigent drivers alcohol treatment fund by 51540
that section, and all portions of fines that are specified for 51541
deposit into a county or municipal indigent drivers alcohol 51542
treatment fund by section 4511.193 of the Revised Code shall be 51543
deposited into that county indigent drivers alcohol treatment 51544
fund, county juvenile indigent drivers alcohol treatment fund, or 51545
municipal indigent drivers alcohol treatment fund. The portions of 51546
the fees paid under division (F) of this section that are to be so 51547
deposited shall be determined in accordance with division (H)(2) 51548
of this section. Additionally, all portions of fines that are paid 51549

for a violation of section 4511.19 of the Revised Code or of any 51550
prohibition contained in Chapter 4510. of the Revised Code, and 51551
that are required under section 4511.19 or any provision of 51552
Chapter 4510. of the Revised Code to be deposited into a county 51553
indigent drivers alcohol treatment fund or municipal indigent 51554
drivers alcohol treatment fund shall be deposited into the 51555
appropriate fund in accordance with the applicable division of the 51556
section or provision. 51557

(2) That portion of the license reinstatement fee that is 51558
paid under division (F) of this section and that is credited under 51559
that division to the indigent drivers alcohol treatment fund shall 51560
be deposited into a county indigent drivers alcohol treatment 51561
fund, a county juvenile indigent drivers alcohol treatment fund, 51562
or a municipal indigent drivers alcohol treatment fund as follows: 51563

(a) Regarding a suspension imposed under this section, that 51564
portion of the fee shall be deposited as follows: 51565

(i) If the fee is paid by a person who was charged in a 51566
county court with the violation that resulted in the suspension or 51567
in the imposition of the court costs, the portion shall be 51568
deposited into the county indigent drivers alcohol treatment fund 51569
under the control of that court; 51570

(ii) If the fee is paid by a person who was charged in a 51571
juvenile court with the violation that resulted in the suspension 51572
or in the imposition of the court costs, the portion shall be 51573
deposited into the county juvenile indigent drivers alcohol 51574
treatment fund established in the county served by the court; 51575

(iii) If the fee is paid by a person who was charged in a 51576
municipal court with the violation that resulted in the suspension 51577
or in the imposition of the court costs, the portion shall be 51578
deposited into the municipal indigent drivers alcohol treatment 51579
fund under the control of that court. 51580

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised

Code or at a community addiction services provider that is 51612
certified under section 5119.36 of the Revised Code; 51613

(ii) To pay the cost of alcohol addiction services, drug 51614
addiction services, or integrated alcohol and drug addiction 51615
services at a community addiction services provider that is 51616
certified under section 5119.36 of the Revised Code; 51617

(iii) To pay the cost of transportation to attend an 51618
assessment as provided under division (H)(3)(b)(i) of this section 51619
or addiction services as provided under division (H)(3)(b)(ii) of 51620
this section. 51621

The alcohol and drug addiction services board or the board of 51622
alcohol, drug addiction, and mental health services established 51623
pursuant to section 340.02 or 340.021 of the Revised Code and 51624
serving the alcohol, drug addiction, and mental health service 51625
district in which the court is located shall administer the 51626
indigent drivers alcohol treatment program of the court. When a 51627
court orders an offender or juvenile traffic offender to obtain an 51628
assessment or attend an alcohol and drug addiction treatment 51629
program, the board shall determine which program is suitable to 51630
meet the needs of the offender or juvenile traffic offender, and 51631
when a suitable program is located and space is available at the 51632
program, the offender or juvenile traffic offender shall attend 51633
the program designated by the board. A reasonable amount not to 51634
exceed five per cent of the amounts credited to and deposited into 51635
the county indigent drivers alcohol treatment fund, the county 51636
juvenile indigent drivers alcohol treatment fund, or the municipal 51637
indigent drivers alcohol treatment fund serving every court whose 51638
program is administered by that board shall be paid to the board 51639
to cover the costs it incurs in administering those indigent 51640
drivers alcohol treatment programs. 51641

(c) Upon exhaustion of moneys in the indigent drivers 51642
interlock and alcohol monitoring fund for the use of an alcohol 51643

monitoring device, a county, juvenile, or municipal court judge 51644
may use moneys in the county indigent drivers alcohol treatment 51645
fund, county juvenile indigent drivers alcohol treatment fund, or 51646
municipal indigent drivers alcohol treatment fund in either of the 51647
following manners: 51648

(i) If the source of the moneys was an appropriation of the 51649
general assembly, a portion of a fee that was paid under division 51650
(F) of this section, a portion of a fine that was specified for 51651
deposit into the fund by section 4511.193 of the Revised Code, or 51652
a portion of a fine that was paid for a violation of section 51653
4511.19 of the Revised Code or of a provision contained in Chapter 51654
4510. of the Revised Code that was required to be deposited into 51655
the fund, to pay for the continued use of an alcohol monitoring 51656
device by an offender or juvenile traffic offender, in conjunction 51657
with a treatment program approved by the department of mental 51658
health and addiction services, when such use is determined 51659
clinically necessary by the treatment program and when the court 51660
determines that the offender or juvenile traffic offender is 51661
unable to pay all or part of the daily monitoring or cost of the 51662
device; 51663

(ii) If the source of the moneys was a portion of an 51664
additional court cost imposed under section 2949.094 of the 51665
Revised Code, to pay for the continued use of an alcohol 51666
monitoring device by an offender or juvenile traffic offender when 51667
the court determines that the offender or juvenile traffic 51668
offender is unable to pay all or part of the daily monitoring or 51669
cost of the device. The moneys may be used for a device as 51670
described in this division if the use of the device is in 51671
conjunction with a treatment program approved by the department of 51672
mental health and addiction services, when the use of the device 51673
is determined clinically necessary by the treatment program, but 51674
the use of a device is not required to be in conjunction with a 51675

treatment program approved by the department in order for the 51676
moneys to be used for the device as described in this division. 51677

(4) If a county, juvenile, or municipal court determines, in 51678
consultation with the alcohol and drug addiction services board or 51679
the board of alcohol, drug addiction, and mental health services 51680
established pursuant to section 340.02 or 340.021 of the Revised 51681
Code and serving the alcohol, drug addiction, and mental health 51682
district in which the court is located, that the funds in the 51683
county indigent drivers alcohol treatment fund, the county 51684
juvenile indigent drivers alcohol treatment fund, or the municipal 51685
indigent drivers alcohol treatment fund under the control of the 51686
court are more than sufficient to satisfy the purpose for which 51687
the fund was established, as specified in divisions (H)(1) to (3) 51688
of this section, the court may declare a surplus in the fund. If 51689
the court declares a surplus in the fund, the court may take any 51690
of the following actions with regard to the amount of the surplus 51691
in the fund: 51692

(a) Expend any of the surplus amount for alcohol and drug 51693
abuse assessment and treatment, and for the cost of transportation 51694
related to assessment and treatment, of persons who are charged in 51695
the court with committing a criminal offense or with being a 51696
delinquent child or juvenile traffic offender and in relation to 51697
whom both of the following apply: 51698

(i) The court determines that substance abuse was a 51699
contributing factor leading to the criminal or delinquent activity 51700
or the juvenile traffic offense with which the person is charged. 51701

(ii) The court determines that the person is unable to pay 51702
the cost of the alcohol and drug abuse assessment and treatment 51703
for which the surplus money will be used. 51704

(b) Expend any of the surplus amount to pay all or part of 51705
the cost of purchasing alcohol monitoring devices to be used in 51706

conjunction with division (H)(3)(c) of this section, upon 51707
exhaustion of moneys in the indigent drivers interlock and alcohol 51708
monitoring fund for the use of an alcohol monitoring device. 51709

(c) Transfer to another court in the same county any of the 51710
surplus amount to be utilized in a manner consistent with division 51711
(H)(3) of this section. If surplus funds are transferred to 51712
another court, the court that transfers the funds shall notify the 51713
alcohol and drug addiction services board or the board of alcohol, 51714
drug addiction, and mental health services that serves the 51715
alcohol, drug addiction, and mental health service district in 51716
which that court is located. 51717

(d) Transfer to the alcohol and drug addiction services board 51718
or the board of alcohol, drug addiction, and mental health 51719
services that serves the alcohol, drug addiction, and mental 51720
health service district in which the court is located any of the 51721
surplus amount to be utilized in a manner consistent with division 51722
(H)(3) of this section or for board contracted recovery support 51723
services. 51724

(5) In order to determine if an offender does not have the 51725
means to pay for the offender's attendance at an alcohol and drug 51726
addiction treatment program for purposes of division (H)(3) of 51727
this section or if an alleged offender or delinquent child is 51728
unable to pay the costs specified in division (H)(4) of this 51729
section, the court shall use the indigent client eligibility 51730
guidelines and the standards of indigency established by the state 51731
public defender to make the determination. 51732

(6) The court shall identify and refer any community 51733
addiction services provider that ~~is~~ intends to provide addiction 51734
services and has not had its addiction services certified under 51735
section 5119.36 of the Revised Code and that is interested in 51736
receiving amounts from the surplus in the fund declared under 51737
division (H)(4) of this section to the department of mental health 51738

and addiction services in order for the community addiction 51739
services provider to ~~become a certified community addiction~~ 51740
~~services provider~~ have its addiction services certified by the 51741
department. The department shall keep a record of applicant 51742
referrals received pursuant to this division and shall submit a 51743
report on the referrals each year to the general assembly. If a 51744
community addiction services provider interested in ~~becoming~~ 51745
having its addiction services certified makes an application ~~to~~ 51746
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 51747
the community addiction services provider is eligible to receive 51748
surplus funds as long as the application is pending with the 51749
department. The department of mental health and addiction services 51750
must offer technical assistance to the applicant. If the 51751
interested community addiction services provider withdraws the 51752
certification application, the department must notify the court, 51753
and the court shall not provide the interested community addiction 51754
services provider with any further surplus funds. 51755

(7)(a) Each alcohol and drug addiction services board and 51756
board of alcohol, drug addiction, and mental health services 51757
established pursuant to section 340.02 or 340.021 of the Revised 51758
Code shall submit to the department of mental health and addiction 51759
services an annual report for each indigent drivers alcohol 51760
treatment fund in that board's area. 51761

(b) The report, which shall be submitted not later than sixty 51762
days after the end of the state fiscal year, shall provide the 51763
total payment that was made from the fund, including the number of 51764
indigent consumers that received treatment services and the number 51765
of indigent consumers that received an alcohol monitoring device. 51766
The report shall identify the treatment program and expenditure 51767
for an alcohol monitoring device for which that payment was made. 51768
The report shall include the fiscal year balance of each indigent 51769
drivers alcohol treatment fund located in that board's area. In 51770

the event that a surplus is declared in the fund pursuant to 51771
division (H)(4) of this section, the report also shall provide the 51772
total payment that was made from the surplus moneys and identify 51773
the authorized purpose for which that payment was made. 51774

(c) If a board is unable to obtain adequate information to 51775
develop the report to submit to the department for a particular 51776
indigent drivers alcohol treatment fund, the board shall submit a 51777
report detailing the effort made in obtaining the information. 51778

(I)(1) Each county shall establish an indigent drivers 51779
interlock and alcohol monitoring fund and a juvenile indigent 51780
drivers interlock and alcohol treatment fund. Each municipal 51781
corporation in which there is a municipal court shall establish an 51782
indigent drivers interlock and alcohol monitoring fund. All 51783
revenue that the general assembly appropriates to the indigent 51784
drivers interlock and alcohol monitoring fund for transfer to a 51785
county indigent drivers interlock and alcohol monitoring fund, a 51786
county juvenile indigent drivers interlock and alcohol monitoring 51787
fund, or a municipal indigent drivers interlock and alcohol 51788
monitoring fund, all portions of license reinstatement fees that 51789
are paid under division (F)(2) of this section and that are 51790
credited under that division to the indigent drivers interlock and 51791
alcohol monitoring fund in the state treasury, and all portions of 51792
fines that are paid under division (G) of section 4511.19 of the 51793
Revised Code and that are credited by division (G)(5)(e) of that 51794
section to the indigent drivers interlock and alcohol monitoring 51795
fund in the state treasury shall be deposited in the appropriate 51796
fund in accordance with division (I)(2) of this section. 51797

(2) That portion of the license reinstatement fee that is 51798
paid under division (F) of this section and that portion of the 51799
fine paid under division (G) of section 4511.19 of the Revised 51800
Code and that is credited under either division to the indigent 51801
drivers interlock and alcohol monitoring fund shall be deposited 51802

into a county indigent drivers interlock and alcohol monitoring 51803
fund, a county juvenile indigent drivers interlock and alcohol 51804
monitoring fund, or a municipal indigent drivers interlock and 51805
alcohol monitoring fund as follows: 51806

(a) If the fee or fine is paid by a person who was charged in 51807
a county court with the violation that resulted in the suspension 51808
or fine, the portion shall be deposited into the county indigent 51809
drivers interlock and alcohol monitoring fund under the control of 51810
that court. 51811

(b) If the fee or fine is paid by a person who was charged in 51812
a juvenile court with the violation that resulted in the 51813
suspension or fine, the portion shall be deposited into the county 51814
juvenile indigent drivers interlock and alcohol monitoring fund 51815
established in the county served by the court. 51816

(c) If the fee or fine is paid by a person who was charged in 51817
a municipal court with the violation that resulted in the 51818
suspension, the portion shall be deposited into the municipal 51819
indigent drivers interlock and alcohol monitoring fund under the 51820
control of that court. 51821

(3) If a county, juvenile, or municipal court determines that 51822
the funds in the county indigent drivers interlock and alcohol 51823
monitoring fund, the county juvenile indigent drivers interlock 51824
and alcohol monitoring fund, or the municipal indigent drivers 51825
interlock and alcohol monitoring fund under the control of that 51826
court are more than sufficient to satisfy the purpose for which 51827
the fund was established as specified in division (F)(2)(h) of 51828
this section, the court may declare a surplus in the fund. The 51829
court then may order the transfer of a specified amount into the 51830
county indigent drivers alcohol treatment fund, the county 51831
juvenile indigent drivers alcohol treatment fund, or the municipal 51832
indigent drivers alcohol treatment fund under the control of that 51833
court to be utilized in accordance with division (H) of this 51834

section. 51835

Sec. 4513.611. (A) A vehicle owner may bring a civil action 51836
against a towing service or storage facility that violates section 51837
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 51838
determines that the towing service or storage facility committed 51839
the violation, the court shall award the vehicle owner the 51840
following: 51841

(1) ~~If it is a first violation~~ If the towing service or 51842
storage facility has not committed any prior violations within one 51843
year of the violation, one thousand dollars; 51844

(2) ~~If it is a second violation~~ If the towing service or 51845
storage facility has committed one prior violation within one year 51846
of the violation, two thousand five hundred dollars; 51847

(3) ~~If it is a third or subsequent violation~~ If the towing 51848
service or storage facility has committed two prior violations 51849
within one year of the violation, two thousand five hundred 51850
dollars. In addition, the court shall order the public utilities 51851
commission to revoke the towing service's or storage facility's 51852
certificate of public convenience and necessity for six months. 51853
The commission shall comply with the order. 51854

(B) Upon expiration of the six-month revocation under 51855
division (A)(3) of this section, a court shall not consider any 51856
violation committed by the towing service or storage facility 51857
prior to the revocation for purposes of a civil action initiated 51858
after the expiration of the six-month revocation. 51859

(C) In addition to an award made under division (A) of this 51860
section, if a court determines that a towing service or storage 51861
facility committed a violation that caused actual damages, the 51862
court shall award the vehicle owner three times the actual damages 51863
and reasonable attorney's fees. 51864

Sec. 4513.67. (A) As used in this section, "towing service" 51865
means any for-hire motor carrier that is engaged on an intrastate 51866
basis anywhere in this state in the business of towing a motor 51867
vehicle over any public highway in this state. 51868

(B) No person shall operate a towing vehicle for a towing 51869
service and no person who owns a towing vehicle used by a towing 51870
service or has supervisory responsibility over a towing vehicle 51871
used by a towing service, shall permit the operation of a towing 51872
vehicle used by a towing service, unless both of the following 51873
apply: 51874

(1) The towing service holds a valid certificate of public 51875
convenience and necessity as required by Chapter 4921. of the 51876
Revised Code; and 51877

(2) The certificate number and business telephone number is 51878
visibly displayed on both the left and right ~~front doors~~ sides of 51879
the towing vehicle. 51880

(C) No towing service shall do either of the following: 51881

(1) Fail to make its current certificate of public 51882
convenience and necessity available for public inspection during 51883
normal business hours; 51884

(2) Fail to include its certificate number on all 51885
advertising, written estimates, contracts, and invoices. 51886

Sec. 4707.02. (A) No person shall act as an auction firm, 51887
auctioneer, apprentice auctioneer, or special auctioneer within 51888
this state without a license issued by the department of 51889
agriculture. No auction shall be conducted in this state except by 51890
an auctioneer licensed by the department. 51891

The department shall not issue or renew a license if the 51892
applicant or licensee has been convicted of a felony or crime 51893

involving fraud or theft in this or another state at any time 51894
during the ten years immediately preceding application or renewal. 51895

(B) Division (A) of this section does not apply to any of the 51896
following: 51897

(1) Sales at auction that either are required by law to be at 51898
auction, other than sales pursuant to a judicial order or decree, 51899
or are conducted by or under the direction of a public authority; 51900

(2) The owner of any real or personal property desiring to 51901
sell the property at auction, provided that the property was not 51902
acquired for the purpose of resale; 51903

(3) An auction mediation company; 51904

(4) An auction that is conducted in a course of study for 51905
auctioneers that is approved by the state auctioneers commission 51906
created under section 4707.03 of the Revised Code for purposes of 51907
student training and is supervised by a licensed auctioneer; 51908

(5)(a) An auction that is sponsored by a nonprofit or 51909
charitable organization that is registered in this state under 51910
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 51911
if the auction only involves the property of the members of the 51912
organization and the auction is part of a fair that is organized 51913
by an agricultural society under Chapter 1711. of the Revised Code 51914
or by the Ohio expositions commission under Chapter 991. of the 51915
Revised Code at which an auctioneer who is licensed under this 51916
chapter physically conducts the auction; ~~or~~ 51917

(b) Sales at an auction sponsored by a charitable, religious, 51918
or civic organization that is tax exempt under subsection 51919
501(c)(3) of the Internal Revenue Code, or by a public school, 51920
chartered nonpublic school, or community school, if no person in 51921
the business of organizing, arranging, or conducting an auction 51922
for compensation and no consignor of consigned items sold at the 51923
auction, except such organization or school, receives compensation 51924

from the proceeds of the auction. As used in division (B)(5)(b) of 51925
this section, "compensation" means money, a thing of value other 51926
than participation in a charitable event, or a financial benefit. 51927

(c) Sales at an auction sponsored by an organization that is 51928
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 51929
and that is a part of a national, regional, or state convention or 51930
conference that advances or promotes the auction profession in 51931
this state when the property to be sold is donated to or is the 51932
property of the organization and the proceeds remain within the 51933
organization or are donated to a charitable organization that is 51934
tax exempt under subsection 501(c)(3) of the Internal Revenue 51935
Code. 51936

(6) A person licensed as a livestock dealer under Chapter 51937
943. of the Revised Code who exclusively sells livestock and uses 51938
an auctioneer who is licensed under this chapter to conduct the 51939
auction; 51940

(7) A person licensed as a motor vehicle auction owner under 51941
Chapter 4517. of the Revised Code who exclusively sells motor 51942
vehicles to a person licensed under Chapter 4517. of the Revised 51943
Code and who uses an auctioneer who is licensed under this chapter 51944
to conduct the auction; 51945

(8) A person who sells real or personal property by means of 51946
the internet; 51947

(9) A bid calling contest that is approved by the commission 51948
and that is conducted for the purposes of the advancement or 51949
promotion of the auction profession in this state, ~~provided that~~ 51950
~~no compensation is paid to the sponsor of or participants in the~~ 51951
~~contest other than a prize or award for winning the contest;~~ 51952

(10) An auction at which the champion of a national or 51953
international bid calling contest appears, provided that both of 51954
the following apply: 51955

(a) The champion is not paid a commission.	51956
(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.	51957 51958 51959 51960
(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.	51961 51962 51963 51964
(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.	51965 51966 51967
Sec. 4723.06. (A) The board of nursing shall:	51968
(1) Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules adopted under this chapter;	51969 51970 51971 51972
(2) Develop criteria that an applicant must meet to be eligible to sit for the examination for licensure to practice as a registered nurse or as a licensed practical nurse;	51973 51974 51975
(3) Issue and renew nursing licenses, dialysis technician certificates, and community health worker certificates, as provided in this chapter;	51976 51977 51978
(4) Define the minimum standards for educational programs of the schools of registered nursing and schools of practical nursing in this state;	51979 51980 51981
(5) Survey, inspect, and grant full approval to prelicensure nursing education programs in this state that meet the standards established by rules adopted under section 4723.07 of the Revised Code. Prelicensure nursing education programs include, but are not	51982 51983 51984 51985

limited to, diploma, associate degree, baccalaureate degree, 51986
master's degree, and doctor of nursing programs leading to initial 51987
licensure to practice nursing as a registered nurse and practical 51988
nurse programs leading to initial licensure to practice nursing as 51989
a licensed practical nurse. 51990

(6) Grant conditional approval, by a vote of a quorum of the 51991
board, to a new prelicensure nursing education program or a 51992
program that is being reestablished after having ceased to 51993
operate, if the program meets and maintains the minimum standards 51994
of the board established by rules adopted under section 4723.07 of 51995
the Revised Code. If the board does not grant conditional 51996
approval, it shall hold an adjudication under Chapter 119. of the 51997
Revised Code to consider conditional approval of the program. If 51998
the board grants conditional approval, at the first meeting 51999
following completion of the survey process required by division 52000
(A)(5) of this section, the board shall determine whether to grant 52001
full approval to the program. If the board does not grant full 52002
approval or if it appears that the program has failed to meet and 52003
maintain standards established by rules adopted under section 52004
4723.07 of the Revised Code, the board shall hold an adjudication 52005
under Chapter 119. of the Revised Code to consider the program. 52006
Based on results of the adjudication, the board may continue or 52007
withdraw conditional approval, or grant full approval. 52008

(7) Place on provisional approval, for a period of time 52009
specified by the board, a program that has ceased to meet and 52010
maintain the minimum standards of the board established by rules 52011
adopted under section 4723.07 of the Revised Code. Prior to or at 52012
the end of the period, the board shall reconsider whether the 52013
program meets the standards and shall grant full approval if it 52014
does. If it does not, the board may withdraw approval, pursuant to 52015
an adjudication under Chapter 119. of the Revised Code. 52016

(8) Approve continuing education programs and courses under 52017

standards established in rules adopted under sections 4723.07, 52018
4723.69, 4723.79, and 4723.88 of the Revised Code; 52019

(9) Establish a program for monitoring chemical dependency in 52020
accordance with section 4723.35 of the Revised Code; 52021

(10) Establish the practice intervention and improvement 52022
program in accordance with section 4723.282 of the Revised Code; 52023

(11) Issue and renew certificates of authority to practice 52024
nursing as a certified registered nurse anesthetist, clinical 52025
nurse specialist, certified nurse-midwife, or certified nurse 52026
practitioner; 52027

(12) Approve under section 4723.46 of the Revised Code 52028
national certifying organizations for examination and 52029
certification of certified registered nurse anesthetists, clinical 52030
nurse specialists, certified nurse-midwives, or certified nurse 52031
practitioners; 52032

(13) Issue and renew certificates to prescribe in accordance 52033
with sections 4723.48 and 4723.486 of the Revised Code; 52034

(14) Grant approval to the ~~planned classroom and clinical~~ 52035
course of study in advanced pharmacology and related topics 52036
required by section 4723.482 of the Revised Code to be eligible 52037
for a certificate to prescribe; 52038

(15) Make an annual edition of the formulary established in 52039
rules adopted under section 4723.50 of the Revised Code available 52040
to the public either in printed form or by electronic means and, 52041
as soon as possible after any revision of the formulary becomes 52042
effective, make the revision available to the public in printed 52043
form or by electronic means; 52044

(16) Provide guidance and make recommendations to the general 52045
assembly, the governor, state agencies, and the federal government 52046
with respect to the regulation of the practice of nursing and the 52047

enforcement of this chapter;	52048
(17) Make an annual report to the governor, which shall be open for public inspection;	52049 52050
(18) Maintain and have open for public inspection the following records:	52051 52052
(a) A record of all its meetings and proceedings;	52053
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in accordance with rules adopted under this chapter. The record shall be maintained in a format determined by the board.	52054 52055 52056 52057
(c) A list of education and training programs approved by the board.	52058 52059
(19) Deny approval to a person who submits or causes to be submitted false, misleading, or deceptive statements, information, or documentation to the board in the process of applying for approval of a new education or training program. If the board proposes to deny approval of a new education or training program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code.	52060 52061 52062 52063 52064 52065 52066
(B) The board may fulfill the requirement of division (A)(8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code.	52067 52068 52069 52070 52071 52072 52073
Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and	52074 52075 52076 52077

courses shall expire, and may be renewed according to the schedule 52078
established in rules adopted under section 4723.07 of the Revised 52079
Code. 52080

In addition to approving continuing education programs under 52081
division (A)(8) of this section, the board may sponsor continuing 52082
education activities that are directly related to the statutes and 52083
rules the board enforces. 52084

Sec. 4723.08. (A) The board of nursing may impose fees not to 52085
exceed the following limits: 52086

(1) For application for licensure by examination to practice 52087
nursing as a registered nurse or as a licensed practical nurse, 52088
seventy-five dollars; 52089

(2) For application for licensure by endorsement to practice 52090
nursing as a registered nurse or as a licensed practical nurse, 52091
seventy-five dollars; 52092

(3) For application for a certificate of authority to 52093
practice nursing as a certified registered nurse anesthetist, 52094
clinical nurse specialist, certified nurse-midwife, or certified 52095
nurse practitioner, one hundred dollars; 52096

(4) For application for a temporary dialysis technician 52097
certificate, the amount specified in rules adopted under section 52098
4723.79 of the Revised Code; 52099

(5) For application for a dialysis technician certificate, 52100
the amount specified in rules adopted under section 4723.79 of the 52101
Revised Code; 52102

(6) For application for a certificate to prescribe, fifty 52103
dollars; 52104

(7) For providing, pursuant to division (B) of section 52105
4723.271 of the Revised Code, written verification of a nursing 52106
license, certificate of authority, certificate to prescribe, 52107

dialysis technician certificate, medication aide certificate, or	52108
community health worker certificate to another jurisdiction,	52109
fifteen dollars;	52110
(8) For providing, pursuant to division (A) of section	52111
4723.271 of the Revised Code, a replacement copy of a wall	52112
certificate suitable for framing as described in that division,	52113
twenty-five dollars;	52114
(9) For biennial renewal of a nursing license, sixty-five	52115
dollars;	52116
(10) For biennial renewal of a certificate of authority to	52117
practice nursing as a certified registered nurse anesthetist,	52118
clinical nurse specialist, certified nurse-midwife, or certified	52119
nurse practitioner, eighty-five dollars;	52120
(11) For renewal of a certificate to prescribe, fifty	52121
dollars;	52122
(12) For biennial renewal of a dialysis technician	52123
certificate, the amount specified in rules adopted under section	52124
4723.79 of the Revised Code;	52125
(13) For processing a late application for renewal of a	52126
nursing license, certificate of authority, or dialysis technician	52127
certificate, fifty dollars;	52128
(14) For application for authorization to approve continuing	52129
education programs and courses from an applicant accredited by a	52130
national accreditation system for nursing, five hundred dollars;	52131
(15) For application for authorization to approve continuing	52132
education programs and courses from an applicant not accredited by	52133
a national accreditation system for nursing, one thousand dollars;	52134
(16) For each year for which authorization to approve	52135
continuing education programs and courses is renewed, one hundred	52136
fifty dollars;	52137

(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	52138 52139 52140
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	52141 52142 52143
(19) For written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;	52144 52145 52146
(20) For processing a check returned to the board by a financial institution, twenty-five dollars;	52147 52148
(21) <u>(20)</u> The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial renewal of the approval of a training program for community health workers.	52149 52150 52151 52152 52153 52154 52155 52156 52157
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.	52158 52159 52160 52161 52162 52163 52164
(C) The board may charge a participant in a board-sponsored continuing education activity an amount not exceeding fifteen dollars for each activity.	52165 52166 52167
(D) The board may contract for services pertaining to the	52168

process of providing written verification of a license or 52169
certificate when the verification is performed for purposes other 52170
than providing verification to another jurisdiction. The contract 52171
may include provisions pertaining to the collection of the fee 52172
charged for providing the written verification. As part of these 52173
provisions, the board may permit the contractor to retain a 52174
portion of the fees as compensation, before any amounts are 52175
deposited into the state treasury. 52176

Sec. 4723.482. (A) Except as provided in divisions (C) and 52177
(D) of this section, an applicant shall include with the 52178
application submitted under section 4723.48 of the Revised Code 52179
all of the following: 52180

(1) Evidence of holding a current, valid certificate of 52181
authority to practice as a clinical nurse specialist, certified 52182
nurse-midwife, or certified nurse practitioner that was issued by 52183
meeting the requirements of division (A) of section 4723.41 of the 52184
Revised Code; 52185

(2) Evidence of successfully completing the course of study 52186
in advanced pharmacology and related topics in accordance with the 52187
requirements specified in division (B) of this section; 52188

(3) The fee required by section 4723.08 of the Revised Code 52189
for a certificate to prescribe; 52190

(4) Any additional information the board of nursing requires 52191
pursuant to rules adopted under section 4723.50 of the Revised 52192
Code. 52193

(B) With respect to the course of study in advanced 52194
pharmacology and related topics that must be successfully 52195
completed to obtain a certificate to prescribe, all of the 52196
following requirements apply: 52197

(1) The course of study shall be completed not longer than 52198

three years before the application for the certificate to
prescribe is filed.

~~(2) Except as provided in division (E) of this section, the
course of study shall consist of planned classroom and clinical
instruction. The total length of the course of study shall be not
less than forty-five contact hours.~~

(3) The course of study shall meet the requirements to be
approved by the board in accordance with standards established in
rules adopted under section 4723.50 of the Revised Code.

(4) The content of the course of study shall be specific to
the applicant's nursing specialty.

(5) The instruction provided in the course of study shall
include all of the following:

(a) A minimum of thirty-six contact hours of instruction in
advanced pharmacology that includes pharmacokinetic principles and
clinical application and the use of drugs and therapeutic devices
in the prevention of illness and maintenance of health;

(b) Instruction in the fiscal and ethical implications of
prescribing drugs and therapeutic devices;

(c) Instruction in the state and federal laws that apply to
the authority to prescribe;

(d) Instruction that is specific to schedule II controlled
substances, including instruction in all of the following:

(i) Indications for the use of schedule II controlled
substances in drug therapies;

(ii) The most recent guidelines for pain management
therapies, as established by state and national organizations such
as the Ohio pain initiative and the American pain society;

(iii) Fiscal and ethical implications of prescribing schedule
II controlled substances;

(iv) State and federal laws that apply to the authority to prescribe schedule II controlled substances;	52229 52230
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	52231 52232 52233 52234 52235
(e) Any additional instruction required pursuant to rules adopted under section 4723.50 of the Revised Code.	52236 52237
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (D) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	52238 52239 52240 52241 52242 52243 52244 52245
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	52246 52247 52248 52249
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	52250 52251
(3) Either of the following:	52252
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	52253 52254 52255 52256 52257
(b) Evidence of having been employed by the United States	52258

government and authorized, for a continuous period of at least one 52259
year during the three years immediately preceding the date of 52260
application, to prescribe therapeutic devices and drugs, including 52261
at least some controlled substances, in conjunction with that 52262
employment. 52263

(4) Evidence of having completed a two-hour course of 52264
instruction approved by the board in the laws of this state that 52265
govern drugs and prescriptive authority; 52266

(5) Any additional information the board requires pursuant to 52267
rules adopted under section 4723.50 of the Revised Code. 52268

(D) An applicant who practiced or is practicing as a clinical 52269
nurse specialist, certified nurse-midwife, or certified nurse 52270
practitioner in another jurisdiction or as an employee of the 52271
United States government, and is not seeking authority to 52272
prescribe drugs and therapeutic devices by meeting the 52273
requirements of division (A) or (C) of this section, shall include 52274
with the application submitted under section 4723.48 of the 52275
Revised Code all of the following: 52276

(1) Evidence of holding a current, valid certificate of 52277
authority issued under this chapter to practice as a clinical 52278
nurse specialist, certified nurse-midwife, or certified nurse 52279
practitioner; 52280

(2) The fee required by section 4723.08 of the Revised Code 52281
for a certificate to prescribe; 52282

(3) Either of the following: 52283

(a) Evidence of having held, for a continuous period of at 52284
least one year during the three years immediately preceding the 52285
date of application, valid authority issued by another 52286
jurisdiction to prescribe therapeutic devices and drugs, excluding 52287
controlled substances; 52288

(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment.

(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

~~(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C)(3) or (D)(3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the applicant may complete the instruction that is specific to schedule II controlled substances, as required by division (B)(5)(d) of this section, through an internet based course of study in lieu of completing the instruction through a course of study consisting of planned classroom and clinical instruction.~~

Sec. 4723.50. (A) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners to prescribe drugs and therapeutic devices and the issuance and renewal of certificates to prescribe.

The board shall adopt rules that are consistent with the recommendations the board receives from the committee on prescriptive governance pursuant to section 4723.492 of the Revised Code. After reviewing a recommendation submitted by the committee, the board may either adopt the recommendation as a rule or ask the committee to reconsider and resubmit the recommendation. The board shall not adopt any rule that does not

conform to a recommendation made by the committee. 52320

(B) The board shall adopt rules under this section that do 52321
all of the following: 52322

(1) Establish a formulary listing the types of drugs and 52323
therapeutic devices that may be prescribed by a clinical nurse 52324
specialist, certified nurse-midwife, or certified nurse 52325
practitioner. The formulary may include controlled substances, as 52326
defined in section 3719.01 of the Revised Code. The formulary 52327
shall not permit the prescribing of any drug or device to perform 52328
or induce an abortion. 52329

(2) Establish safety standards to be followed by a clinical 52330
nurse specialist, certified nurse-midwife, or certified nurse 52331
practitioner when personally furnishing to patients complete or 52332
partial supplies of antibiotics, antifungals, scabicides, 52333
contraceptives, prenatal vitamins, antihypertensives, drugs and 52334
devices used in the treatment of diabetes, drugs and devices used 52335
in the treatment of asthma, and drugs used in the treatment of 52336
dyslipidemia; 52337

(3) Establish criteria for the components of the standard 52338
care arrangements described in section 4723.431 of the Revised 52339
Code that apply to the authority to prescribe, including the 52340
components that apply to the authority to prescribe schedule II 52341
controlled substances. The rules shall be consistent with that 52342
section and include all of the following: 52343

(a) Quality assurance standards; 52344

(b) Standards for periodic review by a collaborating 52345
physician or podiatrist of the records of patients treated by the 52346
clinical nurse specialist, certified nurse-midwife, or certified 52347
nurse practitioner; 52348

(c) Acceptable travel time between the location at which the 52349
clinical nurse specialist, certified nurse-midwife, or certified 52350

nurse practitioner is engaging in the prescribing components of 52351
the nurse's practice and the location of the nurse's collaborating 52352
physician or podiatrist; 52353

(d) Any other criteria recommended by the committee on 52354
prescriptive governance. 52355

(4) Establish standards and procedures for issuance and 52356
renewal of a certificate to prescribe, including specification of 52357
any additional information the board may require under division 52358
(A)(4), (C)(5), or (D)~~(5)~~(4) of section 4723.482 ~~or~~ division 52359
(B)(3) of section 4723.485, or division (B)(3) of section 4723.486 52360
of the Revised Code; 52361

(5) Establish standards for board approval of the course of 52362
study in advanced pharmacology and related topics required by 52363
section 4723.482 of the Revised Code; 52364

(6) Establish requirements for board approval of the two-hour 52365
course of instruction in the laws of this state as required under 52366
division (C)(4) of section 4723.482 of the Revised Code and 52367
division (B)(2) of section 4723.484 of the Revised Code; 52368

(7) Establish standards and procedures for the appropriate 52369
conduct of an externship as described in section 4723.484 of the 52370
Revised Code, including the following: 52371

(a) Standards and procedures to be used in evaluating an 52372
individual's participation in an externship; 52373

(b) Standards and procedures for the supervision that a 52374
physician must provide during an externship, including supervision 52375
provided by working with the participant and supervision provided 52376
by making timely reviews of the records of patients treated by the 52377
participant. The manner in which supervision must be provided may 52378
vary according to the location where the participant is practicing 52379
and with the participant's level of experience. 52380

Sec. 4723.88. The board of nursing, in accordance with 52381
Chapter 119. of the Revised Code, shall adopt rules to administer 52382
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 52383
rules shall establish all of the following: 52384

(A) Standards and procedures for issuance of community health 52385
worker certificates; 52386

(B) Standards for evaluating the competency of an individual 52387
who applies to receive a certificate on the basis of having been 52388
employed in a capacity substantially the same as a community 52389
health worker before the board implemented the certification 52390
program; 52391

(C) Standards and procedures for renewal of community health 52392
worker certificates, including the continuing education 52393
requirements that must be met for renewal; 52394

(D) Standards governing the performance of activities related 52395
to nursing care that are delegated by a registered nurse to 52396
certified community health workers. In establishing the standards, 52397
the board shall specify limits on the number of certified 52398
community health workers a registered nurse may supervise at any 52399
one time. 52400

(E) Standards and procedures for assessing the quality of the 52401
services that are provided by certified community health workers; 52402

(F) Standards and procedures for denying, suspending, and 52403
revoking a community health worker certificate, including reasons 52404
for imposing the sanctions that are substantially similar to the 52405
reasons that sanctions are imposed under section 4723.28 of the 52406
Revised Code; 52407

(G) Standards and procedures for approving and renewing the 52408
board's approval of training programs that prepare individuals to 52409
become certified community health workers. In establishing the 52410

standards, the board shall specify the minimum components that 52411
must be included in a training program, shall require that all 52412
approved training programs offer the standardized curriculum, and 52413
shall ensure that the curriculum enables individuals to use the 52414
training as a basis for entering programs leading to other 52415
careers, including nursing education programs. 52416

(H) Standards for approval of continuing education programs 52417
and courses for certified community health workers; 52418

(I) Standards and procedures for withdrawing the board's 52419
approval of a training program, refusing to renew the approval of 52420
a training program, and placing a training program on provisional 52421
approval; 52422

(J) Amounts for each fee that may be imposed under division 52423
(A) ~~(21)~~ (20) of section 4723.08 of the Revised Code; 52424

(K) Any other standards or procedures the board considers 52425
necessary and appropriate for the administration and enforcement 52426
of sections 4723.81 to 4723.87 of the Revised Code. 52427

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the 52428
Revised Code: 52429

(A) "Optical aid" means both of the following: 52430

(1) Spectacles or other instruments or devices that are not 52431
contact lenses, if the spectacles or other instruments or devices 52432
may aid or correct human vision and have been prescribed by a 52433
physician or optometrist licensed by any state; 52434

(2) Contact lenses, regardless of whether they address visual 52435
function, if they are designed to fit over the cornea of the eye 52436
or are otherwise designed for use in or on the eye or orbit. 52437

All contact lenses shall be dispensed only in accordance with 52438
a valid written prescription designated for contact lenses, 52439
including the following: 52440

(a) Zero-powered plano contact lenses;	52441
(b) Cosmetic contact lenses;	52442
(c) Performance-enhancing contact lenses;	52443
(d) Any other contact devices determined by the Ohio optical dispensers board to be contact lenses.	52444 52445
(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, <u>placing an order for the delivery of an optical aid</u> , or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.	52446 52447 52448 52449 52450 52451 52452 52453 52454 52455 52456 52457 52458
(C) "Licensed dispensing optician" means a current, valid license issued under sections 4725.47 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.	52459 52460 52461 52462 52463 52464
(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:	52465 52466
(1) The dispensing of optical aids other than contact lenses;	52467
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	52468 52469
(E) "Licensed contact lens dispensing optician" means a	52470

licensed dispensing optician authorized to engage only in the 52471
dispensing of contact lenses. 52472

(F) "Licensed spectacle-contact lens dispensing optician" 52473
means a licensed dispensing optician authorized to engage in the 52474
dispensing of any optical aid. 52475

(G) "Apprentice" means any person dispensing optical aids 52476
under the direct supervision of a licensed dispensing optician. 52477

(H) "Prescription" means the written or verbal directions or 52478
instructions as specified by a physician or optometrist licensed 52479
by any state for preparing an optical aid for a patient. 52480

(I) "Supervision" means the provision of direction and 52481
control through personal inspection and evaluation of work. 52482

(J) "Licensed ocularist" means a person holding a current, 52483
valid license issued under sections 4725.48 to 4725.51 of the 52484
Revised Code to engage in the practice of designing, fabricating, 52485
and fitting artificial eyes or prostheses associated with the 52486
appearance or function of the human eye. 52487

Sec. 4725.411. Beginning January 1, 2016, a licensed 52488
spectacle dispensing optician may dispense prepackaged soft 52489
contact lenses if ~~the~~ both of the following are the case: 52490

(A) The licensed spectacle dispensing optician has completed 52491
two hours of study in contact lens dispensing approved by the Ohio 52492
optical dispensers board under section 4725.51 of the Revised 52493
Code. 52494

(B) The only action necessary is to match the description of 52495
the contact lenses that is on the packaging to a written 52496
prescription. 52497

Sec. 4725.51. (A) Each license issued under sections 4725.40 52498
to 4725.59 of the Revised Code shall expire on the first day of 52499

January in the year after it was issued. Each person holding a 52500
valid, current license may apply to the Ohio optical dispensers 52501
board for the extension of the license under the standard renewal 52502
procedures of Chapter 4745. of the Revised Code. Each application 52503
for renewal shall be accompanied by a renewal fee the board shall 52504
establish by rule. In addition, the application shall contain 52505
evidence that the applicant has completed continuing education 52506
within the immediately preceding one-year period as follows: 52507

(1) Licensed spectacle dispensing opticians shall have 52508
pursued both of the following, approved by the board: 52509

(a) Four hours of study in spectacle dispensing; 52510

(b) Two hours of study in ~~the form of~~ contact lens dispensing 52511
~~described in section 4725.411 of the Revised Code.~~ 52512

(2) Licensed contact lens dispensing opticians shall have 52513
pursued eight hours of study in contact lens dispensing, approved 52514
by the board. 52515

(3) Licensed spectacle-contact lens dispensing opticians 52516
shall have pursued both of the following, approved by the board: 52517

(a) Four hours of study in spectacle dispensing; 52518

(b) Eight hours of study in contact lens dispensing. 52519

(4) Licensed ocularists shall have pursued courses of study 52520
as prescribed by rule of the board. 52521

(B) No person who fails to renew the person's license under 52522
division (A) of this section shall be required to take a 52523
qualifying examination under section 4725.48 of the Revised Code 52524
as a condition of renewal, provided that the application for 52525
renewal and proof of the requisite continuing education hours are 52526
submitted within ninety days from the date the license expired and 52527
the applicant pays the annual renewal fee and a penalty of 52528
seventy-five dollars. The board may provide, by rule, for an 52529

extension of the grace period for licensed dispensing opticians 52530
who are serving in the armed forces of the United States or a 52531
reserve component of the armed forces of the United States, 52532
including the Ohio national guard or the national guard of any 52533
other state and for waiver of the continuing education 52534
requirements or the penalty in cases of hardship or illness. 52535

(C) The board shall approve continuing education programs and 52536
shall adopt rules as necessary for approving the programs. The 52537
rules shall permit programs to be conducted either in person or 52538
through electronic means. Approved programs shall be scheduled, 52539
sponsored, and conducted in accordance with the board's rules. 52540

Sec. 4727.01. As used in this chapter: 52541

(A) "Pawnbroker" means a person engaged in the business of 52542
lending money on deposit or pledges of personal property, other 52543
than securities, printed evidence of indebtedness, titles, deeds, 52544
or bills of sale, at a total charge, rate of interest, or discount 52545
or other remuneration in excess of eight per cent per annum, and 52546
includes a person engaged in the business of purchasing personal 52547
property from another person with an agreement that the personal 52548
property will be made available to that other person for 52549
repurchase within an agreed-to time period and for an amount 52550
greater than the price originally paid to that other person for 52551
the purchase of the personal property. 52552

(B) "License" and "pawnbroker's license" includes both a 52553
standard license and a license plus. 52554

(C) "License plus" means a license issued by the 52555
superintendent of financial institutions to a person who meets the 52556
requirements of this chapter for a license plus. 52557

(D) "Licensee" means a pawnbroker who holds a standard 52558
license or a license plus. 52559

(E) "Licensee plus" means a pawnbroker who holds a license plus. 52560
52561

(F) "Standard license" means a license issued by the superintendent of financial institutions to a person who meets the requirements of this chapter for a standard license. 52562
52563
52564

(G) "Standard licensee" means a pawnbroker who holds a standard license. 52565
52566

(H) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code. 52567
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Sec. 4727.02. (A)(1) No person shall act as a pawnbroker, or advertise, transact, or solicit business as a pawnbroker, without first having obtained either a standard license or a license plus from the superintendent of financial institutions. 52570
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(2) No person shall act as a licensee plus, or advertise, transact, or solicit business as a licensee plus, without first having obtained a license plus from the superintendent of financial institutions. 52574
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(B) A pawnbroker shall not employ an individual to write a pawn transaction, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise, that has been convicted of a felony involving dishonesty or breach of trust. 52578
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Sec. 4727.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by all of the following: 52583
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(1) Prior or current ownership or management of, or employment in, a pawnshop; 52590
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(2) Demonstration to the satisfaction of the superintendent of financial institutions of a thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop and the license being sought. 52592
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A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent. 52596
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(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; ~~and~~ 52602
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(4) Liquid assets in a minimum amount of one hundred thousand dollars at the time of applying for initial licensure and demonstration of the ability to maintain the liquid assets ~~at a~~, as follows: 52605
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(a) A minimum amount of fifty thousand dollars for an applicant for a standard license for the duration of holding a valid ~~pawnbroker's standard~~ license; 52609
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(b) A minimum amount of one hundred thousand dollars for an applicant for a license plus for the duration of holding a valid license plus. 52612
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(B) The superintendent may grant a license to act as a pawnbroker to any person of good character and having experience and fitness in the capacity involved to engage in the business of pawnbroking relating to the license being sought upon the payment to the superintendent of a license fee determined by the superintendent pursuant to section 1321.20 of the Revised Code. A 52615
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license is not transferable or assignable. 52621

(C) The superintendent may consider an application withdrawn 52622
and may retain the investigation fee required under division (D) 52623
of this section if both of the following are true: 52624

(1) An application for a license does not contain all of the 52625
information required under division (B) of this section. 52626

(2) The information is not submitted to the superintendent 52627
within ninety days after the superintendent requests the 52628
information from the applicant in writing. 52629

(D) The superintendent shall require an applicant for a 52630
~~pawnbroker's~~ license to pay to the superintendent a nonrefundable 52631
initial investigation fee of two hundred dollars for a standard 52632
licensee and three hundred dollars for a licensee plus, which is 52633
for the exclusive use of the state. 52634

~~(E)(1) Except as otherwise provided in division (E)(2) of 52635
this section, a pawnbroker's license issued by the superintendent 52636
expires on the thirtieth day of June next following the date of 52637
its issuance, and may be renewed annually by the thirtieth day of 52638
June in accordance with the standard renewal procedure set forth 52639
in Chapter 4745. of the Revised Code. Fifty per cent of the annual 52640
license fee shall be for the use of the state, and fifty per cent 52641
shall be paid by the state to the municipal corporation, or if 52642
outside the limits of any municipal corporation, to the county, in 52643
which the office of the licensee is located. All such fees payable 52644
to municipal corporations or counties shall be paid annually. 52645~~

~~(2) A pawnbroker's license issued or renewed by the 52646
superintendent on or after January 1, 2006, expires on the 52647
thirtieth day of June in the even-numbered year next following the 52648
date of its issuance or renewal, as applicable, and may be renewed 52649
biennially by the thirtieth day of June in accordance with the 52650
standard renewal procedure set forth in Chapter 4745. of the 52651~~

Revised Code. Fifty per cent of the biennial license fee shall be 52652
for the use of the state, and fifty per cent shall be paid by the 52653
state to the municipal corporation, or if outside the limits of 52654
any municipal corporation, to the county, in which the office of 52655
the licensee is located. All such fees payable to municipal 52656
corporations or counties shall be paid biennially. 52657

(F) The fee for renewal of a license shall be equivalent to 52658
the fee for an initial license established by the superintendent 52659
pursuant to section 1321.20 of the Revised Code. Any licensee who 52660
wishes to renew the ~~pawnbroker's~~ licensee's license but who fails 52661
to do so on or before the date the license expires shall reapply 52662
for licensure in the same manner and pursuant to the same 52663
requirements as for initial licensure, unless the licensee pays to 52664
the superintendent on or before the thirty-first day of August of 52665
the year the license expires, a late renewal penalty of one 52666
hundred dollars in addition to the regular renewal fee. Any 52667
licensee who fails to renew the license on or before the date the 52668
license expires is prohibited from acting as a pawnbroker until 52669
the license is renewed or a new license is issued under this 52670
section. Any licensee who renews a license between the first day 52671
of July and the thirty-first day of August of the year the license 52672
expires is not relieved from complying with this division. The 52673
superintendent may refuse to issue to or renew the license of any 52674
licensee who violates this division. 52675

(G) No license shall be granted to any person not a resident 52676
of or the principal office of which is not located in the 52677
municipal corporation or county designated in such license unless 52678
that applicant, in writing and in due form approved by and filed 52679
with the superintendent, first appoints an agent, a resident of 52680
the state, and city or county where the office is to be located, 52681
upon whom all judicial and other process, or legal notice, 52682
directed to the applicant may be served. In case of the death, 52683

removal from the state, or any legal disability or any 52684
disqualification of any such agent, service of such process or 52685
notice may be made upon the superintendent. 52686

The superintendent may, upon notice to the licensee and 52687
reasonable opportunity to be heard, suspend or revoke any license 52688
or assess a penalty against the licensee if the licensee, or the 52689
licensee's officers, agents, or employees, has violated this 52690
chapter. Any penalty shall be appropriate to the violation but in 52691
no case shall the penalty be less than two hundred nor more than 52692
two thousand dollars. Whenever, for any cause, a license is 52693
suspended or revoked, the superintendent shall not issue another 52694
license to the licensee nor to the legal spouse of the licensee, 52695
nor to any business entity of which the licensee is an officer or 52696
member or partner, nor to any person employed by the licensee, 52697
until the expiration of at least two years from the date of 52698
revocation or suspension of the license. The superintendent shall 52699
deposit all penalties allocated pursuant to this section into the 52700
state treasury to the credit of the consumer finance fund. 52701

Any proceedings for the revocation or suspension of a license 52702
or to assess a penalty against a licensee are subject to Chapter 52703
119. of the Revised Code. 52704

(H) If a licensee surrenders or chooses not to renew the 52705
~~pawnbroker's~~ licensee's license, the licensee shall notify the 52706
superintendent thirty days prior to the date on which the licensee 52707
intends to close the licensee's business as a pawnbroker. Prior to 52708
the date, the licensee shall do either of the following with 52709
respect to all active loans: 52710

(1) Dispose of an active loan by selling the loan to another 52711
person holding a valid ~~pawnbroker's~~ license issued under this 52712
section; 52713

(2) Reduce the rate of interest on pledged articles held as 52714

security for a loan to eight per cent per annum or less effective 52715
on the date that the ~~pawnbroker's~~ license is no longer valid. 52716

Sec. 4727.04. (A) An application for a pawnbroker's license 52717
shall state fully the name and address of the applicant and of 52718
every member, partner, stockholder, or owner of an applicant, and 52719
the location of the office or place of business in which the 52720
business is conducted; ~~and in.~~ In the case of a corporation, shall 52721
also state the date and place of its incorporation, the name and 52722
address of its manager, the names and addresses of its directors, 52723
the name and address of the agent as provided in section 4727.03 52724
of the Revised Code, and any other information required by the 52725
superintendent of financial institutions. The application also 52726
shall indicate whether the applicant is seeking a standard license 52727
or a license plus. 52728

The license shall be kept posted in a conspicuous place in 52729
the office where the business is transacted. No person so licensed 52730
shall transact or solicit business under any other name or at any 52731
location other than at the address stated in the person's license. 52732
No licensee may move the licensee's business location without 52733
prior notification to the superintendent of at least thirty days. 52734
If the licensee moves out of the municipal corporation or county 52735
in which the licensee was originally licensed, the licensee shall 52736
pay an additional license fee equivalent to the fee for an initial 52737
license to be distributed in accordance with section 4727.03 of 52738
the Revised Code. 52739

(B) The superintendent may issue to a pawnbroker licensed 52740
under this chapter a temporary exhibition permit pursuant to 52741
division (C)(1) of section 4728.04 of the Revised Code. 52742

(1) A licensee who wishes to be issued a temporary permit 52743
pursuant to division (C)(1) of section 4728.04 of the Revised Code 52744
shall make request for such issuance by letter addressed to the 52745

superintendent. The letter of request shall contain the licensee's name, permanent business address, and license number.

(2) Upon receipt of a temporary exhibition permit, the permit holder shall conspicuously display the permit at the place where the permit holder transacts business at any auction, convention, exhibition, fair, or show.

(3) Every permit holder who wishes to participate in an auction, convention, exhibition, fair, or show, at least two weeks prior to its opening, shall notify the superintendent and the chief of police of the municipal corporation in which the event is to take place, or if the event is to take place outside of any municipal corporation, then the sheriff of the county in which the event is to take place. Such notification shall be by letter and shall include the permit holder's name, permanent business address, and permit number, and the place where the event is scheduled to be held.

(C) Every licensee shall post at the main door of the licensee's place of business the hours or times when the establishment is open for business. No licensee shall collect interest and storage on any loan for any regular business day that the establishment is not open for business as posted, unless prior notice of a closing is posted on the door or the closing is occasioned by an act of God, unforeseen emergency, or other event beyond the control of the licensee. A licensee shall notify the superintendent of any change in the posted hours of operation.

(D) No licensee shall fail to observe the posted hours of operation pursuant to division (C) of this section except as authorized by that division.

Sec. 4727.06. (A) No ~~pawnbroker~~ standard licensee shall charge, receive, or demand interest for any loan in excess of five per cent per month or fraction of a month on the unpaid principal.

Interest shall be computed on a monthly basis on the amount of the principal remaining unpaid on the first day of the month and shall not be compounded.

(B) In addition to the rate of interest limitation imposed pursuant to division (A) of this section, the standard licensee may charge no more than:

(1) Four dollars per month or fraction of a month for all pledged articles held as security or stored for a loan, to be agreed to in writing at the time the loan is made;

(2) Four dollars plus the actual cost of shipping, when the standard licensee is to deliver or forward the pledged article by express or parcel post to the pledgor;

(3) Two dollars for the loss of the original statement issued to the pledgor by the standard licensee pursuant to section 4727.07 of the Revised Code upon redemption of the pledged articles;

(4) Two dollars for the cost of notifying a pledgor by mail that the pledged articles may be forfeited to the standard licensee pursuant to section 4727.11 of the Revised Code.

(C) A standard licensee who complies with the requirements or procedures of this state pursuant to the application of the "Brady Handgun Violence Protection Act," 107 Stat. 1536 (1993), 18 U.S.C.A. 922, as amended, may charge any fee the standard licensee is required by law to pay in order to comply with such requirements or procedures. The standard licensee may charge no more than two dollars for providing services in compliance with such requirements or procedures.

(D) A pledgor of a standard licensee may pay a portion of the outstanding principal loan balance at any time. A pledgor may redeem a pawn loan at any time after seventy-two hours have passed

since the pledge was made. A pledgor of a standard licensee may 52807
not prepay interest or storage charges, except when the pledgor 52808
redeems the pledged property. 52809

Sec. 4727.061. (A) No licensee plus shall charge, contract 52810
for, or receive interest for any loan in excess of three per cent 52811
per month or fraction of a month on the unpaid principal. Interest 52812
shall be computed on a monthly basis on the amount of the 52813
principal remaining unpaid on the first day of the month and shall 52814
not be compounded. 52815

(B) A licensee plus may charge, contract for, and receive a 52816
reasonable fee, not to exceed one-tenth of the value of the loan 52817
per month or fraction of a month for investigating a title, 52818
appraising pledged or purchased items, storing and insuring 52819
property, closing a loan, losses and other expenses, and 52820
incidental costs associated with servicing loans. Such a fee when 52821
made and collected shall not be considered interest for any 52822
purpose. 52823

(C) No licensee plus shall directly or indirectly charge, 52824
receive, or contract for any interest and or fees greater than 52825
that allowed by divisions (A) and (B) of this section. 52826

(D) A pledgor of a licensee plus may pay a portion of the 52827
outstanding principal loan balance at any time. A pledgor may 52828
redeem a pawn loan at any time after seventy-two hours have passed 52829
since the pledge was made. A pledgor of a licensee plus may prepay 52830
interest or fee charges. 52831

Sec. 4727.062. A licensee plus shall waive any unpaid 52832
interest charges imposed under section 4727.061 of the Revised 52833
Code and hold, except as provided in sections 4727.12 and 4727.23 52834
to 4727.26 of the Revised Code, pledged property that is the 52835
subject of a pawn transaction on the licensee plus's business 52836

premises until sixty days after the pledgor or the pledgor's spouse or dependent returns to the United States if the licensee plus receives a copy of military orders indicating that both of the following apply: 52837
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(A) The pledgor, or pledgor's spouse or dependent, is a member of the United States armed forces or in the military service of a state; 52841
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(B) After the pawn transaction was entered into, the pledgor, or pledgor's spouse or dependent was or is to be deployed for service relating to a military conflict. 52844
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Sec. 4727.07. Every pawnbroker shall give to the pledgor or seller a statement upon which shall be legibly written in ink, printed, or typed, the name and address of the licensee making the loan or purchase, the amount of the loan or purchase price, the rate of interest, the time and date when the loan is made, or goods sold, and the date when payable; and also shall give the pledgor a receipt for each payment of principal, storage charge, or interest. All moneys received for any loan shall first be applied to any interest and storage charge on a loan, and any remaining moneys shall then be applied to the amount of unpaid principal of the loan existing on the date on which the moneys are received. The statement also shall contain a full and accurate description of the articles pledged or sold, including any serial and model numbers or identifying marks thereon. In the case of pawn loans, the statement shall contain a full disclosure of all charges for storage, and on the back of the receipt shall be printed in type either a copy of section 4727.06 of the Revised Code for standard licensee or a copy of section 4727.061 of the Revised Code for a licensee plus. The licensee shall retain a copy of the statement for two years from the date of the last entry of the loan or purchase account. Every statement shall be numbered 52847
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and maintained consecutively, commencing with the number "one," 52868
but the licensee may maintain statements in ~~an active and inactive~~ 52869
~~file~~ separate files. 52870

Sec. 4727.08. (A) Every person licensed as a pawnbroker shall 52871
keep and use separate pawn forms and purchase forms to be approved 52872
by the superintendent of financial institutions. 52873

(B) The licensee shall record on the appropriate form for 52874
each pawn or purchase all of the following information: 52875

(1) The date and time of the pledging or purchasing; 52876

(2) The amount of the loan or the purchase price; 52877

(3) The rate of interest and the charges to be paid on the 52878
loan; 52879

(4) The time within which the pledgor is to redeem the 52880
pledged property; 52881

(5) The name, age, and address of the pledgor or seller; 52882

(6) A driver's license number, military identification 52883
number, or other personal identification number; 52884

(7) A physical description of the pledgor or seller; 52885

(8) An accurate description of the pledged or purchased 52886
property, including the name of the manufacturer, any serial and 52887
model numbers, any identifying features, and any identifying 52888
letters or marks; 52889

(9) Any other disclosures required by federal law; 52890

(10) The name of the licensee, and if applicable, the 52891
employee identification number of the employee involved in the 52892
transaction. 52893

(C) A copy of each form, including statements created 52894
pursuant to section 4727.07 of the Revised Code and all other 52895

forms specific to those circumstances enumerated below, used in a 52896
pawn or purchase shall be kept at all times in numerical order ~~in~~ 52897
~~an active or inactive file~~ by transaction number in separate 52898
files, as appropriate, and the licensee shall account for all form 52899
numbers. The licensee may have forms specific to the following 52900
circumstances, and if so, may maintain the forms separately: 52901

(1) New loans; 52902

(2) Loan redemptions; 52903

(3) Loan extensions; 52904

(4) Partial payments on loans; 52905

(5) Forfeited loans; 52906

(6) Merchandise purchase receipts; 52907

(7) Merchandise sales receipts; 52908

(8) Lost ticket affidavits; 52909

(9) Requested police copies not picked up by appropriate law 52910
enforcement agency; 52911

(10) Other circumstances encountered by the licensee. 52912

(D) The records and forms, at all times, shall be kept at the 52913
licensed location and available for inspection by the 52914
superintendent and by the chief of police of the municipal 52915
corporation or township in which the licensee's place of business 52916
is located or, if the place of business is not located within a 52917
municipal corporation or a township that has a chief of police, by 52918
the sheriff of the county in which the place of business is 52919
located. Upon demand of any of them, the licensee shall produce 52920
and show any records, forms, pledges, or purchases which are in 52921
the licensee's possession. 52922

(E) Except in the case of a pledged motor vehicle, 52923
watercraft, or outboard motor, the licensee shall keep all pledges 52924

and purchases at the licensee's place of business unless a 52925
pledgor, in writing, agrees otherwise at the time the pledge is 52926
made. If the item pledged for the pawn loan is a motor vehicle, 52927
watercraft, or outboard motor, the licensee shall take possession 52928
of both the motor vehicle, watercraft, or outboard motor and the 52929
certificate of title to the motor vehicle, watercraft, or outboard 52930
motor and shall keep the certificate at the licensee's place of 52931
business but, upon notification to the pledgor, may keep the motor 52932
vehicle, watercraft, or outboard motor at a location other than 52933
the licensee's place of business. No pledge shall be removed from 52934
the place of business for the licensee's personal use or gain. 52935

(F) Every person licensed as a pawnbroker under this chapter 52936
shall keep and use an intelligible set of books and records in the 52937
English language in complying with this chapter with respect to 52938
recording the details of each purchase or loan. Except as provided 52939
in division (J) of this section, all information required to be 52940
recorded by this chapter shall be entered in a bound book or on 52941
loose-leaf, permanent forms used exclusively for that purpose. 52942
Forms shall be identical and consecutively numbered, and each 52943
shall contain two or more pages. One part of each form shall be 52944
detachable and, when completed, shall serve as the statement to be 52945
given by the licensee to the pledgor or seller as provided by 52946
section 4727.07 of the Revised Code, ~~the.~~ The remaining part of 52947
the form shall be retained in the licensee's permanent records. 52948
All forms shall be accounted for. 52949

(G) No licensee shall require a borrower to affix the 52950
borrower's signature to a blank or partially filled out pawn form 52951
or other record. 52952

(H) Every licensee shall preserve the licensee's books, 52953
forms, accounts, and records for at least two years after making 52954
the final entry regarding any purchase or pledge of property 52955
recorded therein. 52956

(I) All pawn and purchase forms, legal notices, and payment receipt forms shall reflect the name under which the licensee is registered with the superintendent and the complete address of the place of business.

(J) Notwithstanding any other provision of this chapter, a licensee may use other methods of recording data, keeping records, and keeping books, such as electronic or computerized methods, in lieu of the methods described in this section, provided written printouts or hard copies of the required data are readily available in a form approved, in advance, by the superintendent.

Sec. 4727.09. (A) A person licensed as a pawnbroker shall, every day, furnish the following information to the chief of police of the municipal corporation or township in which the licensee's place of business is located or, if the place of business is not located within a municipal corporation or a township that has a chief of police, to the sheriff of the county in which the place of business is located:

(1) A description of all property pledged with or purchased by the licensee;

(2) The number of the pawn or purchase form the licensee used to document the pledge or purchase;

(3) The name of the licensee and, if applicable, the employee identification number of the employee involved in the transaction.

(B) A licensee shall provide the property description and form number required by division (A) of this section on the form furnished by the law enforcement officer requesting the information. The completed form may be communicated by electronic transfer or be in a magnetic media format.

(C)(1) A licensee plus may provide the property description and form number required by division (A) of this section on a form

approved by the superintendent of financial institutions for the 52987
law enforcement database reporting system described in division 52988
(D) of this section. The completed form may be communicated by 52989
electronic transfer or a digital media format. 52990

(2) No fee shall be assessed to a licensee plus, a pledgor, 52991
or a seller for compliance with this division. 52992

(3) If the form is communicated electronically pursuant to 52993
this division, a licensee plus may issue to a pledgor the notice 52994
regarding redemption of property as described in division (E) of 52995
section 4727.11 of the Revised Code. 52996

(D) The superintendent shall approve a secure law enforcement 52997
database reporting system for use by a licensee plus to make 52998
records available to law enforcement officers as required under 52999
division (C) of this section. All information submitted to the 53000
database shall be purged two years from the date of the 53001
transaction. 53002

(E) Except for information collected pursuant to divisions 53003
(A)(1) and (2) of this section, information furnished to law 53004
enforcement by a person licensed as a pawnbroker under this 53005
chapter is confidential and is not a public record under section 53006
149.43 of the Revised Code. 53007

(F) For the purposes of this section, a licensee need provide 53008
only the information required by division (A) of this section. 53009

Sec. 4727.11. (A)(1) If a pledgor fails to pay interest to a 53010
~~person licensed as a pawnbroker~~ standard licensee on a pawn loan 53011
for two months from the date of the loan or the date on which the 53012
last interest payment is due, the standard licensee shall notify 53013
the pledgor by mail, with proof of mailing, to the last place of 53014
address given by the pledgor, that unless the pledgor redeems the 53015
pledged property or pays all interest due and storage charges 53016

within thirty days from the date the notice is mailed, the pledged 53017
property shall be forfeited to the licensee. If the pledgor fails 53018
to redeem or pay all interest due and storage charges within the 53019
period specified in the notice, the licensee becomes the owner of 53020
the pledged property. 53021

(2) Except as provided in division (E) of this section, if a 53022
pledgor fails to pay interest to a licensee plus on a pawn loan 53023
for two months from the date on which the last interest payment is 53024
due, the licensee plus shall notify the pledgor by mail or 53025
electronically, if the pledgor agrees to such communication at the 53026
time the loan is made, to the last place of address or electronic 53027
mail address given by the pledgor, that unless the pledgor redeems 53028
the pledged property or pays all interest and fees due within 53029
thirty days from the date the notice is mailed or electronically 53030
mailed, the pledged property shall be forfeited to the licensee 53031
plus. If the pledgor fails to redeem or pay all interest and fees 53032
due within the period specified in the notice, the licensee plus 53033
becomes the owner of the pledged property. 53034

(B) In the event that any article or property is redeemed by 53035
a person other than the pledgor, the pledgor shall sign the 53036
pledgor's copy of the statement required under section 4727.07 of 53037
the Revised Code, which copy shall be presented by the person to 53038
the licensee. The licensee shall verify the name of the person 53039
redeeming the article or property, and shall record the person's 53040
name and driver's license number, or other personal identification 53041
number, on the licensee's copy of the statement, and shall require 53042
the person to sign this copy. 53043

(C) In the event that any articles or property pledged are 53044
lost or rendered inoperable due to negligence of the licensee, the 53045
licensee shall replace the articles or property with identical 53046
articles or property, except that if the licensee cannot 53047

reasonably obtain identical articles or property, the licensee 53048
shall replace the articles or property with like articles or 53049
property. 53050

(D) When an account is paid in full, the licensee shall 53051
return the pledged article immediately to the pledgor. In the 53052
event the pledgor sells, transfers, or assigns the pledge, the 53053
licensee shall verify the name of the person redeeming the pledge 53054
and record that person's name, driver's license number, and 53055
signature on the permanent copy of the statement of pledge 53056
required pursuant to section 4727.07 of the Revised Code. The 53057
licensee also shall obtain the signature of the pledgor, or other 53058
person redeeming the pledge, ~~upon a separate record of the~~ 53059
~~transaction,~~ that acknowledges the total dollar amount paid for 53060
redemption and the date of redemption. All records shall be kept 53061
in the licensee's place of business. 53062

(E) If a licensee plus electronically files the information 53063
required by division (A) of section 4727.09 of the Revised Code 53064
pursuant to division (C) of that section, the licensee plus may 53065
issue the notice described in division (A) of this section to a 53066
pledgor who fails to pay interest on a pawn loan for one month 53067
from the date of the loan or the date on which the last interest 53068
payment is due. 53069

Sec. 4727.12. (A) A person licensed as a pawnbroker shall 53070
retain any and all goods or articles pledged with the licensee 53071
until the expiration of seventy-two hours after the pledge is 53072
made, ~~and~~. A standard licensee shall retain any goods or articles 53073
purchased by the standard licensee until the expiration of fifteen 53074
days after the purchase is made. The A licensee plus shall retain 53075
any goods or articles purchased by the licensee plus until the 53076
expiration of twenty days after the purchase is made. A standard 53077
licensee or a licensee plus may dispose of such goods or articles 53078

sooner with the written permission of the chief of police of the 53079
municipal corporation or township in which the licensee's place of 53080
business is located or, if the place of business is not located 53081
within a municipal corporation or township that has a chief of 53082
police, with the written permission of the sheriff of the county 53083
in which the business is located. 53084

(B)(1) If the chief of police or sheriff to whom ~~the~~ a 53085
standard licensee makes available the information required by 53086
section 4727.09 of the Revised Code has probable cause to believe 53087
that the article described therein is stolen property, the chief 53088
or sheriff shall notify the standard licensee in writing. Upon 53089
receipt of such a notice, the standard licensee shall retain the 53090
article until the expiration of thirty days after the day on which 53091
the standard licensee is first required to make available the 53092
information required by section 4727.09 of the Revised Code, 53093
unless the chief or sheriff notifies the licensee in writing that 53094
the standard licensee is not required to retain the article until 53095
such expiration. 53096

~~(C)~~(2) If the chief or sheriff receives a report that 53097
property has been stolen and determines the identity of the true 53098
owner of the allegedly stolen property that has been purchased or 53099
pawned and is held by a standard licensee, and informs the 53100
standard licensee of the true owner's identity, the standard 53101
licensee may restore the allegedly stolen property to the true 53102
owner directly. 53103

If a standard licensee fails to restore the allegedly stolen 53104
property, the true owner may recover the property from the 53105
licensee in an action at law. 53106

~~(D)~~(3) If the standard licensee returns the allegedly stolen 53107
property to the true owner, the standard licensee may charge the 53108
person who pledged or sold the allegedly stolen property to the 53109

standard licensee, and any person who acted in consort with the 53110
pledgor or the seller to defraud the standard licensee, the amount 53111
the standard licensee paid or loaned for the allegedly stolen 53112
property, plus interest and storage charges provided for in 53113
section 4727.06 of the Revised Code. 53114

(4) Sections 4727.23 to 4727.26 of the Revised Code govern 53115
instances in which a person claims property in the licensee plus's 53116
possession has been misappropriated. 53117

(C)(1) When a law enforcement officer has reasonable 53118
suspicion to believe that property in the possession of a licensee 53119
plus pawnshop in the law enforcement officer's jurisdiction has 53120
been misappropriated, the law enforcement officer may issue a 53121
police hold order that directs the licensee plus not to release or 53122
dispose of the property until the police hold order terminates or 53123
a court orders the release or disposal of the property. The law 53124
enforcement officer shall request the licensee plus or the 53125
licensee plus's designee to sign the police hold order. 53126

(2) If a licensee plus or the licensee plus's designee signs 53127
the police hold order described in division (C)(1) of this 53128
section, the hold order takes effect when the licensee plus or 53129
designee receives the police hold order. 53130

If a licensee plus or designee refuses to sign the police 53131
hold order described in division (C)(1) of this section, the hold 53132
order begins when the refusal occurs. 53133

(D)(1) When property in the possession of a licensee plus may 53134
be needed as evidence in a pending court action involving a 53135
criminal charge, a law enforcement agency may issue an evidentiary 53136
hold order to a licensee plus that prohibits the licensee plus 53137
from releasing or disposing of the property until the evidentiary 53138
hold order terminates or a court orders the release or disposal of 53139
the property. 53140

(2) A licensee plus who receives an evidentiary hold order 53141
under division (D)(1) of this section shall hold the property 53142
until the court notifies the licensee plus in writing of the 53143
disposition of the action. The court shall notify the licensee 53144
plus within fifteen days after the disposition of the action for 53145
which the property may be needed as evidence. 53146

(E)(1) The law enforcement agency or officer issuing a hold 53147
order described in division (C) or (D) of this section shall issue 53148
the order in writing and include all of the following: 53149

(a) The name of the licensee plus; 53150

(b) A complete description of the property being held, 53151
including the model number and serial number, if any; 53152

(c) The expiration date of the hold order. 53153

(2) In addition to the information required by division 53154
(E)(1) of this section, if the hold order is a police hold order 53155
as described in division (C) of this section, the law enforcement 53156
officer issuing the order shall include all of the following in 53157
the order: 53158

(a) The name, title, and identification number of the law 53159
enforcement officer issuing the police hold order, and the name 53160
and address of the law enforcement agency for which the law 53161
enforcement officer is acting; 53162

(b) The number, if any, assigned by the law enforcement 53163
agency to the case; 53164

(3) In addition to the information required by division 53165
(E)(1) of this section, if the hold order is an evidentiary hold 53166
order as described in division (D) of this section, the law 53167
enforcement agency issuing the order shall include both of the 53168
following in the order: 53169

(a) The name and address of the law enforcement agency 53170

issuing the evidentiary hold order; 53171

(b) The number and caption of the court action. 53172

(F)(1) An initial police hold order as described in this 53173
section shall not exceed sixty days. However, a law enforcement 53174
officer may extend the police hold order for one additional 53175
successive sixty-day period by giving written notification to the 53176
licensee plus before expiration of the sixty-day period. 53177

(2) A law enforcement officer shall not issue a new police 53178
hold order for the same property after the additional sixty-day 53179
period allowed under this section. However, the termination of the 53180
police hold order does not affect an existing evidentiary hold 53181
order on the same property or prevent the issuance of an 53182
evidentiary hold order for the same property. 53183

(3) A law enforcement agency or officer may release a police 53184
hold order before the end of a sixty-day period by issuing a 53185
written release to the licensee plus. 53186

Sec. 4727.13. (A)(1) The superintendent of financial 53187
institutions shall adopt rules in accordance with Chapter 119. of 53188
the Revised Code for the administration and enforcement of this 53189
chapter. 53190

(2) The superintendent may adopt rules that allow for remote 53191
examinations of electronic data held by a licensee plus under this 53192
chapter. 53193

(3) The superintendent may adopt rules describing the data to 53194
be used in a secure law enforcement database reporting system for 53195
use by a licensee plus to make records available to law 53196
enforcement officers as required under division (C) of section 53197
4727.09 of the Revised Code. 53198

(4) The superintendent shall adopt rules implementing the 53199
issuing of licenses plus to new licensees plus and the transition 53200

of pawnbrokers holding standard licenses on the effective date of 53201
this amendment to licenses plus. 53202

(B) The superintendent shall enforce this chapter, make all 53203
reasonable effort to discover alleged violators, notify the proper 53204
prosecuting officer whenever the superintendent has reasonable 53205
grounds to believe that a violation has occurred, act as 53206
complainant in the prosecution thereof, and aid such officers to 53207
the best of the superintendent's ability in such prosecutions. The 53208
superintendent shall employ such deputies as may be necessary to 53209
make the investigations and inspections, and otherwise perform the 53210
duties imposed by such sections. 53211

(C) The superintendent may issue a cease and desist order 53212
against any person the superintendent reasonably suspects has 53213
violated, is currently violating, or is about to violate this 53214
chapter. The superintendent may apply to a court of common pleas 53215
for an order compelling a person to comply with any cease and 53216
desist order or any subpoena issued by the superintendent. 53217

(D) The superintendent may obtain from the court of common 53218
pleas any form of injunctive relief against any person that has 53219
violated, is currently violating, or is about to violate this 53220
chapter. 53221

(E) To enforce this chapter, the superintendent may issue a 53222
subpoena to any person to compel the production of any item, 53223
record, or writing, including an electronic writing, and may issue 53224
a subpoena to any person to compel the appearance and rendering of 53225
testimony. 53226

(F) The superintendent may examine and investigate the 53227
business, including the business location and any books, records, 53228
writings, including electronic writings, safes, files, or storage 53229
areas located in or utilized by the business location, of any 53230
person the superintendent reasonably suspects to be advertising, 53231

transacting, or soliciting business as a pawnbroker. The 53232
superintendent may request the attendance and assistance of the 53233
appropriate chief of police of a municipal corporation or 53234
township, the county sheriff, or the state highway patrol during 53235
the examination and investigation of the business. 53236

(G)(1) The superintendent may adopt rules that require a 53237
licensee to file a biennial report with the superintendent before 53238
the first day of March of the filing year disclosing all relevant 53239
pawn transaction activity occurring during the previous two 53240
calendar years. 53241

(2) If the superintendent requires a licensee to file a 53242
biennial report, the biennial report must provide all of the 53243
following: 53244

(a) The number of pawn transactions made by the licensee 53245
during the previous calendar year and the aggregate amount 53246
financed on the pawn transactions; 53247

(b) The number of pledged property items redeemed during the 53248
previous calendar year and the amount financed on the redeemed 53249
property; 53250

(c) The number of items surrendered to law enforcement; 53251

(d) The total dollar amount of pawn loans surrendered to law 53252
enforcement; 53253

(e) The number of pawn loans that were not redeemed; 53254

(f) The total dollar amount of pawn loans not redeemed; 53255

(g) The total number of full-time equivalent employees at the 53256
pawnshop as of the last day of December of the preceding year. 53257

(G) Information furnished to the superintendent in accordance 53258
with this section is confidential and is not a public record under 53259
section 149.43 of the Revised Code, except that the superintendent 53260
may prepare a report containing aggregate numbers from all 53261

licensees, and, if prepared, the report shall be a public record. 53262

~~See. Sec. 4727.19.~~ (A) Effective with the two-year period 53263
that begins June 30, ~~2000~~ 2014, and every two-year period 53264
thereafter, each ~~person licensed as a pawnbroker~~ standard licensee 53265
under this chapter shall complete by the end of the period at 53266
least twelve hours and each licensee plus shall complete fourteen 53267
hours of continuing education instruction offered in a course or 53268
program approved by the superintendent of financial institutions 53269
after consultation with an industry representative selected by the 53270
superintendent. 53271

(B) Any person licensed under this chapter who has more than 53272
three employees shall designate an individual to the 53273
superintendent as a salesperson. Effective with the two-year 53274
period that begins June 30, 2000, and every two-year period 53275
thereafter, a salesperson shall complete by the end of the period 53276
at least eight hours of continuing education instruction offered 53277
in a course or program approved by the superintendent in 53278
consultation with a designated industry representative. 53279

(C) Each location of those persons licensed under this 53280
chapter who have three or more employees shall have at least one 53281
salesperson who meets the continuing education requirements of 53282
this section. 53283

(D) The superintendent, in accordance with ~~chapter~~ Chapter 53284
119. of the Revised Code, may suspend, revoke, or refuse to renew 53285
the license of any licensee who fails to comply with this section. 53286

(E) The superintendent, in accordance with ~~chapter~~ Chapter 53287
119. of the Revised Code, may adopt rules regarding continuing 53288
education fees, locations, times, frequency, and waivers of 53289
requirements. 53290

Sec. 4727.20. (A) No ~~person licensed as a pawnbroker~~ under 53291

~~this chapter~~ standard licensee shall conduct business in this 53292
state, unless the standard licensee does either of the following: 53293

(1) Maintains liquid assets in a minimum amount of fifty 53294
thousand dollars; 53295

(2) Obtains a surety bond issued by a bonding company or 53296
insurance company authorized to do business in this state. The 53297
bond shall be in favor of the superintendent of financial 53298
institutions and in the penal sum of at least twenty-five thousand 53299
dollars. The standard licensee shall file a copy of the bond with 53300
the superintendent. The bond shall be for the exclusive benefit of 53301
any person injured by a standard licensee's violation of this 53302
chapter. The aggregate liability of the surety for any and all 53303
breaches of the conditions of the bond shall not exceed the penal 53304
sum of the bond. 53305

(B) No licensee plus shall conduct business in this state, 53306
unless the licensee plus does either of the following: 53307

(1) Maintains liquid assets in a minimum amount of one 53308
hundred thousand dollars; 53309

(2) Obtains a surety bond issued by a bonding company or 53310
insurance company authorized to do business in this state. The 53311
bond shall be in favor of the superintendent of financial 53312
institutions and in the penal sum of at least two hundred thousand 53313
dollars. The licensee plus shall file a copy of the bond with the 53314
superintendent. The bond shall be for the exclusive benefit of any 53315
person injured by a licensee's violation of this chapter. The 53316
aggregate liability of the surety for any and all breaches of the 53317
conditions of the bond shall not exceed the penal sum of the bond. 53318

(C) The licensee shall give notice to the superintendent by 53319
certified mail, return receipt requested, of any action that is 53320
brought against the licensee and of any judgment that is entered 53321

against the licensee by a person injured by a violation of this 53322
chapter. The notice shall provide details sufficient to identify 53323
the action or judgment and shall be filed with the superintendent 53324
within ten days after the commencement of the action or notice to 53325
the licensee of entry of a judgment. The surety, within ten days 53326
after it pays any claim or judgment, shall give notice to the 53327
superintendent by certified mail, return receipt requested, of the 53328
payment, with details sufficient to identify the person and the 53329
claim or judgment paid. 53330

~~(C)~~(D) Whenever the penal sum of the surety bond is reduced 53331
by one or more recoveries or payments, the licensee shall furnish 53332
a new or additional bond under this section, so that the total or 53333
aggregate penal sum of the bond or bonds equals the sum required 53334
by this section, or shall furnish an endorsement executed by the 53335
surety reinstating the bond to the required penal sum of the bond. 53336

~~(D)~~(E) The liability of the surety on the bond to the 53337
superintendent and to any person injured by a violation of this 53338
chapter is not affected in any way by any misrepresentation, 53339
breach of warranty, or failure to pay the premium, by any act or 53340
omission upon the part of the licensee, by the insolvency or 53341
bankruptcy of the licensee, or by the insolvency of the licensee's 53342
estate. The liability for any act or omission that occurs during 53343
the term of the surety bond shall be maintained and in effect for 53344
at least two years after the date on which the surety bond is 53345
terminated or canceled. 53346

~~(E)~~(F) The licensee shall not cancel the surety bond except 53347
upon notice to the superintendent by certified mail, return 53348
receipt requested. The cancellation is not effective prior to 53349
thirty days after the superintendent receives the notice. 53350

~~(F)~~(G) No licensee shall fail to comply with this section. 53351

Sec. 4727.23. (A) As used in sections 4727.23 to 4727.26 of 53352

the Revised Code, "claimant" means a person seeking the 53353
restoration of misappropriated property under those sections. 53354

(B) If a claimant believes that property in the possession of 53355
a licensee plus was misappropriated from the claimant, and if the 53356
claimant wants to obtain possession of the property from the 53357
licensee plus, the claimant shall notify the licensee plus of the 53358
claim in writing. 53359

The claimant shall include in the notice of the claim a 53360
complete and accurate description of the property and proof that 53361
the claimant owns the property. If the claimant alleges that the 53362
property was stolen, the claimant shall also include in the notice 53363
a legible copy of a law enforcement agency's report indicating 53364
that the property was misappropriated. 53365

(C) Except as provided in section 4727.24 of the Revised 53366
Code, a licensee plus shall not, for thirty days after the 53367
licensee plus receives notice of a claim under this section, 53368
dispose of property that is the subject of a claim. 53369

Sec. 4727.24. (A) If a claimant and a licensee plus do not 53370
resolve a claim within ten days after the licensee plus receives 53371
the notice of the claim under section 4727.23 of the Revised Code, 53372
the claimant may bring an action in a court of competent 53373
jurisdiction to require the licensee plus to return the property 53374
to the claimant. After the claimant notifies the licensee plus 53375
that court action has been filed, the licensee plus shall not 53376
dispose of the property until the court disposes of the action, 53377
disposes of the property, or allows the licensee plus to dispose 53378
of the property. 53379

(B) Subject to section 4727.25 of the Revised Code, if a 53380
claimant wishes to resolve the claim with the licensee plus 53381
instead of pursuing criminal charges and cooperating with the 53382
prosecution of those charges, the claimant shall pay the licensee 53383

plus the amount of money financed or paid by the licensee plus to 53384
the pledgor or seller, as applicable. The licensee plus shall 53385
return the property to the claimant upon receipt of payment of the 53386
amount of money financed or paid. 53387

Sec. 4727.25. (A) If property in the possession of a licensee 53388
plus was leased from a lessor to a pledgor or seller when the 53389
pledgor or seller pledged or sold the property to the licensee 53390
plus, but the property did not have a permanent label or other 53391
conspicuous mark identifying it as the lessor's property, the 53392
licensee plus shall return the property to the lessor-claimant if 53393
the lessor-claimant does both of the following: 53394

(1) Provides the licensee plus with evidence that the 53395
property is the lessor's property and was leased to the pledgor or 53396
seller at the time the property was pledged or sold to the 53397
licensee plus; 53398

(2) Pays the licensee plus either of the following: 53399

(a) The amount financed and the finance fee for the pawn 53400
transaction, if the property was pledged to the licensee plus; 53401

(b) The amount that the licensee plus paid the seller if the 53402
property was sold to the licensee plus. 53403

(B) A licensee plus is not liable to the pledgor or seller of 53404
property that is recovered by a lessor under division (A) of this 53405
section for returning the property to a lessor. 53406

Sec. 4727.26. (A) A pledgor or seller of property to a 53407
licensee plus is liable to the licensee plus for the full amount 53408
that the pledgor or seller received from the licensee plus, all 53409
charges owed by the pledgor for the licensee plus transaction, and 53410
attorney's fees and other costs as allowed by the rules of civil 53411
procedure if all of the following conditions are satisfied: 53412

(1) The claimant files a police report and fully cooperates with the prosecution of an action against the pledgor or seller. 53413
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(2) The claimant brings an action under section 4727.24 of the Revised Code against the licensee plus and, in that action, both of the following apply: 53415
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(a) The court determines that the pledgor or seller misappropriated the property from the claimant. 53418
53419

(b) The court orders the licensee plus to return the property to the claimant. 53420
53421

(B) The licensee plus may bring the action authorized by this section against the pledgor or seller of the property in any court of competent jurisdiction. 53422
53423
53424

Sec. 4727.99. (A) Whoever knowingly violates sections 4727.03 to ~~4727.21~~ 4727.26 of the Revised Code is guilty of a misdemeanor of the third degree on a first offense and a misdemeanor of the second degree on each subsequent offense. 53425
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53427
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(B) Whoever violates section 4727.02 of the Revised Code is guilty of a felony of the fifth degree. 53429
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Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of this section, no person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 53431
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(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 53436
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(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver 53440
53441

dangerous drugs from one establishment or place for which a 53442
license has been issued to the terminal distributor to another 53443
establishment or place for which a license has been issued to the 53444
terminal distributor if the license issued for each establishment 53445
or place is in effect at the time of the transfer or delivery. 53446

(2) A manufacturer of dangerous drugs may donate epinephrine 53447
autoinjectors to any of the following: 53448

(a) The board of education of a city, local, exempted 53449
village, or joint vocational school district; 53450

(b) A community school established under Chapter 3314. of the 53451
Revised Code; 53452

(c) A STEM school established under Chapter 3326. of the 53453
Revised Code; 53454

(d) A college-preparatory boarding school established under 53455
Chapter 3328. of the Revised Code; 53456

(e) A chartered or nonchartered nonpublic school. 53457

(B)(1) No registered wholesale distributor of dangerous drugs 53458
shall possess for sale, or sell, at wholesale, dangerous drugs to 53459
any person other than the following: 53460

(a) Except as provided in division (B)(2)(a) of this section 53461
and division (B) of section 4729.541 of the Revised Code, a 53462
licensed health professional authorized to prescribe drugs; 53463

(b) An optometrist licensed under Chapter 4725. of the 53464
Revised Code who holds a topical ocular pharmaceutical agents 53465
certificate; 53466

(c) A registered wholesale distributor of dangerous drugs; 53467

(d) A manufacturer of dangerous drugs; 53468

(e) Subject to division (B)(3) of this section, a licensed 53469
terminal distributor of dangerous drugs; 53470

(f) Carriers or warehouses for the purpose of carriage or storage;	53471 53472
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	53473 53474
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	53475 53476 53477 53478 53479 53480 53481 53482 53483
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	53484 53485 53486 53487 53488
(j) Except as provided in division (B)(2)(b) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;	53489 53490 53491 53492 53493 53494 53495 53496 53497
(k) Except as provided in division (B)(2)(c) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company	53498 53499 53500 53501

formed under Chapter 1705. of the Revised Code, a partnership or a 53502
limited liability partnership formed under Chapter 1775. of the 53503
Revised Code, or a professional association formed under Chapter 53504
1785. of the Revised Code, if, to be a shareholder, member, or 53505
partner, an individual is required to be licensed, certified, or 53506
otherwise legally authorized under Title XLVII of the Revised Code 53507
to perform the professional service provided by the entity and 53508
each such individual is a licensed health professional authorized 53509
to prescribe drugs; 53510

(l) With respect to epinephrine autoinjectors that may be 53511
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 53512
or 3328.29 of the Revised Code, any of the following: the board of 53513
education of a city, local, exempted village, or joint vocational 53514
school district; a chartered or nonchartered nonpublic school; a 53515
community school established under Chapter 3314. of the Revised 53516
Code; a STEM school established under Chapter 3326. of the Revised 53517
Code; or a college-preparatory boarding school established under 53518
Chapter 3328. of the Revised Code; 53519

(m) With respect to epinephrine autoinjectors that may be 53520
possessed under section 5101.76 of the Revised Code, any of the 53521
following: a residential camp, as defined in section 2151.011 of 53522
the Revised Code; a child day camp, as defined in section 5104.01 53523
of the Revised Code; or a child day camp operated by any county, 53524
township, municipal corporation, township park district created 53525
under section 511.18 of the Revised Code, park district created 53526
under section 1545.04 of the Revised Code, or joint recreation 53527
district established under section 755.14 of the Revised Code; 53528

(n) With respect to naloxone that may be possessed under 53529
section 2925.61 of the Revised Code, a law enforcement agency and 53530
its peace officers. 53531

(2) No registered wholesale distributor of dangerous drugs 53532
shall possess for sale, or sell, at wholesale, dangerous drugs to 53533

any of the following: 53534

(a) A prescriber who is employed by a pain management clinic 53535
that is not licensed as a terminal distributor of dangerous drugs 53536
with a pain management clinic classification issued under section 53537
4729.552 of the Revised Code; 53538

(b) A business entity described in division (B)(1)(j) of this 53539
section that is, or is operating, a pain management clinic without 53540
a license as a terminal distributor of dangerous drugs with a pain 53541
management clinic classification issued under section 4729.552 of 53542
the Revised Code; 53543

(c) A business entity described in division (B)(1)(k) of this 53544
section that is, or is operating, a pain management clinic without 53545
a license as a terminal distributor of dangerous drugs with a pain 53546
management clinic classification issued under section 4729.552 of 53547
the Revised Code. 53548

(3) No registered wholesale distributor of dangerous drugs 53549
shall possess dangerous drugs for sale at wholesale, or sell such 53550
drugs at wholesale, to a licensed terminal distributor of 53551
dangerous drugs, except as follows: 53552

(a) In the case of a terminal distributor with a category I 53553
license, only dangerous drugs described in category I, as defined 53554
in division (A)(1) of section 4729.54 of the Revised Code; 53555

(b) In the case of a terminal distributor with a category II 53556
license, only dangerous drugs described in category I and category 53557
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 53558
the Revised Code; 53559

(c) In the case of a terminal distributor with a category III 53560
license, dangerous drugs described in category I, category II, and 53561
category III, as defined in divisions (A)(1), (2), and (3) of 53562
section 4729.54 of the Revised Code; 53563

(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, or a licensed terminal distributor of dangerous drugs, ~~or~~.

Divisions (C)(1), (2), and (3) of this section do not apply to a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization

approved by the state board of pharmacy in rule, but only to the 53595
extent that the individual possesses medical oxygen or personally 53596
supplies medical oxygen for the purpose of emergency care or 53597
treatment at the scene of a diving emergency. 53598

Division (C)(3) of this section does not apply to the board 53599
of education of a city, local, exempted village, or joint 53600
vocational school district, a school building operated by a school 53601
district board of education, a chartered or nonchartered nonpublic 53602
school, a community school, a STEM school, or a 53603
college-preparatory boarding school for the purpose of possessing 53604
epinephrine autoinjectors under section 3313.7110, 3313.7111, 53605
3314.143, 3326.28, or 3328.29 of the Revised Code. 53606

Division (C)(3) of this section does not apply to a 53607
residential camp, as defined in section 2151.011 of the Revised 53608
Code, a child day camp, as defined in section 5104.01 of the 53609
Revised Code, or a child day camp operated by any county, 53610
township, municipal corporation, township park district created 53611
under section 511.18 of the Revised Code, park district created 53612
under section 1545.04 of the Revised Code, or joint recreation 53613
district established under section 755.14 of the Revised Code for 53614
the purpose of possessing epinephrine autoinjectors under section 53615
5101.76 of the Revised Code. 53616

Division (C)(3) of this section does not apply to a law 53617
enforcement agency or the agency's peace officers if the agency or 53618
officers possess naloxone for administration to individuals who 53619
are apparently experiencing opioid-related overdoses. 53620

(D) No licensed terminal distributor of dangerous drugs shall 53621
purchase for the purpose of resale dangerous drugs from any person 53622
other than a registered wholesale distributor of dangerous drugs, 53623
except as follows: 53624

(1) A licensed terminal distributor of dangerous drugs may 53625

make occasional purchases of dangerous drugs for resale from a 53626
pharmacist who is a licensed terminal distributor of dangerous 53627
drugs or who is employed by a licensed terminal distributor of 53628
dangerous drugs; 53629

(2) A licensed terminal distributor of dangerous drugs having 53630
more than one establishment or place may transfer or receive 53631
dangerous drugs from one establishment or place for which a 53632
license has been issued to the terminal distributor to another 53633
establishment or place for which a license has been issued to the 53634
terminal distributor if the license issued for each establishment 53635
or place is in effect at the time of the transfer or receipt. 53636

(E) No licensed terminal distributor of dangerous drugs shall 53637
engage in the sale or other distribution of dangerous drugs at 53638
retail or maintain possession, custody, or control of dangerous 53639
drugs for any purpose other than the distributor's personal use or 53640
consumption, at any establishment or place other than that or 53641
those described in the license issued by the state board of 53642
pharmacy to such terminal distributor. 53643

(F) Nothing in this section shall be construed to interfere 53644
with the performance of official duties by any law enforcement 53645
official authorized by municipal, county, state, or federal law to 53646
collect samples of any drug, regardless of its nature or in whose 53647
possession it may be. 53648

(G) Notwithstanding anything to the contrary in this section, 53649
the board of education of a city, local, exempted village, or 53650
joint vocational school district may deliver epinephrine 53651
autoinjectors to a school under its control for the purpose of 53652
possessing epinephrine autoinjectors under section 3313.7110 of 53653
the Revised Code. 53654

Sec. 4729.53. (A) The state board of pharmacy shall not 53655
register any person as a wholesale distributor of dangerous drugs 53656

unless the applicant for registration furnishes satisfactory proof 53657
to the board of ~~pharmacy~~ that he the applicant meets all of the 53658
following: 53659

(1) ~~That if~~ If the applicant has been convicted of a 53660
violation of any federal, state, or local law relating to drug 53661
samples, wholesale or retail drug distribution, or distribution of 53662
controlled substances or of a felony, or if a federal, state, or 53663
local governmental entity has suspended or revoked any current or 53664
prior license or registration of the applicant for the manufacture 53665
or sale of any dangerous drugs, including controlled substances, 53666
the applicant, to the satisfaction of the board, assures that ~~he~~ 53667
the applicant has in place adequate safeguards to prevent the 53668
recurrence of any such violations~~+~~. 53669

(2) The applicant's past experience in the manufacture or 53670
distribution of dangerous drugs, including controlled substances, 53671
is acceptable to the board. 53672

(3) The applicant is equipped as to land, buildings, 53673
equipment, and personnel to properly carry on the business of a 53674
wholesale distributor of dangerous drugs, including providing 53675
adequate security for and proper storage conditions and handling 53676
for dangerous drugs, and is complying with the requirements under 53677
this chapter and the rules adopted pursuant thereto for 53678
maintaining and making available records to properly identified 53679
board officials and federal, state, and local law enforcement 53680
agencies. 53681

(4) Personnel employed by the applicant have the appropriate 53682
education or experience, as determined by the board, to assume 53683
responsibility for positions related to compliance with this 53684
chapter and the rules adopted pursuant thereto. 53685

(5) The applicant has designated the name and address of a 53686
person to whom communications from the board may be directed and 53687

upon whom the notices and citations provided for in section 53688
4729.56 of the Revised Code may be served. 53689

(6) Adequate safeguards are assured to prevent the sale of 53690
dangerous drugs to any person other than those named in division 53691
(B) of section 4729.51 of the Revised Code. 53692

(7) Any other requirement or qualification the board, by rule 53693
adopted in accordance with Chapter 119. of the Revised Code, 53694
considers relevant to and consistent with the public safety and 53695
health. 53696

(B) ~~The~~ In addition to the causes described in section 53697
4729.56 of the Revised Code for refusing to grant or renew a 53698
registration certificate, the board may refuse to register or 53699
renew the registration certificate of any person if the board 53700
determines that the granting of the registration certificate or 53701
its renewal is not in the public interest. 53702

Sec. 4729.541. (A)(1) Except as provided in divisions 53703
~~(B)(A)(2)~~ and ~~(C)(3)~~ of this section, a business entity described 53704
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 53705
Code may possess, have custody or control of, and distribute the 53706
dangerous drugs in category I, category II, and category III, as 53707
defined in section 4729.54 of the Revised Code, without holding a 53708
terminal distributor of dangerous drugs license issued under that 53709
section. 53710

~~(B)(2)~~ If a business entity described in division (B)(1)(j) 53711
or (k) of section 4729.51 of the Revised Code is a pain management 53712
clinic or is operating a pain management clinic, the entity shall 53713
hold a license as a terminal distributor of dangerous drugs with a 53714
pain management clinic classification issued under section 53715
4729.552 of the Revised Code. 53716

~~(C) Beginning April 1, 2015, a~~ (3) A business entity 53717

described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute either of the following:

~~(1)(a)~~ Dangerous drugs that are compounded or used for the purpose of compounding;

~~(2)(b)~~ Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

(B) A licensed health professional authorized to prescribe drugs who does not practice in the form of a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute, including personally furnish, either of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

Sec. 4729.56. (A) In accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend, revoke, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the Revised Code or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed are not classified as an offense by the Revised Code for any of the following causes:

(1) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs;

(2) Violating any federal, state, or local drug law; any 53748
provision of this chapter or Chapter 2925., 3715., or 3719. of the 53749
Revised Code; or any rule of the board; 53750

(3) A conviction of a felony; 53751

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 53752
registration under section 4729.53 of the Revised Code or the 53753
rules of the board or ceasing to satisfy the qualifications after 53754
the registration is granted or renewed. 53755

(B) Upon the suspension or revocation of the registration 53756
certificate of any wholesale distributor of dangerous drugs, the 53757
distributor shall immediately surrender ~~his~~ the distributor's 53758
registration certificate to the board. 53759

(C) If the board suspends, revokes, or refuses to renew any 53760
registration certificate issued to a wholesale distributor of 53761
dangerous drugs and determines that there is clear and convincing 53762
evidence of a danger of immediate and serious harm to any person, 53763
the board may place under seal all dangerous drugs owned by or in 53764
the possession, custody, or control of the affected wholesale 53765
distributor of dangerous drugs. Except as provided in this 53766
division, the board shall not dispose of the dangerous drugs 53767
sealed under this division until the wholesale distributor of 53768
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 53769
rights under Chapter 119. of the Revised Code. The court involved 53770
in such an appeal may order the board, during the pendency of the 53771
appeal, to sell sealed dangerous drugs that are perishable. The 53772
board shall deposit the proceeds of the sale with the court. 53773

Sec. 4729.80. (A) If the state board of pharmacy establishes 53774
and maintains a drug database pursuant to section 4729.75 of the 53775
Revised Code, the board is authorized or required to provide 53776
information from the database in accordance with the following: 53777

(1) On receipt of a request from a designated representative 53778
of a government entity responsible for the licensure, regulation, 53779
or discipline of health care professionals with authority to 53780
prescribe, administer, or dispense drugs, the board may provide to 53781
the representative information from the database relating to the 53782
professional who is the subject of an active investigation being 53783
conducted by the government entity. 53784

(2) On receipt of a request from a federal officer, or a 53785
state or local officer of this or any other state, whose duties 53786
include enforcing laws relating to drugs, the board shall provide 53787
to the officer information from the database relating to the 53788
person who is the subject of an active investigation of a drug 53789
abuse offense, as defined in section 2925.01 of the Revised Code, 53790
being conducted by the officer's employing government entity. 53791

(3) Pursuant to a subpoena issued by a grand jury, the board 53792
shall provide to the grand jury information from the database 53793
relating to the person who is the subject of an investigation 53794
being conducted by the grand jury. 53795

(4) Pursuant to a subpoena, search warrant, or court order in 53796
connection with the investigation or prosecution of a possible or 53797
alleged criminal offense, the board shall provide information from 53798
the database as necessary to comply with the subpoena, search 53799
warrant, or court order. 53800

(5) On receipt of a request from a prescriber or the 53801
prescriber's delegate approved by the board, the board shall 53802
provide to the prescriber a report of information from the 53803
database relating to a patient who is either a current patient of 53804
the prescriber or a potential patient of the prescriber based on a 53805
referral of the patient to the prescriber, if all of the following 53806
conditions are met: 53807

(a) The prescriber certifies in a form specified by the board 53808

that it is for the purpose of providing medical treatment to the 53809
patient who is the subject of the request; 53810

(b) The prescriber has not been denied access to the database 53811
by the board. 53812

(6) On receipt of a request from a pharmacist or the 53813
pharmacist's delegate approved by the board, the board shall 53814
provide to the pharmacist information from the database relating 53815
to a current patient of the pharmacist, if the pharmacist 53816
certifies in a form specified by the board that it is for the 53817
purpose of the pharmacist's practice of pharmacy involving the 53818
patient who is the subject of the request and the pharmacist has 53819
not been denied access to the database by the board. 53820

(7) On receipt of a request from an individual seeking the 53821
individual's own database information in accordance with the 53822
procedure established in rules adopted under section 4729.84 of 53823
the Revised Code, the board may provide to the individual the 53824
individual's own database information. 53825

(8) On receipt of a request from ~~the~~ a medical director or a 53826
pharmacy director of a managed care organization that has entered 53827
into a contract with the department of medicaid under section 53828
5167.10 of the Revised Code and a data security agreement with the 53829
board required by section 5167.14 of the Revised Code, the board 53830
shall provide to the medical director or the pharmacy director 53831
information from the database relating to a medicaid recipient 53832
enrolled in the managed care organization, including information 53833
in the database related to prescriptions for the recipient that 53834
were not covered or reimbursed under a program administered by the 53835
department of medicaid. 53836

(9) On receipt of a request from the medicaid director, the 53837
board shall provide to the director information from the database 53838
relating to a recipient of a program administered by the 53839

department of medicaid, including information in the database 53840
related to prescriptions for the recipient that were not covered 53841
or paid by a program administered by the department. 53842

(10) On receipt of a request from ~~the~~ a medical director of a 53843
managed care organization that has entered into a contract with 53844
the administrator of workers' compensation under division (B)(4) 53845
of section 4121.44 of the Revised Code and a data security 53846
agreement with the board required by section 4121.447 of the 53847
Revised Code, the board shall provide to the medical director 53848
information from the database relating to a claimant under Chapter 53849
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 53850
managed care organization, including information in the database 53851
related to prescriptions for the claimant that were not covered or 53852
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 53853
Revised Code, if the administrator of workers' compensation 53854
confirms, upon request from the board, that the claimant is 53855
assigned to the managed care organization. 53856

(11) On receipt of a request from the administrator of 53857
workers' compensation, the board shall provide to the 53858
administrator information from the database relating to a claimant 53859
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 53860
including information in the database related to prescriptions for 53861
the claimant that were not covered or reimbursed under Chapter 53862
4121., 4123., 4127., or 4131. of the Revised Code. 53863

(12) On receipt of a request from a prescriber or the 53864
prescriber's delegate approved by the board, the board shall 53865
provide to the prescriber information from the database relating 53866
to a patient's mother, if the prescriber certifies in a form 53867
specified by the board that it is for the purpose of providing 53868
medical treatment to a newborn or infant patient diagnosed as 53869
opioid dependent and the prescriber has not been denied access to 53870
the database by the board. 53871

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code. 53872
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(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state. 53877
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(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes. 53884
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The board may provide records of an individual's requests for database information to the following: 53890
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(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active investigation being conducted by the government entity of the individual who submitted the requests for database information; 53892
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(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information. 53898
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(C) Information contained in the database and any information 53903
obtained from it is not a public record. Information contained in 53904
the records of requests for information from the database is not a 53905
public record. Information that does not identify a person may be 53906
released in summary, statistical, or aggregate form. 53907

(D) A pharmacist or prescriber shall not be held liable in 53908
damages to any person in any civil action for injury, death, or 53909
loss to person or property on the basis that the pharmacist or 53910
prescriber did or did not seek or obtain information from the 53911
database. 53912

Sec. 4729.86. If the state board of pharmacy establishes and 53913
maintains a drug database pursuant to section 4729.75 of the 53914
Revised Code, all of the following apply: 53915

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 53916
or (B) of section 4729.80 of the Revised Code shall disseminate 53917
any written or electronic information the person receives from the 53918
drug database or otherwise provide another person access to the 53919
information that the person receives from the database, except as 53920
follows: 53921

(a) When necessary in the investigation or prosecution of a 53922
possible or alleged criminal offense; 53923

(b) When a person provides the information to the prescriber 53924
or pharmacist for whom the person is approved by the board to 53925
serve as a delegate of the prescriber or pharmacist for purposes 53926
of requesting and receiving information from the drug database 53927
under division (A)(5) or (6) of section 4729.80 of the Revised 53928
Code; 53929

(c) When a prescriber or pharmacist provides the information 53930
to a person who is approved by the board to serve as such a 53931
delegate of the prescriber or pharmacist; 53932

(d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative;	53933
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(e) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.	53935
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	53937
(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.	53938
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(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.	53941
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	53943
(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.	53944
	53945
	53946
(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:	53947
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	53951
(a) The person violates division (A)(1), (2), or (3) of this section;	53952
	53953
(b) The person is a requestor identified in division (A) (13) <u>(14)</u> of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;	53954
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(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;	53959
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	53961
(d) The person creates, by clear and convincing evidence, a	53962

threat to the security of information contained in the database. 53963

(2) If the board determines that allegations regarding a 53964
person's actions warrant restricting the person from obtaining 53965
further information from the drug database without a prior 53966
hearing, the board may summarily impose the restriction. A 53967
telephone conference call may be used for reviewing the 53968
allegations and taking a vote on the summary restriction. The 53969
summary restriction shall remain in effect, unless removed by the 53970
board, until the board's final adjudication order becomes 53971
effective. 53972

(3) The board shall determine the extent to which the person 53973
is restricted from obtaining further information from the 53974
database. 53975

Sec. 4730.14. (A) A certificate to practice as a physician 53976
assistant shall expire biennially and may be renewed in accordance 53977
with this section. A person seeking to renew a certificate to 53978
practice as a physician assistant shall, on or before the 53979
thirty-first day of January of each even-numbered year, apply for 53980
renewal of the certificate. The state medical board shall send 53981
renewal notices at least one month prior to the expiration date. 53982

Applications shall be submitted to the board on forms the 53983
board shall prescribe and furnish. Each application shall be 53984
accompanied by a biennial renewal fee of one hundred dollars. The 53985
board shall deposit the fees in accordance with section 4731.24 of 53986
the Revised Code. 53987

The applicant shall report any criminal offense that 53988
constitutes grounds for refusing to issue a certificate to 53989
practice under section 4730.25 of the Revised Code to which the 53990
applicant has pleaded guilty, of which the applicant has been 53991
found guilty, or for which the applicant has been found eligible 53992
for intervention in lieu of conviction, since last signing an 53993

application for a certificate to practice as a physician 53994
assistant. 53995

(B) To be eligible for renewal, a physician assistant shall 53996
certify to the board both of the following: 53997

(1) That the physician assistant has maintained certification 53998
by the national commission on certification of physician 53999
assistants or a successor organization that is recognized by the 54000
board by meeting the standards to hold current certification from 54001
the commission or its successor, including completion of 54002
continuing medical education requirements and passing periodic 54003
recertification examinations; 54004

(2) Except as provided in division (F) of this section and 54005
section 5903.12 of the Revised Code, that the physician assistant 54006
has completed during the current certification period not less 54007
than one hundred hours of continuing medical education acceptable 54008
to the board. 54009

(C) The board shall adopt rules in accordance with Chapter 54010
119. of the Revised Code specifying the types of continuing 54011
medical education that must be completed to fulfill the board's 54012
requirements under division (B)(2) of this section. Except when 54013
additional continuing medical education is required to renew a 54014
certificate to prescribe, as specified in section 4730.49 of the 54015
Revised Code, the board shall not adopt rules that require a 54016
physician assistant to complete in any certification period more 54017
than one hundred hours of continuing medical education acceptable 54018
to the board. In fulfilling the board's requirements, a physician 54019
assistant may use continuing medical education courses or programs 54020
completed to maintain certification by the national commission on 54021
certification of physician assistants or a successor organization 54022
that is recognized by the board if the standards for acceptable 54023
courses and programs of the commission or its successor are at 54024
least equivalent to the standards established by the board. 54025

(D) If an applicant submits a complete renewal application 54026
and qualifies for renewal pursuant to division (B) of this 54027
section, the board shall issue to the applicant a renewed 54028
certificate to practice as a physician assistant. 54029

(E) The board may require a random sample of physician 54030
assistants to submit materials documenting certification by the 54031
national commission on certification of physician assistants or a 54032
successor organization that is recognized by the board and 54033
completion of the required number of hours of continuing medical 54034
education. 54035

(F) The board shall provide for pro rata reductions by month 54036
of the number of hours of continuing education that must be 54037
completed for individuals who are in their first certification 54038
period, who have been disabled due to illness or accident, or who 54039
have been absent from the country. The board shall adopt rules, in 54040
accordance with Chapter 119. of the Revised Code, as necessary to 54041
implement this division. 54042

~~(G)(1) A certificate to practice that is not renewed on or 54043
before its expiration date is automatically suspended on its 54044
expiration date. Continued practice after suspension of the 54045
certificate shall be considered as practicing in violation of 54046
division (A) of section 4730.02 of the Revised Code. 54047~~

~~(2) If a certificate has been suspended pursuant to division 54048
(G)(1) of this section for two years or less, it may be 54049
reinstated. The board shall reinstate a certificate suspended for 54050
failure to renew upon an applicant's submission of a renewal 54051
application, the biennial renewal fee, and any applicable monetary 54052
penalty. 54053~~

~~If a certificate has been suspended pursuant to division 54054
(G)(1) of this division for more than two years, it may be 54055
restored. In accordance with section 4730.28 of the Revised Code, 54056~~

~~the board may restore a certificate suspended for failure to renew 54057
upon an applicant's submission of a restoration application, the 54058
biennial renewal fee, and any applicable monetary penalty and 54059
compliance with sections 4776.01 to 4776.04 of the Revised Code. 54060
The board shall not restore to an applicant a certificate to 54061
practice as a physician assistant unless the board, in its 54062
discretion, decides that the results of the criminal records check 54063
do not make the applicant ineligible for a certificate issued 54064
pursuant to section 4730.12 of the Revised Code. 54065~~

~~The penalty for reinstatement shall be fifty dollars and the 54066
penalty for restoration shall be one hundred dollars. The board 54067
shall deposit penalties in accordance with section 4731.24 of the 54068
Revised Code. 54069~~

~~(H) If an individual certifies that the individual has 54070
completed the number of hours and type of continuing medical 54071
education required for renewal or reinstatement of a certificate 54072
to practice as a physician assistant, and the board finds through 54073
a random sample conducted under division (E) of this section or 54074
through any other means that the individual did not complete the 54075
requisite continuing medical education, the The board may impose a 54076
civil penalty of not more than five thousand dollars if, through a 54077
random sample it conducts under this section or through other 54078
means, it finds that an individual certified that the individual 54079
completed the number of hours and type of continuing medical 54080
education required for renewal of a certificate to practice as a 54081
physician assistant when the individual did not fulfill the 54082
requirement. The board's finding shall be made pursuant to an 54083
adjudication under Chapter 119. of the Revised Code and by an 54084
affirmative vote of not fewer than six members. 54085~~

~~A civil penalty imposed under this division may be in 54086
addition to or in lieu of any other action the board may take 54087
under section 4730.25 of the Revised Code. The board ~~shall deposit~~ 54088~~

civil penalties in accordance with section 4731.24 shall not 54089
conduct an adjudication under Chapter 119. of the Revised Code if 54090
the board imposes only a civil penalty. 54091

Pursuant to section 4730.25 of the Revised Code, the board 54092
may suspend an individual's certificate to practice as a physician 54093
assistant for failure to renew the certificate and comply with 54094
this section. If an individual continues to practice after 54095
suspension, that activity constitutes practicing in violation of 54096
section 4730.02 of the Revised Code. If the certificate has been 54097
suspended for two years or less, it may be reinstated. The board 54098
shall reinstate a certificate to practice as a physician assistant 54099
for failure to renew on an applicant's submission of a renewal 54100
application, the biennial renewal fee, and the applicable monetary 54101
penalty. If the certificate has been suspended for more than two 54102
years, it may be restored. Subject to section 4730.28 of the 54103
Revised Code, the board may restore a certificate to practice as a 54104
physician assistant suspended for failure to renew on an 54105
applicant's submission of a restoration application, the biennial 54106
renewal fee, and the applicable monetary penalty and compliance 54107
with sections 4776.01 to 4776.04 of the Revised Code. The board 54108
shall not restore an applicant's certificate to practice as a 54109
physician assistant unless the board decides that the results of 54110
the criminal records check do not make the applicant ineligible 54111
for a certificate issued pursuant to section 4730.12 of the 54112
Revised Code. 54113

The monetary penalty for reinstatement is fifty dollars. The 54114
monetary penalty for restoration is one hundred dollars. 54115

Amounts received from payment of civil penalties and monetary 54116
penalties imposed under this division shall be deposited in 54117
accordance with section 4731.24 of the Revised Code. 54118

Sec. 4730.252. (A)(1) If a physician assistant violates any 54119

section of this chapter other than section 4730.14 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119, of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4730.25 of the Revised Code. 54120
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(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members. 54129
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Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars. 54133
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(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(5) of section 4730.25 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring. 54135
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Sec. 4731.15. (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 54142
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(2) As used in this chapter: 54149

(a) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the board for use in cosmetic therapy, and additionally may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(b) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

(B) A certificate to practice a limited branch of medicine issued by the state medical board is valid for a two-year period, except when an initial certificate is issued for a shorter period or when division (C)(2) of this section is applicable. The certificate may be renewed in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, all of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial registration with the state medical board on a renewal application form prescribed by the board. An applicant for renewal shall pay a biennial registration fee of one hundred dollars.

(b) At least six months before a certificate expires, the board shall mail or cause to be mailed a renewal notice to the certificate holder's last known address.

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial registration fee to the board.

(2) Beginning with the 2009 registration period, the board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division ~~(B)~~(A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board written notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

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

If a certificate has been suspended pursuant to this division

for more than two years, it may be restored. Subject to section 54212
4731.222 of the Revised Code, the board may restore the 54213
certificate upon an applicant's submission of a restoration 54214
application, the biennial registration fee, and the applicable 54215
monetary penalty and compliance with sections 4776.01 to 4776.04 54216
of the Revised Code. The board shall not restore to an applicant a 54217
certificate to practice unless the board, in its discretion, 54218
decides that the results of the criminal records check do not make 54219
the applicant ineligible for a certificate issued pursuant to 54220
section 4731.17 of the Revised Code. The penalty for restoration 54221
is fifty dollars. 54222

Sec. 4731.22. (A) The state medical board, by an affirmative 54223
vote of not fewer than six of its members, may limit, revoke, or 54224
suspend an individual's certificate to practice, refuse to grant a 54225
certificate to an individual, refuse to register an individual, 54226
refuse to reinstate a certificate, or reprimand or place on 54227
probation the holder of a certificate if the individual or 54228
certificate holder is found by the board to have committed fraud 54229
during the administration of the examination for a certificate to 54230
practice or to have committed fraud, misrepresentation, or 54231
deception in applying for or securing any certificate to practice 54232
or certificate of registration issued by the board. 54233

(B) The board, by an affirmative vote of not fewer than six 54234
members, shall, to the extent permitted by law, limit, revoke, or 54235
suspend an individual's certificate to practice, refuse to 54236
register an individual, refuse to reinstate a certificate, or 54237
reprimand or place on probation the holder of a certificate for 54238
one or more of the following reasons: 54239

(1) Permitting one's name or one's certificate to practice or 54240
certificate of registration to be used by a person, group, or 54241
corporation when the individual concerned is not actually 54242

directing the treatment given; 54243

(2) Failure to maintain minimal standards applicable to the 54244
selection or administration of drugs, or failure to employ 54245
acceptable scientific methods in the selection of drugs or other 54246
modalities for treatment of disease; 54247

(3) Selling, giving away, personally furnishing, prescribing, 54248
or administering drugs for other than legal and legitimate 54249
therapeutic purposes or a plea of guilty to, a judicial finding of 54250
guilt of, or a judicial finding of eligibility for intervention in 54251
lieu of conviction of, a violation of any federal or state law 54252
regulating the possession, distribution, or use of any drug; 54253

(4) Willfully betraying a professional confidence. 54254

For purposes of this division, "willfully betraying a 54255
professional confidence" does not include providing any 54256
information, documents, or reports ~~to a child fatality review~~ 54257
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 54258
child fatality review board; does not include providing any 54259
information, documents, or reports to the director of health 54260
pursuant to guidelines established under section 3701.70 of the 54261
Revised Code; does not include a report to a drug task force or 54262
law enforcement agency under section 4731.62 of the Revised Code; 54263
and does not include the making of a report of an employee's use 54264
of a drug of abuse, or a report of a condition of an employee 54265
other than one involving the use of a drug of abuse, to the 54266
employer of the employee as described in division (B) of section 54267
2305.33 of the Revised Code. Nothing in this division affects the 54268
immunity from civil liability conferred by ~~that~~ section 2305.33 or 54269
4731.62 of the Revised Code upon a physician who makes ~~either type~~ 54270
~~of a report~~ in accordance with ~~division (B) either~~ of ~~that section~~ 54271
those sections. As used in this division, "employee," "employer," 54272
and "physician" have the same meanings as in section 2305.33 of 54273
the Revised Code. 54274

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was

committed;	54306
(11) A plea of guilty to, a judicial finding of guilt of, or	54307
a judicial finding of eligibility for intervention in lieu of	54308
conviction for, a misdemeanor committed in the course of practice;	54309
(12) Commission of an act in the course of practice that	54310
constitutes a misdemeanor in this state, regardless of the	54311
jurisdiction in which the act was committed;	54312
(13) A plea of guilty to, a judicial finding of guilt of, or	54313
a judicial finding of eligibility for intervention in lieu of	54314
conviction for, a misdemeanor involving moral turpitude;	54315
(14) Commission of an act involving moral turpitude that	54316
constitutes a misdemeanor in this state, regardless of the	54317
jurisdiction in which the act was committed;	54318
(15) Violation of the conditions of limitation placed by the	54319
board upon a certificate to practice;	54320
(16) Failure to pay license renewal fees specified in this	54321
chapter;	54322
(17) Except as authorized in section 4731.31 of the Revised	54323
Code, engaging in the division of fees for referral of patients,	54324
or the receiving of a thing of value in return for a specific	54325
referral of a patient to utilize a particular service or business;	54326
(18) Subject to section 4731.226 of the Revised Code,	54327
violation of any provision of a code of ethics of the American	54328
medical association, the American osteopathic association, the	54329
American podiatric medical association, or any other national	54330
professional organizations that the board specifies by rule. The	54331
state medical board shall obtain and keep on file current copies	54332
of the codes of ethics of the various national professional	54333
organizations. The individual whose certificate is being suspended	54334
or revoked shall not be found to have violated any provision of a	54335

code of ethics of an organization not appropriate to the 54336
individual's profession. 54337

For purposes of this division, a "provision of a code of 54338
ethics of a national professional organization" does not include 54339
any provision that would preclude the making of a report by a 54340
physician of an employee's use of a drug of abuse, or of a 54341
condition of an employee other than one involving the use of a 54342
drug of abuse, to the employer of the employee as described in 54343
division (B) of section 2305.33 of the Revised Code. Nothing in 54344
this division affects the immunity from civil liability conferred 54345
by that section upon a physician who makes either type of report 54346
in accordance with division (B) of that section. As used in this 54347
division, "employee," "employer," and "physician" have the same 54348
meanings as in section 2305.33 of the Revised Code. 54349

(19) Inability to practice according to acceptable and 54350
prevailing standards of care by reason of mental illness or 54351
physical illness, including, but not limited to, physical 54352
deterioration that adversely affects cognitive, motor, or 54353
perceptive skills. 54354

In enforcing this division, the board, upon a showing of a 54355
possible violation, may compel any individual authorized to 54356
practice by this chapter or who has submitted an application 54357
pursuant to this chapter to submit to a mental examination, 54358
physical examination, including an HIV test, or both a mental and 54359
a physical examination. The expense of the examination is the 54360
responsibility of the individual compelled to be examined. Failure 54361
to submit to a mental or physical examination or consent to an HIV 54362
test ordered by the board constitutes an admission of the 54363
allegations against the individual unless the failure is due to 54364
circumstances beyond the individual's control, and a default and 54365
final order may be entered without the taking of testimony or 54366
presentation of evidence. If the board finds an individual unable 54367

to practice because of the reasons set forth in this division, the 54368
board shall require the individual to submit to care, counseling, 54369
or treatment by physicians approved or designated by the board, as 54370
a condition for initial, continued, reinstated, or renewed 54371
authority to practice. An individual affected under this division 54372
shall be afforded an opportunity to demonstrate to the board the 54373
ability to resume practice in compliance with acceptable and 54374
prevailing standards under the provisions of the individual's 54375
certificate. For the purpose of this division, any individual who 54376
applies for or receives a certificate to practice under this 54377
chapter accepts the privilege of practicing in this state and, by 54378
so doing, shall be deemed to have given consent to submit to a 54379
mental or physical examination when directed to do so in writing 54380
by the board, and to have waived all objections to the 54381
admissibility of testimony or examination reports that constitute 54382
a privileged communication. 54383

(20) Except when civil penalties are imposed under section 54384
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 54385
section 4731.226 of the Revised Code, violating or attempting to 54386
violate, directly or indirectly, or assisting in or abetting the 54387
violation of, or conspiring to violate, any provisions of this 54388
chapter or any rule promulgated by the board. 54389

This division does not apply to a violation or attempted 54390
violation of, assisting in or abetting the violation of, or a 54391
conspiracy to violate, any provision of this chapter or any rule 54392
adopted by the board that would preclude the making of a report by 54393
a physician of an employee's use of a drug of abuse, or of a 54394
condition of an employee other than one involving the use of a 54395
drug of abuse, to the employer of the employee as described in 54396
division (B) of section 2305.33 of the Revised Code. Nothing in 54397
this division affects the immunity from civil liability conferred 54398
by that section upon a physician who makes either type of report 54399

in accordance with division (B) of that section. As used in this 54400
division, "employee," "employer," and "physician" have the same 54401
meanings as in section 2305.33 of the Revised Code. 54402

(21) The violation of section 3701.79 of the Revised Code or 54403
of any abortion rule adopted by the public health council pursuant 54404
to section 3701.341 of the Revised Code; 54405

(22) Any of the following actions taken by an agency 54406
responsible for authorizing, certifying, or regulating an 54407
individual to practice a health care occupation or provide health 54408
care services in this state or another jurisdiction, for any 54409
reason other than the nonpayment of fees: the limitation, 54410
revocation, or suspension of an individual's license to practice; 54411
acceptance of an individual's license surrender; denial of a 54412
license; refusal to renew or reinstate a license; imposition of 54413
probation; or issuance of an order of censure or other reprimand; 54414

(23) The violation of section 2919.12 of the Revised Code or 54415
the performance or inducement of an abortion upon a pregnant woman 54416
with actual knowledge that the conditions specified in division 54417
(B) of section 2317.56 of the Revised Code have not been satisfied 54418
or with a heedless indifference as to whether those conditions 54419
have been satisfied, unless an affirmative defense as specified in 54420
division (H)(2) of that section would apply in a civil action 54421
authorized by division (H)(1) of that section; 54422

(24) The revocation, suspension, restriction, reduction, or 54423
termination of clinical privileges by the United States department 54424
of defense or department of veterans affairs or the termination or 54425
suspension of a certificate of registration to prescribe drugs by 54426
the drug enforcement administration of the United States 54427
department of justice; 54428

(25) Termination or suspension from participation in the 54429
medicare or medicaid programs by the department of health and 54430

human services or other responsible agency for any act or acts 54431
that also would constitute a violation of division (B)(2), (3), 54432
(6), (8), or (19) of this section; 54433

(26) Impairment of ability to practice according to 54434
acceptable and prevailing standards of care because of habitual or 54435
excessive use or abuse of drugs, alcohol, or other substances that 54436
impair ability to practice. 54437

For the purposes of this division, any individual authorized 54438
to practice by this chapter accepts the privilege of practicing in 54439
this state subject to supervision by the board. By filing an 54440
application for or holding a certificate to practice under this 54441
chapter, an individual shall be deemed to have given consent to 54442
submit to a mental or physical examination when ordered to do so 54443
by the board in writing, and to have waived all objections to the 54444
admissibility of testimony or examination reports that constitute 54445
privileged communications. 54446

If it has reason to believe that any individual authorized to 54447
practice by this chapter or any applicant for certification to 54448
practice suffers such impairment, the board may compel the 54449
individual to submit to a mental or physical examination, or both. 54450
The expense of the examination is the responsibility of the 54451
individual compelled to be examined. Any mental or physical 54452
examination required under this division shall be undertaken by a 54453
treatment provider or physician who is qualified to conduct the 54454
examination and who is chosen by the board. 54455

Failure to submit to a mental or physical examination ordered 54456
by the board constitutes an admission of the allegations against 54457
the individual unless the failure is due to circumstances beyond 54458
the individual's control, and a default and final order may be 54459
entered without the taking of testimony or presentation of 54460
evidence. If the board determines that the individual's ability to 54461
practice is impaired, the board shall suspend the individual's 54462

certificate or deny the individual's application and shall require 54463
the individual, as a condition for initial, continued, reinstated, 54464
or renewed certification to practice, to submit to treatment. 54465

Before being eligible to apply for reinstatement of a 54466
certificate suspended under this division, the impaired 54467
practitioner shall demonstrate to the board the ability to resume 54468
practice in compliance with acceptable and prevailing standards of 54469
care under the provisions of the practitioner's certificate. The 54470
demonstration shall include, but shall not be limited to, the 54471
following: 54472

(a) Certification from a treatment provider approved under 54473
section 4731.25 of the Revised Code that the individual has 54474
successfully completed any required inpatient treatment; 54475

(b) Evidence of continuing full compliance with an aftercare 54476
contract or consent agreement; 54477

(c) Two written reports indicating that the individual's 54478
ability to practice has been assessed and that the individual has 54479
been found capable of practicing according to acceptable and 54480
prevailing standards of care. The reports shall be made by 54481
individuals or providers approved by the board for making the 54482
assessments and shall describe the basis for their determination. 54483

The board may reinstate a certificate suspended under this 54484
division after that demonstration and after the individual has 54485
entered into a written consent agreement. 54486

When the impaired practitioner resumes practice, the board 54487
shall require continued monitoring of the individual. The 54488
monitoring shall include, but not be limited to, compliance with 54489
the written consent agreement entered into before reinstatement or 54490
with conditions imposed by board order after a hearing, and, upon 54491
termination of the consent agreement, submission to the board for 54492
at least two years of annual written progress reports made under 54493

penalty of perjury stating whether the individual has maintained sobriety.	54494 54495
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	54496 54497
(28) Except as provided in division (N) of this section:	54498
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	54499 54500 54501 54502 54503 54504
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	54505 54506 54507 54508 54509
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	54510 54511 54512
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	54513 54514 54515 54516 54517
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	54518 54519 54520 54521
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	54522 54523

certified nurse-midwife, or certified nurse practitioner with whom 54524
the physician or podiatrist is in collaboration pursuant to 54525
section 4731.27 of the Revised Code or failure to fulfill the 54526
responsibilities of collaboration after entering into a standard 54527
care arrangement; 54528

(33) Failure to comply with the terms of a consult agreement 54529
entered into with a pharmacist pursuant to section 4729.39 of the 54530
Revised Code; 54531

(34) Failure to cooperate in an investigation conducted by 54532
the board under division (F) of this section, including failure to 54533
comply with a subpoena or order issued by the board or failure to 54534
answer truthfully a question presented by the board in an 54535
investigative interview, an investigative office conference, at a 54536
deposition, or in written interrogatories, except that failure to 54537
cooperate with an investigation shall not constitute grounds for 54538
discipline under this section if a court of competent jurisdiction 54539
has issued an order that either quashes a subpoena or permits the 54540
individual to withhold the testimony or evidence in issue; 54541

(35) Failure to supervise an oriental medicine practitioner 54542
or acupuncturist in accordance with Chapter 4762. of the Revised 54543
Code and the board's rules for providing that supervision; 54544

(36) Failure to supervise an anesthesiologist assistant in 54545
accordance with Chapter 4760. of the Revised Code and the board's 54546
rules for supervision of an anesthesiologist assistant; 54547

(37) Assisting suicide, as defined in section 3795.01 of the 54548
Revised Code; 54549

(38) Failure to comply with the requirements of section 54550
2317.561 of the Revised Code; 54551

(39) Failure to supervise a radiologist assistant in 54552
accordance with Chapter 4774. of the Revised Code and the board's 54553
rules for supervision of radiologist assistants; 54554

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	54555 54556 54557
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	54558 54559 54560 54561
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	54562 54563 54564 54565
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	54566 54567 54568 54569
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	54570 54571 54572 54573
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	54574 54575 54576 54577 54578
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	54579 54580 54581 54582
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section	54583 54584 54585

2919.191 of the Revised Code prior to performing or inducing an 54586
abortion upon a pregnant woman; 54587

(48) Failure to comply with the requirements in section 54588
3719.061 of the Revised Code before issuing for a minor a 54589
prescription for an opioid analgesic, as defined in section 54590
3719.01 of the Revised Code. 54591

(C) Disciplinary actions taken by the board under divisions 54592
(A) and (B) of this section shall be taken pursuant to an 54593
adjudication under Chapter 119. of the Revised Code, except that 54594
in lieu of an adjudication, the board may enter into a consent 54595
agreement with an individual to resolve an allegation of a 54596
violation of this chapter or any rule adopted under it. A consent 54597
agreement, when ratified by an affirmative vote of not fewer than 54598
six members of the board, shall constitute the findings and order 54599
of the board with respect to the matter addressed in the 54600
agreement. If the board refuses to ratify a consent agreement, the 54601
admissions and findings contained in the consent agreement shall 54602
be of no force or effect. 54603

A telephone conference call may be utilized for ratification 54604
of a consent agreement that revokes or suspends an individual's 54605
certificate to practice. The telephone conference call shall be 54606
considered a special meeting under division (F) of section 121.22 54607
of the Revised Code. 54608

If the board takes disciplinary action against an individual 54609
under division (B) of this section for a second or subsequent plea 54610
of guilty to, or judicial finding of guilt of, a violation of 54611
section 2919.123 of the Revised Code, the disciplinary action 54612
shall consist of a suspension of the individual's certificate to 54613
practice for a period of at least one year or, if determined 54614
appropriate by the board, a more serious sanction involving the 54615
individual's certificate to practice. Any consent agreement 54616
entered into under this division with an individual that pertains 54617

to a second or subsequent plea of guilty to, or judicial finding 54618
of guilt of, a violation of that section shall provide for a 54619
suspension of the individual's certificate to practice for a 54620
period of at least one year or, if determined appropriate by the 54621
board, a more serious sanction involving the individual's 54622
certificate to practice. 54623

(D) For purposes of divisions (B)(10), (12), and (14) of this 54624
section, the commission of the act may be established by a finding 54625
by the board, pursuant to an adjudication under Chapter 119. of 54626
the Revised Code, that the individual committed the act. The board 54627
does not have jurisdiction under those divisions if the trial 54628
court renders a final judgment in the individual's favor and that 54629
judgment is based upon an adjudication on the merits. The board 54630
has jurisdiction under those divisions if the trial court issues 54631
an order of dismissal upon technical or procedural grounds. 54632

(E) The sealing of conviction records by any court shall have 54633
no effect upon a prior board order entered under this section or 54634
upon the board's jurisdiction to take action under this section 54635
if, based upon a plea of guilty, a judicial finding of guilt, or a 54636
judicial finding of eligibility for intervention in lieu of 54637
conviction, the board issued a notice of opportunity for a hearing 54638
prior to the court's order to seal the records. The board shall 54639
not be required to seal, destroy, redact, or otherwise modify its 54640
records to reflect the court's sealing of conviction records. 54641

(F)(1) The board shall investigate evidence that appears to 54642
show that a person has violated any provision of this chapter or 54643
any rule adopted under it. Any person may report to the board in a 54644
signed writing any information that the person may have that 54645
appears to show a violation of any provision of this chapter or 54646
any rule adopted under it. In the absence of bad faith, any person 54647
who reports information of that nature or who testifies before the 54648
board in any adjudication conducted under Chapter 119. of the 54649

Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and

proceedings in a manner that protects the confidentiality of 54713
patients and persons who file complaints with the board. The board 54714
shall not make public the names or any other identifying 54715
information about patients or complainants unless proper consent 54716
is given or, in the case of a patient, a waiver of the patient 54717
privilege exists under division (B) of section 2317.02 of the 54718
Revised Code, except that consent or a waiver of that nature is 54719
not required if the board possesses reliable and substantial 54720
evidence that no bona fide physician-patient relationship exists. 54721

The board may share any information it receives pursuant to 54722
an investigation or inspection, including patient records and 54723
patient record information, with law enforcement agencies, other 54724
licensing boards, and other governmental agencies that are 54725
prosecuting, adjudicating, or investigating alleged violations of 54726
statutes or administrative rules. An agency or board that receives 54727
the information shall comply with the same requirements regarding 54728
confidentiality as those with which the state medical board must 54729
comply, notwithstanding any conflicting provision of the Revised 54730
Code or procedure of the agency or board that applies when it is 54731
dealing with other information in its possession. In a judicial 54732
proceeding, the information may be admitted into evidence only in 54733
accordance with the Rules of Evidence, but the court shall require 54734
that appropriate measures are taken to ensure that confidentiality 54735
is maintained with respect to any part of the information that 54736
contains names or other identifying information about patients or 54737
complainants whose confidentiality was protected by the state 54738
medical board when the information was in the board's possession. 54739
Measures to ensure confidentiality that may be taken by the court 54740
include sealing its records or deleting specific information from 54741
its records. 54742

(6) On a quarterly basis, the board shall prepare a report 54743
that documents the disposition of all cases during the preceding 54744

three months. The report shall contain the following information 54745
for each case with which the board has completed its activities: 54746

(a) The case number assigned to the complaint or alleged 54747
violation; 54748

(b) The type of certificate to practice, if any, held by the 54749
individual against whom the complaint is directed; 54750

(c) A description of the allegations contained in the 54751
complaint; 54752

(d) The disposition of the case. 54753

The report shall state how many cases are still pending and 54754
shall be prepared in a manner that protects the identity of each 54755
person involved in each case. The report shall be a public record 54756
under section 149.43 of the Revised Code. 54757

(G) If the secretary and supervising member determine both of 54758
the following, they may recommend that the board suspend an 54759
individual's certificate to practice without a prior hearing: 54760

(1) That there is clear and convincing evidence that an 54761
individual has violated division (B) of this section; 54762

(2) That the individual's continued practice presents a 54763
danger of immediate and serious harm to the public. 54764

Written allegations shall be prepared for consideration by 54765
the board. The board, upon review of those allegations and by an 54766
affirmative vote of not fewer than six of its members, excluding 54767
the secretary and supervising member, may suspend a certificate 54768
without a prior hearing. A telephone conference call may be 54769
utilized for reviewing the allegations and taking the vote on the 54770
summary suspension. 54771

The board shall issue a written order of suspension by 54772
certified mail or in person in accordance with section 119.07 of 54773
the Revised Code. The order shall not be subject to suspension by 54774

the court during pendency of any appeal filed under section 119.12 54775
of the Revised Code. If the individual subject to the summary 54776
suspension requests an adjudicatory hearing by the board, the date 54777
set for the hearing shall be within fifteen days, but not earlier 54778
than seven days, after the individual requests the hearing, unless 54779
otherwise agreed to by both the board and the individual. 54780

Any summary suspension imposed under this division shall 54781
remain in effect, unless reversed on appeal, until a final 54782
adjudicative order issued by the board pursuant to this section 54783
and Chapter 119. of the Revised Code becomes effective. The board 54784
shall issue its final adjudicative order within seventy-five days 54785
after completion of its hearing. A failure to issue the order 54786
within seventy-five days shall result in dissolution of the 54787
summary suspension order but shall not invalidate any subsequent, 54788
final adjudicative order. 54789

(H) If the board takes action under division (B)(9), (11), or 54790
(13) of this section and the judicial finding of guilt, guilty 54791
plea, or judicial finding of eligibility for intervention in lieu 54792
of conviction is overturned on appeal, upon exhaustion of the 54793
criminal appeal, a petition for reconsideration of the order may 54794
be filed with the board along with appropriate court documents. 54795
Upon receipt of a petition of that nature and supporting court 54796
documents, the board shall reinstate the individual's certificate 54797
to practice. The board may then hold an adjudication under Chapter 54798
119. of the Revised Code to determine whether the individual 54799
committed the act in question. Notice of an opportunity for a 54800
hearing shall be given in accordance with Chapter 119. of the 54801
Revised Code. If the board finds, pursuant to an adjudication held 54802
under this division, that the individual committed the act or if 54803
no hearing is requested, the board may order any of the sanctions 54804
identified under division (B) of this section. 54805

(I) The certificate to practice issued to an individual under 54806

this chapter and the individual's practice in this state are 54807
automatically suspended as of the date of the individual's second 54808
or subsequent plea of guilty to, or judicial finding of guilt of, 54809
a violation of section 2919.123 of the Revised Code, or the date 54810
the individual pleads guilty to, is found by a judge or jury to be 54811
guilty of, or is subject to a judicial finding of eligibility for 54812
intervention in lieu of conviction in this state or treatment or 54813
intervention in lieu of conviction in another jurisdiction for any 54814
of the following criminal offenses in this state or a 54815
substantially equivalent criminal offense in another jurisdiction: 54816
aggravated murder, murder, voluntary manslaughter, felonious 54817
assault, kidnapping, rape, sexual battery, gross sexual 54818
imposition, aggravated arson, aggravated robbery, or aggravated 54819
burglary. Continued practice after suspension shall be considered 54820
practicing without a certificate. 54821

The board shall notify the individual subject to the 54822
suspension by certified mail or in person in accordance with 54823
section 119.07 of the Revised Code. If an individual whose 54824
certificate is automatically suspended under this division fails 54825
to make a timely request for an adjudication under Chapter 119. of 54826
the Revised Code, the board shall do whichever of the following is 54827
applicable: 54828

(1) If the automatic suspension under this division is for a 54829
second or subsequent plea of guilty to, or judicial finding of 54830
guilt of, a violation of section 2919.123 of the Revised Code, the 54831
board shall enter an order suspending the individual's certificate 54832
to practice for a period of at least one year or, if determined 54833
appropriate by the board, imposing a more serious sanction 54834
involving the individual's certificate to practice. 54835

(2) In all circumstances in which division (I)(1) of this 54836
section does not apply, enter a final order permanently revoking 54837
the individual's certificate to practice. 54838

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 54871
under division (F) of section 121.22 of the Revised Code. 54872
Reinstatement of a certificate surrendered to the board requires 54873
an affirmative vote of not fewer than six members of the board. 54874

(2) An application for a certificate made under the 54875
provisions of this chapter may not be withdrawn without approval 54876
of the board. 54877

(3) Failure by an individual to renew a certificate of 54878
registration in accordance with this chapter shall not remove or 54879
limit the board's jurisdiction to take any disciplinary action 54880
under this section against the individual. 54881

(4) At the request of the board, a certificate holder shall 54882
immediately surrender to the board a certificate that the board 54883
has suspended, revoked, or permanently revoked. 54884

(N) Sanctions shall not be imposed under division (B)(28) of 54885
this section against any person who waives deductibles and 54886
copayments as follows: 54887

(1) In compliance with the health benefit plan that expressly 54888
allows such a practice. Waiver of the deductibles or copayments 54889
shall be made only with the full knowledge and consent of the plan 54890
purchaser, payer, and third-party administrator. Documentation of 54891
the consent shall be made available to the board upon request. 54892

(2) For professional services rendered to any other person 54893
authorized to practice pursuant to this chapter, to the extent 54894
allowed by this chapter and rules adopted by the board. 54895

(O) Under the board's investigative duties described in this 54896
section and subject to division (F) of this section, the board 54897
shall develop and implement a quality intervention program 54898
designed to improve through remedial education the clinical and 54899
communication skills of individuals authorized under this chapter 54900
to practice medicine and surgery, osteopathic medicine and 54901

surgery, and podiatric medicine and surgery. In developing and 54902
implementing the quality intervention program, the board may do 54903
all of the following: 54904

(1) Offer in appropriate cases as determined by the board an 54905
educational and assessment program pursuant to an investigation 54906
the board conducts under this section; 54907

(2) Select providers of educational and assessment services, 54908
including a quality intervention program panel of case reviewers; 54909

(3) Make referrals to educational and assessment service 54910
providers and approve individual educational programs recommended 54911
by those providers. The board shall monitor the progress of each 54912
individual undertaking a recommended individual educational 54913
program. 54914

(4) Determine what constitutes successful completion of an 54915
individual educational program and require further monitoring of 54916
the individual who completed the program or other action that the 54917
board determines to be appropriate; 54918

(5) Adopt rules in accordance with Chapter 119. of the 54919
Revised Code to further implement the quality intervention 54920
program. 54921

An individual who participates in an individual educational 54922
program pursuant to this division shall pay the financial 54923
obligations arising from that educational program. 54924

Sec. 4731.222. (A) This section applies to both of the 54925
following: 54926

(1) An applicant seeking restoration of a certificate issued 54927
under this chapter that has been in a suspended or inactive state 54928
for any cause for more than two years; 54929

(2) An applicant seeking issuance of a certificate pursuant 54930
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 54931

Revised Code who for more than two years has not been engaged in 54932
the practice of medicine and surgery, osteopathic medicine and 54933
surgery, podiatric medicine and surgery, or a limited branch of 54934
medicine as any of the following: 54935

(a) An active practitioner; 54936

(b) A participant in a program of graduate medical education, 54937
as defined in section 4731.091 of the Revised Code; 54938

(c) A student in a college of podiatry determined by the 54939
state medical board to be in good standing; 54940

(d) A student in a school, college, or institution giving 54941
instruction in a limited branch of medicine determined by the 54942
board to be in good standing under section 4731.16 of the Revised 54943
Code. 54944

(B) Before restoring a certificate to good standing for or 54945
issuing a certificate to an applicant subject to this section, the 54946
state medical board may impose terms and conditions including any 54947
one or more of the following: 54948

(1) Requiring the applicant to pass an oral or written 54949
examination, or both, to determine the applicant's present fitness 54950
to resume practice; 54951

(2) Requiring the applicant to obtain additional training and 54952
to pass an examination upon completion of such training; 54953

(3) Requiring an assessment of the applicant's physical 54954
skills for purposes of determining whether the applicant's 54955
coordination, fine motor skills, and dexterity are sufficient for 54956
performing medical evaluations and procedures in a manner that 54957
meets the minimal standards of care; 54958

(4) Requiring an assessment of the applicant's skills in 54959
recognizing and understanding diseases and conditions; 54960

(5) Requiring the applicant to undergo a comprehensive 54961

physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 54962
54963
54964

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 54965
54966

The board shall consider the moral background and the 54967
activities of the applicant during the period of suspension or 54968
inactivity, in accordance with section 4731.08, 4731.19, or 54969
4731.52 of the Revised Code. The board shall not restore a 54970
certificate under this section unless the applicant complies with 54971
sections 4776.01 to 4776.04 of the Revised Code. 54972

Sec. 4731.225. (A) If the holder of a certificate issued 54973
under this chapter violates division (A), (B), or (C) of section 54974
4731.66 or section 4731.69 of the Revised Code, or if any other 54975
person violates division (B) or (C) of section 4731.66 or section 54976
4731.69 of the Revised Code, the state medical board, pursuant to 54977
an adjudication under Chapter 119. of the Revised Code and an 54978
affirmative vote of not fewer than six of its members, shall: 54979

~~(A)~~(1) For a first violation, impose a civil penalty of not 54980
more than five thousand dollars; 54981

~~(B)~~(2) For each subsequent violation, impose a civil penalty 54982
of not more than twenty thousand dollars and, if the violator is a 54983
certificate holder, proceed under division (B)(27) of section 54984
4731.22 of the Revised Code. 54985

(B)(1) If the holder of a certificate issued under this chapter violates any section of this chapter other than section 4731.281 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than 54986
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six of its members, impose a civil penalty. The amount of the 54992
civil penalty shall be determined by the board in accordance with 54993
the guidelines adopted under division (B)(2) of this section. The 54994
civil penalty may be in addition to any other action the board may 54995
take under section 4731.22 of the Revised Code. 54996

(2) The board shall adopt and may amend guidelines regarding 54997
the amounts of civil penalties to be imposed under this section. 54998
Adoption or amendment of the guidelines requires the approval of 54999
not fewer than six board members. 55000

Under the guidelines, no civil penalty amount shall exceed 55001
twenty thousand dollars. 55002

(C) Amounts received from payment of civil penalties imposed 55003
under this section shall be deposited by the board in accordance 55004
with section 4731.24 of the Revised Code. Amounts received from 55005
payment of civil penalties imposed for violations of division 55006
(B)(26) of section 4731.22 of the Revised Code shall be used by 55007
the board solely for investigations, enforcement, and compliance 55008
monitoring. 55009

Sec. 4731.24. Except as provided in sections 4731.281 and 55010
4731.40 of the Revised Code, all receipts of the state medical 55011
board, from any source, shall be deposited in the state treasury. 55012
~~Until July 1, 1998, the funds shall be deposited to the credit of~~ 55013
~~the occupational licensing and regulatory fund. On and after July~~ 55014
~~1, 1998, the~~ The funds shall be deposited to the credit of the 55015
state medical board operating fund, which is hereby created ~~on~~ 55016
~~July 1, 1998. All~~ Except as provided in sections 4730.252, 55017
4731.225, 4760.133, 4762.133, 4774.133, and 4778.141 of the 55018
Revised Code, all funds deposited into the state treasury under 55019
this section shall be used solely for the administration and 55020
enforcement of this chapter and Chapters 4730., 4760., 4762., 55021
4774., and 4778. of the Revised Code by the board. 55022

~~Sec. 4731.281. (A) On or before the deadline established 55023
under division (B) of this section for applying for renewal of a 55024
certificate of registration, each person holding a certificate 55025
under this chapter to practice medicine and surgery, osteopathic 55026
medicine and surgery, or podiatric medicine and surgery shall 55027
certify to the state medical board that in the preceding two years 55028
the person has completed one hundred hours of continuing medical 55029
education. The certification shall be made upon the application 55030
for biennial registration submitted pursuant to division (B) of 55031
this section. The board shall adopt rules providing for pro rata 55032
reductions by month of the number of hours of continuing education 55033
required for persons who are in their first registration period, 55034
who have been disabled due to illness or accident, or who have 55035
been absent from the country. 55036~~

~~In determining whether a course, program, or activity 55037
qualifies for credit as continuing medical education, the board 55038
shall approve all continuing medical education taken by persons 55039
holding a certificate to practice medicine and surgery that is 55040
certified by the Ohio state medical association, all continuing 55041
medical education taken by persons holding a certificate to 55042
practice osteopathic medicine and surgery that is certified by the 55043
Ohio osteopathic association, and all continuing medical education 55044
taken by persons holding a certificate to practice podiatric 55045
medicine and surgery that is certified by the Ohio podiatric 55046
medical association. Each person holding a certificate to practice 55047
under this chapter shall be given sufficient choice of continuing 55048
education programs to ensure that the person has had a reasonable 55049
opportunity to participate in continuing education programs that 55050
are relevant to the person's medical practice in terms of subject 55051
matter and level. 55052~~

~~The board may require a random sample of persons holding a 55053
certificate to practice under this chapter to submit materials 55054~~

~~documenting completion of the continuing medical education 55055
requirement during the preceding registration period, but this 55056
provision shall not limit the board's authority to investigate 55057
pursuant to section 4731.22 of the Revised Code. 55058~~

~~(B)(1) Every person holding a certificate under this chapter 55059
to practice medicine and surgery, osteopathic medicine and 55060
surgery, or podiatric medicine and surgery wishing to renew that 55061
certificate shall apply to the board for a certificate of 55062
registration upon an application furnished by the board, and pay 55063
to the board at the time of application a fee of three hundred 55064
five dollars, according to the following schedule: 55065~~

~~(a) Persons whose last name begins with the letters "A" 55066
through "B," on or before April 1, 2001, and the first day of 55067
April of every odd-numbered year thereafter; 55068~~

~~(b) Persons whose last name begins with the letters "C" 55069
through "D," on or before January 1, 2001, and the first day of 55070
January of every odd-numbered year thereafter; 55071~~

~~(c) Persons whose last name begins with the letters "E" 55072
through "G," on or before October 1, 2000, and the first day of 55073
October of every even-numbered year thereafter; 55074~~

~~(d) Persons whose last name begins with the letters "H" 55075
through "K," on or before July 1, 2000, and the first day of July 55076
of every even-numbered year thereafter; 55077~~

~~(e) Persons whose last name begins with the letters "L" 55078
through "M," on or before April 1, 2000, and the first day of 55079
April of every even-numbered year thereafter; 55080~~

~~(f) Persons whose last name begins with the letters "N" 55081
through "R," on or before January 1, 2000, and the first day of 55082
January of every even-numbered year thereafter; 55083~~

~~(g) Persons whose last name begins with the letter "S," on or 55084~~

before October 1, 1999, and the first day of October of every 55085
odd-numbered year thereafter; 55086

(h) Persons whose last name begins with the letters "T" 55087
through "Z," on or before July 1, 1999, and the first day of July 55088
of every odd-numbered year thereafter. 55089

The board shall deposit the fee in accordance with section 55090
4731.24 of the Revised Code, except that the board shall deposit 55091
twenty dollars of the fee into the state treasury to the credit of 55092
the physician loan repayment fund created by section 3702.78 of 55093
the Revised Code. 55094

(2) The board shall mail or cause to be mailed to every 55095
person registered to practice medicine and surgery, osteopathic 55096
medicine and surgery, or podiatric medicine and surgery, a notice 55097
of registration renewal addressed to the person's last known 55098
address or may cause the notice to be sent to the person through 55099
the secretary of any recognized medical, osteopathic, or podiatric 55100
society, according to the following schedule: 55101

(a) To persons whose last name begins with the letters "A" 55102
through "B," on or before January 1, 2001, and the first day of 55103
January of every odd-numbered year thereafter; 55104

(b) To persons whose last name begins with the letters "C" 55105
through "D," on or before October 1, 2000, and the first day of 55106
October of every even-numbered year thereafter; 55107

(c) To persons whose last name begins with the letters "E" 55108
through "G," on or before July 1, 2000, and the first day of July 55109
of every even-numbered year thereafter; 55110

(d) To persons whose last name begins with the letters "H" 55111
through "K," on or before April 1, 2000, and the first day of 55112
April of every even-numbered year thereafter; 55113

(e) To persons whose last name begins with the letters "L" 55114

through "M," on or before January 1, 2000, and the first day of 55115
January of every even-numbered year thereafter; 55116

(f) To persons whose last name begins with the letters "N" 55117
through "R," on or before October 1, 1999, and the first day of 55118
October of every odd-numbered year thereafter; 55119

(g) To persons whose last name begins with the letter "S," on 55120
or before July 1, 1999, and the first day of July of every 55121
odd-numbered year thereafter; 55122

(h) To persons whose last name begins with the letters "T" 55123
through "Z," on or before April 1, 1999, and the first day of 55124
April of every odd-numbered year thereafter. 55125

(3) Failure of any person to receive a notice of renewal from 55126
the board shall not excuse the person from the requirements 55127
contained in this section. 55128

(4) The board's notice shall inform the applicant of the 55129
renewal procedure. The board shall provide the application for 55130
registration renewal in a form determined by the board. 55131

(5) The applicant shall provide in the application the 55132
applicant's full name, principal practice address and residence 55133
address, the number of the applicant's certificate to practice, 55134
and any other information required by the board. 55135

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 55136
section, in the case of an applicant who prescribes or personally 55137
furnishes opioid analgesics or benzodiazepines, as defined in 55138
section 3719.01 of the Revised Code, the applicant shall certify 55139
to the board whether the applicant has been granted access to the 55140
drug database established and maintained by the state board of 55141
pharmacy pursuant to section 4729.75 of the Revised Code. 55142

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 55143
does not apply if any of the following is the case: 55144

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.

(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. Every person registered under this section shall give written notice to the state medical board of any change of principal practice address or residence address or in the list within thirty days of the change.

(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate of registration.

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

~~(C)~~(B) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery,

osteopathic medicine and surgery, or podiatric medicine and 55176
surgery, upon application and qualification therefor in accordance 55177
with this section, a certificate of registration under the seal of 55178
the board. A certificate of registration shall be valid for a 55179
two-year period. 55180

~~(D) Failure of any certificate holder to register and comply 55181
with this section shall operate automatically to suspend the 55182
holder's certificate to practice. Continued practice after the 55183
suspension of the certificate to practice shall be considered as 55184
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 55185
the Revised Code. If the certificate has been suspended pursuant 55186
to this division for two years or less, it may be reinstated. The 55187
board shall reinstate a certificate to practice suspended for 55188
failure to register upon an applicant's submission of a renewal 55189
application, the biennial registration fee, and the applicable 55190
monetary penalty. The penalty for reinstatement shall be fifty 55191
dollars. If the certificate has been suspended pursuant to this 55192
division for more than two years, it may be restored. Subject to 55193
section 4731.222 of the Revised Code, the board may restore a 55194
certificate to practice suspended for failure to register upon an 55195
applicant's submission of a restoration application, the biennial 55196
registration fee, and the applicable monetary penalty and 55197
compliance with sections 4776.01 to 4776.04 of the Revised Code. 55198
The board shall not restore to an applicant a certificate to 55199
practice unless the board, in its discretion, decides that the 55200
results of the criminal records check do not make the applicant 55201
ineligible for a certificate issued pursuant to section 4731.14, 55202
4731.56, or 4731.57 of the Revised Code. The penalty for 55203
restoration shall be one hundred dollars. The board shall deposit 55204
the penalties in accordance with section 4731.24 of the Revised 55205
Code. 55206~~

~~(E) If an individual certifies completion of the number of 55207~~

~~hours and type of continuing medical education required to receive 55208
a certificate of registration or reinstatement of a certificate to 55209
practice, and the board finds through the random samples it 55210
conducts under this section or through any other means that the 55211
individual did not complete the requisite continuing medical 55212
education, the board may impose a civil penalty of not more than 55213
five thousand dollars. The board's finding shall be made pursuant 55214
to an adjudication under Chapter 119. of the Revised Code and by 55215
an affirmative vote of not fewer than six members. 55216~~

~~A civil penalty imposed under this division may be in 55217
addition to or in lieu of any other action the board may take 55218
under section 4731.22 of the Revised Code. The board shall deposit 55219
civil penalties in accordance with section 4731.24 of the Revised 55220
Code. 55221~~

(F)(C) Pursuant to section 4731.22 of the Revised Code, the 55222
board may suspend an individual's certificate to practice for 55223
failure to register and comply with this section. If an individual 55224
continues to practice after suspension, that activity constitutes 55225
practicing in violation of section 4731.41 or 4731.60 of the 55226
Revised Code. If the certificate has been suspended for two years 55227
or less, it may be reinstated. The board shall reinstate a 55228
certificate to practice for failure to register on an applicant's 55229
submission of a renewal application, the biennial registration 55230
fee, and the applicable monetary penalty. If the certificate has 55231
been suspended for more than two years, it may be restored. 55232
Subject to section 4731.222 of the Revised Code, the board may 55233
restore a certificate to practice suspended for failure to 55234
register on an applicant's submission of a restoration 55235
application, the biennial registration fee, and the applicable 55236
monetary penalty and compliance with sections 4776.01 to 4776.04 55237
of the Revised Code. The board shall not restore to an applicant a 55238
certificate to practice unless the board, in its discretion, 55239

decides that the results of the criminal records check required by 55240
section 4776.02 of the Revised Code do not make the applicant 55241
ineligible for a certificate issued pursuant to section 4731.14, 55242
4731.56, or 4731.57 of the Revised Code. 55243

The monetary penalty for reinstatement is one hundred 55244
dollars. The monetary penalty for restoration is two hundred 55245
dollars. 55246

Amounts received from payment of civil penalties and monetary 55247
penalties imposed under this division shall be deposited in 55248
accordance with section 4731.24 of the Revised Code. 55249

(D) The state medical board may obtain information not 55250
protected by statutory or common law privilege from courts and 55251
other sources concerning malpractice claims against any person 55252
holding a certificate to practice under this chapter or practicing 55253
as provided in section 4731.36 of the Revised Code. 55254

~~(G)~~(E) Each mailing sent by the board under division 55255
~~(B)~~(A)(2) of this section to a person registered to practice 55256
medicine and surgery or osteopathic medicine and surgery shall 55257
inform the applicant of the reporting requirement established by 55258
division (H) of section 3701.79 of the Revised Code. At the 55259
discretion of the board, the information may be included on the 55260
application for registration or on an accompanying page. 55261

~~Sec. 4731.282. Not later than ninety days after the effective~~ 55262
~~date of this section, the state medical board shall approve one or~~ 55263
~~more continuing medical education courses of study included within~~ 55264
~~the programs certified by the Ohio state medical association and~~ 55265
~~the Ohio osteopathic association pursuant to section 4731.281 of~~ 55266
~~the Revised Code that assist doctors of medicine and doctors of~~ 55267
~~osteopathic medicine in recognizing (A)(1) Except as provided in~~ 55268
~~division (D) of this section, each person holding a certificate to~~ 55269
~~practice medicine and surgery, osteopathic medicine and surgery,~~ 55270

or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board.

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(2) Each person holding a certificate to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

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(1) Continuing medical education completed by holders of certificates to practice medicine and surgery that is certified by the Ohio state medical association;

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(2) Continuing medical education completed by holders of certificates to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

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(3) Continuing medical education completed by holders of certificates to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

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(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following:

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(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~

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(2) Diagnosing and treating chronic pain, as defined in 55301
section 4731.052 of the Revised Code. 55302

(D) The board shall adopt rules providing for pro rata 55303
reductions by month of the number of hours of continuing education 55304
that must be completed for certificate holders who are in their 55305
first registration period, have been disabled by illness or 55306
accident, or have been absent from the country. The board shall 55307
adopt the rules in accordance with Chapter 119. of the Revised 55308
Code. 55309

(E) The board may require a random sample of holders of 55310
certificates to practice medicine and surgery, osteopathic 55311
medicine and surgery, or podiatric medicine and surgery to submit 55312
materials documenting completion of the required number of hours 55313
of continuing medical education. This division does not limit the 55314
board's authority to conduct investigations pursuant to section 55315
4731.22 of the Revised Code. 55316

(F) The board may impose a civil penalty of not more than 55317
five thousand dollars if, through a random sample conducted under 55318
division (E) of this section or any other means, it finds that an 55319
individual falsely certified that the individual completed the 55320
number of hours and type of continuing medical education required 55321
for renewal of a certificate of registration. If the civil penalty 55322
is imposed in addition to any other action the board takes under 55323
section 4731.22 of the Revised Code, the board's finding shall be 55324
made pursuant to an adjudication under Chapter 119. of the Revised 55325
Code and by an affirmative vote of not fewer than six of its 55326
members. 55327

A civil penalty imposed under this division may be in 55328
addition to or in lieu of any other action the board takes under 55329
section 4731.22 of the Revised Code. The board shall deposit civil 55330
penalties in accordance with section 4731.24 of the Revised Code. 55331

Sec. 4731.293. (A) The state medical board may issue, without 55332
examination, a clinical research faculty certificate to any person 55333
who applies for the certificate and provides to the board all of 55334
the following: 55335

(1) Evidence satisfactory to the board of all of the 55336
following: 55337

(a) That the applicant holds a current, unrestricted license 55338
to practice medicine and surgery or osteopathic medicine and 55339
surgery issued by another state or country; 55340

(b) That the applicant has been appointed to serve in this 55341
state on the academic staff of a medical school accredited by the 55342
liaison committee on medical education or an osteopathic medical 55343
school accredited by the American osteopathic association; 55344

(c) That the applicant is an international medical graduate 55345
who holds a medical degree from an educational institution listed 55346
in the international medical education directory. 55347

(2) An affidavit and supporting documentation from the dean 55348
of the medical school or the department director or chairperson of 55349
a teaching hospital affiliated with the school that the applicant 55350
is qualified to perform teaching and research activities and will 55351
be permitted to work only under the authority of the department 55352
director or chairperson of a teaching hospital affiliated with the 55353
medical school where the applicant's teaching and research 55354
activities will occur; 55355

(3) A description from the medical school or teaching 55356
hospital of the scope of practice in which the applicant will be 55357
involved, including the types of teaching, research, and 55358
procedures in which the applicant will be engaged; 55359

(4) A description from the medical school or teaching 55360
hospital of the type and amount of patient contact that will occur 55361

in connection with the applicant's teaching and research 55362
activities. 55363

(B) An applicant for an initial clinical research faculty 55364
certificate shall pay a fee of three hundred seventy-five dollars. 55365

(C) The holder of a clinical research faculty certificate may 55366
practice medicine and surgery or osteopathic medicine and surgery 55367
only as is incidental to the certificate holder's teaching or 55368
research duties at the medical school or a teaching hospital 55369
affiliated with the school. The board may revoke a certificate on 55370
receiving proof satisfactory to the board that the certificate 55371
holder has engaged in practice in this state outside the scope of 55372
the certificate or that there are grounds for action against the 55373
certificate holder under section 4731.22 of the Revised Code. 55374

(D) A clinical research faculty certificate is valid for 55375
three years, except that the certificate ceases to be valid if the 55376
holder's appointment to the academic staff of the school is no 55377
longer valid or the certificate is revoked pursuant to division 55378
(C) of this section. 55379

(E)(1) Three months before a clinical research faculty 55380
certificate expires, the board shall mail or cause to be mailed to 55381
the certificate holder a notice of renewal addressed to the 55382
certificate holder's last known address. Failure of a certificate 55383
holder to receive a notice of renewal from the board shall not 55384
excuse the certificate holder from the requirements contained in 55385
this section. The notice shall inform the certificate holder of 55386
the renewal procedure. The notice also shall inform the 55387
certificate holder of the reporting requirement established by 55388
division (H) of section 3701.79 of the Revised Code. At the 55389
discretion of the board, the information may be included on the 55390
application for renewal or on an accompanying page. 55391

(2) A clinical research faculty certificate may be renewed 55392

for an additional three-year period. There is no limit on the 55393
number of times a certificate may be renewed. A person seeking 55394
renewal of a certificate shall apply to the board. The board shall 55395
provide the application for renewal in a form determined by the 55396
board. 55397

(3) An applicant is eligible for renewal if the applicant 55398
does all of the following: 55399

(a) Pays a renewal fee of three hundred seventy-five dollars; 55400

(b) Reports any criminal offense to which the applicant has 55401
pleaded guilty, of which the applicant has been found guilty, or 55402
for which the applicant has been found eligible for intervention 55403
in lieu of conviction, since last filing an application for a 55404
clinical research faculty certificate; 55405

(c) Provides to the board an affidavit and supporting 55406
documentation from the dean of the medical school or the 55407
department director or chairperson of a teaching hospital 55408
affiliated with the school that the applicant is in compliance 55409
with the applicant's current clinical research faculty 55410
certificate; 55411

(d) Provides evidence satisfactory to the board of all of the 55412
following: 55413

(i) That the applicant continues to maintain a current, 55414
unrestricted license to practice medicine and surgery or 55415
osteopathic medicine and surgery issued by another state or 55416
country; 55417

(ii) That the applicant's initial appointment to serve in 55418
this state on the academic staff of a medical school is still 55419
valid or has been renewed; 55420

(iii) That the applicant has completed one hundred fifty 55421
hours of continuing medical education that meet the requirements 55422

set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 55423

(4) Regardless of whether the certificate has expired, a 55424
person who was granted a visiting medical faculty certificate 55425
under this section as it existed immediately prior to ~~the~~ 55426
~~effective date of this amendment~~ June 6, 2012, may apply for a 55427
clinical research faculty certificate as a renewal. The board may 55428
issue the clinical research faculty certificate if the applicant 55429
meets the requirements of division (E)(3) of this section. The 55430
board may not issue a clinical research faculty certificate if the 55431
visiting medical faculty certificate was revoked. 55432

(F) The board shall maintain a register of all persons who 55433
hold clinical research faculty certificates. 55434

(G) The board may adopt any rules it considers necessary to 55435
implement this section. The rules shall be adopted in accordance 55436
with Chapter 119. of the Revised Code. 55437

Sec. 4731.295. (A)(1) As used in this section, "indigent and 55438
uninsured person" and "operation" have the same meanings as in 55439
section 2305.234 of the Revised Code. 55440

(2) For the purposes of this section, a person shall be 55441
considered retired from practice if the person's license or 55442
certificate has expired with the person's intention of ceasing to 55443
practice medicine and surgery or osteopathic medicine and surgery 55444
for remuneration. 55445

(B) The state medical board may issue, without examination, a 55446
volunteer's certificate to a person who is retired from practice 55447
so that the person may provide medical services to indigent and 55448
uninsured persons. The board shall deny issuance of a volunteer's 55449
certificate to a person who is not qualified under this section to 55450
hold a volunteer's certificate. 55451

(C) An application for a volunteer's certificate shall 55452

include all of the following: 55453

(1) A copy of the applicant's degree of medicine or 55454
osteopathic medicine. 55455

(2) One of the following, as applicable: 55456

(a) A copy of the applicant's most recent license or 55457
certificate authorizing the practice of medicine and surgery or 55458
osteopathic medicine and surgery issued by a jurisdiction in the 55459
United States that licenses persons to practice medicine and 55460
surgery or osteopathic medicine and surgery. 55461

(b) A copy of the applicant's most recent license equivalent 55462
to a license to practice medicine and surgery or osteopathic 55463
medicine and surgery in one or more branches of the United States 55464
armed services that the United States government issued. 55465

(3) Evidence of one of the following, as applicable: 55466

(a) That the applicant has maintained for at least ten years 55467
prior to retirement full licensure in good standing in any 55468
jurisdiction in the United States that licenses persons to 55469
practice medicine and surgery or osteopathic medicine and surgery. 55470

(b) That the applicant has practiced for at least ten years 55471
prior to retirement in good standing as a doctor of medicine and 55472
surgery or osteopathic medicine and surgery in one or more of the 55473
branches of the United States armed services. 55474

(4) A notarized statement from the applicant, on a form 55475
prescribed by the board, that the applicant will not accept any 55476
form of remuneration for any medical services rendered while in 55477
possession of a volunteer's certificate. 55478

(D) The holder of a volunteer's certificate may provide 55479
medical services only to indigent and uninsured persons. The 55480
holder shall not accept any form of remuneration for providing 55481
medical services while in possession of the certificate. Except in 55482

a medical emergency, the holder shall not perform any operation or 55483
deliver babies. The board may revoke a volunteer's certificate on 55484
receiving proof satisfactory to the board that the holder has 55485
engaged in practice in this state outside the scope of the 55486
certificate. 55487

(E)(1) A volunteer's certificate shall be valid for a period 55488
of three years, unless earlier revoked under division (D) of this 55489
section or pursuant to section 4731.22 of the Revised Code. A 55490
volunteer's certificate may be renewed upon the application of the 55491
holder. The board shall maintain a register of all persons who 55492
hold volunteer's certificates. The board shall not charge a fee 55493
for issuing or renewing a certificate pursuant to this section. 55494

(2) To be eligible for renewal of a volunteer's certificate 55495
the holder of the certificate shall certify to the board 55496
completion of one hundred fifty hours of continuing medical 55497
education that meets the requirements of section ~~4731.281~~ 4731.282 55498
of the Revised Code regarding certification by private 55499
associations and approval by the board. The board may not renew a 55500
certificate if the holder has not complied with the continuing 55501
medical education requirements. Any entity for which the holder 55502
provides medical services may pay for or reimburse the holder for 55503
any costs incurred in obtaining the required continuing medical 55504
education credits. 55505

(3) The board shall issue to each person who qualifies under 55506
this section for a volunteer's certificate a wallet certificate 55507
and a wall certificate that state that the certificate holder is 55508
authorized to provide medical services pursuant to the laws of 55509
this state. The holder shall keep the wallet certificate on the 55510
holder's person while providing medical services and shall display 55511
the wall certificate prominently at the location where the holder 55512
primarily practices. 55513

(4) The holder of a volunteer's certificate issued pursuant 55514

to this section is subject to the immunity provisions in section 55515
2305.234 of the Revised Code. 55516

(F) The board shall adopt rules in accordance with Chapter 55517
119. of the Revised Code to administer and enforce this section. 55518

Sec. 4731.296. (A) For the purposes of this section, "the 55519
practice of telemedicine" means the practice of medicine in this 55520
state through the use of any communication, including oral, 55521
written, or electronic communication, by a physician located 55522
outside this state. 55523

(B) A person who wishes to practice telemedicine in this 55524
state shall file an application with the state medical board, 55525
together with a fee in the amount of the fee described in division 55526
(D) of section 4731.29 of the Revised Code and shall comply with 55527
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 55528
its discretion, decides that the results of the criminal records 55529
check do not make the person ineligible for a telemedicine 55530
certificate, the board may issue, without examination, a 55531
telemedicine certificate to a person who meets all of the 55532
following requirements: 55533

(1) The person holds a current, unrestricted license to 55534
practice medicine and surgery or osteopathic medicine and surgery 55535
issued by another state that requires license holders to complete 55536
at least fifty hours of continuing medical education every two 55537
years. 55538

(2) The person's principal place of practice is in that 55539
state. 55540

(3) The person does not hold a certificate issued under this 55541
chapter authorizing the practice of medicine and surgery or 55542
osteopathic medicine and surgery in this state. 55543

(4) The person meets the same age, moral character, and 55544

educational requirements individuals must meet under sections 55545
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 55546
if applicable, demonstrates proficiency in spoken English in 55547
accordance with division (E) of section 4731.29 of the Revised 55548
Code. 55549

(C) The holder of a telemedicine certificate may engage in 55550
the practice of telemedicine in this state. A person holding a 55551
telemedicine certificate shall not practice medicine in person in 55552
this state without obtaining a special activity certificate under 55553
section 4731.294 of the Revised Code. 55554

(D) The board may revoke a certificate issued under this 55555
section or take other disciplinary action against a certificate 55556
holder pursuant to section 4731.22 of the Revised Code on 55557
receiving proof satisfactory to the board that the certificate 55558
holder has engaged in practice in this state outside the scope of 55559
the certificate or that there are grounds for action against the 55560
holder under section 4731.22 of the Revised Code. 55561

(E) A telemedicine certificate shall be valid for a period 55562
specified by the board, and the initial renewal shall be in 55563
accordance with a schedule established by the board. Thereafter, 55564
the certificate shall be valid for two years. A certificate may be 55565
renewed on application of the holder. 55566

To be eligible for renewal, the holder of the certificate 55567
shall do both of the following: 55568

(1) Pay a fee in the amount of the fee described in division 55569
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 55570

(2) Certify to the board compliance with the continuing 55571
medical education requirements of the state in which the holder's 55572
principal place of practice is located. 55573

The board may require a random sample of persons holding a 55574
telemedicine certificate to submit materials documenting 55575

completion of the continuing medical education requirements 55576
described in this division. 55577

(F) The board shall convert a telemedicine certificate to a 55578
certificate issued under section 4731.29 of the Revised Code on 55579
receipt of a written request from the certificate holder. Once the 55580
telemedicine certificate is converted, the holder is subject to 55581
all requirements and privileges attendant to a certificate issued 55582
under section 4731.29 of the Revised Code, including continuing 55583
medical education requirements. 55584

Sec. 4731.297. (A) As used in this section: 55585

(1) "Academic medical center" means a medical school and its 55586
affiliated teaching hospitals and clinics partnering to do all of 55587
the following: 55588

(a) Provide the highest quality of patient care from expert 55589
physicians; 55590

(b) Conduct groundbreaking research leading to medical 55591
advancements for current and future patients; 55592

(c) Provide medical education and graduate medical education 55593
to educate and train physicians. 55594

(2) "Affiliated physician group practice" means a medical 55595
practice that consists of one or more physicians authorized under 55596
this chapter to practice medicine and surgery or osteopathic 55597
medicine and surgery and that is affiliated with an academic 55598
medical center to further the objectives described in divisions 55599
(A)(1)(a) to (c) of this section. 55600

(B) The state medical board shall issue, without examination, 55601
to an applicant who meets the requirements of this section a 55602
certificate of conceded eminence authorizing the practice of 55603
medicine and surgery or osteopathic medicine and surgery as part 55604
of the applicant's employment with an academic medical center in 55605

this state or affiliated physician group practice in this state. 55606

(C) To be eligible for a certificate of conceded eminence, an 55607
applicant shall provide to the board all of the following: 55608

(1) Evidence satisfactory to the board of all of the 55609
following: 55610

(a) That the applicant is an international medical graduate 55611
who holds a medical degree from an educational institution listed 55612
in the international medical education directory; 55613

(b) That the applicant has been appointed to serve in this 55614
state as a full-time faculty member of a medical school accredited 55615
by the liaison committee on medical education or an osteopathic 55616
medical school accredited by the American osteopathic association; 55617

(c) That the applicant has accepted an offer of employment 55618
with an academic medical center in this state or affiliated 55619
physician group practice in this state; 55620

(d) That the applicant holds a license in good standing in 55621
another state or country authorizing the practice of medicine and 55622
surgery or osteopathic medicine and surgery; 55623

(e) That the applicant has unique talents and extraordinary 55624
abilities not generally found within the applicant's specialty, as 55625
demonstrated by satisfying at least four of the following: 55626

(i) The applicant has achieved educational qualifications 55627
beyond those that are required for entry into the applicant's 55628
specialty, including advanced degrees, special certifications, or 55629
other academic credentials. 55630

(ii) The applicant has written multiple articles in journals 55631
listed in the index medicus or an equivalent scholarly publication 55632
acceptable to the board. 55633

(iii) The applicant has a sustained record of excellence in 55634
original research, at least some of which involves serving as the 55635

principal investigator or co-principal investigator for a research project.	55636 55637
(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.	55638 55639
(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	55640 55641 55642
(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.	55643 55644 55645
(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation.	55646 55647 55648
(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.	55649 55650
(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;	55651 55652 55653 55654 55655 55656
(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;	55657 55658 55659
(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.	55660 55661 55662
(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;	55663 55664 55665

(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;

(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;

(5) A fee of one thousand dollars for the certificate.

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.

(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A certificate of conceded eminence is valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated

physician group practice. The certificate ceases to be valid if 55697
the holder resigns or is otherwise terminated from the academic 55698
medical center or affiliated physician group practice. 55699

(G) A certificate of conceded eminence may be renewed for an 55700
additional two-year period. There is no limit on the number of 55701
times a certificate may be renewed. A person seeking renewal of a 55702
certificate shall apply to the board and is eligible for renewal 55703
if the applicant does all of the following: 55704

(1) Pays the renewal fee of one thousand dollars; 55705

(2) Provides to the board an affidavit and supporting 55706
documentation from the academic medical center or affiliated 55707
physician group practice of all of the following: 55708

(a) That the applicant's initial appointment to the medical 55709
faculty is still valid or has been renewed; 55710

(b) That the applicant's clinical practice is consistent with 55711
the established standards in the field; 55712

(c) That the applicant has demonstrated continued scholarly 55713
achievement; 55714

(d) That the applicant has demonstrated continued 55715
professional achievement consistent with the academic medical 55716
center's requirements, established pursuant to standards adopted 55717
under section 3701.351 of the Revised Code, for physicians with 55718
staff membership or professional privileges with the academic 55719
medical center. 55720

(3) Satisfies the same continuing medical education 55721
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 55722
Code that apply to a person who holds a certificate to practice 55723
medicine and surgery or osteopathic medicine and surgery issued 55724
under this chapter. 55725

(4) Complies with any other requirements established by the 55726

board. 55727

(H) The board may adopt any rules it considers necessary to 55728
implement this section. The rules shall be adopted in accordance 55729
with Chapter 119. of the Revised Code. 55730

Sec. 4731.299. (A) The state medical board may issue, without 55731
examination, to an applicant who meets all of the requirements of 55732
this section an expedited certificate to practice medicine and 55733
surgery or osteopathic medicine and surgery by endorsement. 55734
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(B) An individual who seeks an expedited certificate to 55736
practice medicine and surgery or osteopathic medicine and surgery 55737
by endorsement shall file with the board a written application on 55738
a form prescribed and supplied by the board. The application shall 55739
include all of the information the board considers necessary to 55740
process it. 55741

(C) To be eligible to receive an expedited certificate by 55742
endorsement, an applicant shall do both of the following: 55743

(1) Provide evidence satisfactory to the board that the 55744
applicant meets all of the following requirements: 55745

(a) Has passed one of the following: 55746

(i) Steps one, two, and three of the United States medical 55747
licensing examination; 55748

(ii) Levels one, two, and three of the comprehensive 55749
osteopathic medical licensing examination of the United States; 55750

(iii) Any other medical licensing examination recognized by 55751
the board. 55752

(b) For at least five years immediately preceding the date of 55753
application, has held a current, unrestricted license to practice 55754
medicine and surgery or osteopathic medicine and surgery issued by 55755

the licensing authority of another state or a Canadian province; 55756

(c) For at least two years immediately preceding the date of 55757
application, has actively practiced medicine and surgery or 55758
osteopathic medicine and surgery in a clinical setting; 55759

(d) Is in compliance with the medical education and training 55760
requirements in sections 4731.091 and 4731.14 of the Revised Code. 55761

(2) Certify to the board that all of the following are the 55762
case: 55763

(a) Not more than two malpractice claims have been filed 55764
against the applicant within a period of ten years and no 55765
malpractice claim against the applicant has resulted in total 55766
payment of more than five hundred thousand dollars. 55767

(b) The applicant does not have a criminal record according 55768
to the criminal records check required by section 4731.081 of the 55769
Revised Code. 55770

(c) The applicant does not have a medical condition that 55771
could affect the applicant's ability to practice according to 55772
acceptable and prevailing standards of care. 55773

(d) No adverse action has been taken against the applicant by 55774
a health care institution. 55775

(e) To the applicant's knowledge, no federal agency, medical 55776
society, medical association, or branch of the United States 55777
military has investigated or taken action against the applicant. 55778

(f) No professional licensing or regulatory authority has 55779
filed a complaint against, investigated, or taken action against 55780
the applicant and the applicant has not withdrawn a professional 55781
license application. 55782

(g) The applicant has not been suspended or expelled from any 55783
institution of higher education or school, including a medical 55784
school. 55785

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 55786
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 55788
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~It~~ 55792
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If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 55794
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 55799
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 55805
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section. 55808
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Sec. 4731.41. (A) No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the 55813
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practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. No person shall open or conduct an office or other place for such practice without a certificate from the board. No person shall conduct an office in the name of some person who has a certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's certificate has been revoked, or, if suspended, during the time of such suspension.

A certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate to practice medicine and surgery, or any of its branches, in this state has been issued to the person specified therein, or that a certificate to practice, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

(B) No certificate from the state medical board is required by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.211 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

(1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

<u>(4) The physician provides those services within this state</u>	55847
<u>for not more than thirty days per calendar year;</u>	55848
<u>(5) The camp has a medical director who holds an unrestricted</u>	55849
<u>license to practice medicine issued in accordance with division</u>	55850
<u>(A) of this section.</u>	55851
<u>Sec. 4731.62. (A) As used in this section:</u>	55852
<u>(1) "Controlled substance" and "controlled substance analog"</u>	55853
<u>have the same meanings as in section 3719.01 of the Revised Code.</u>	55854
<u>(2) "Dangerous drug" has the same meaning as in section</u>	55855
<u>4729.01 of the Revised Code.</u>	55856
<u>(3) "Drug task force" has the same meaning as in section</u>	55857
<u>5502.68 of the Revised Code.</u>	55858
<u>(B) A physician who is acting in a professional capacity and</u>	55859
<u>who knows, or has reasonable cause to suspect based on facts that</u>	55860
<u>would cause a reasonable person in a similar position to suspect,</u>	55861
<u>that a patient is illegally using a dangerous drug, controlled</u>	55862
<u>substance, controlled substance analog, or metabolite of a</u>	55863
<u>controlled substance or is using deception or fraud to obtain a</u>	55864
<u>dangerous drug, controlled substance, controlled substance analog,</u>	55865
<u>metabolite of a controlled substance, or medical device may report</u>	55866
<u>that knowledge or suspicion to a drug task force in the county in</u>	55867
<u>which the patient resides or in which the knowledge or suspicion</u>	55868
<u>is acquired. If there is no drug task force in the county, the</u>	55869
<u>physician may report the knowledge or suspicion to the police</u>	55870
<u>department of the municipal corporation or the sheriff of the</u>	55871
<u>county in which patient resides or in which the knowledge or</u>	55872
<u>suspicion is acquired.</u>	55873
<u>(C) A report made under this section shall not be considered</u>	55874
<u>a breach of physician-patient confidentiality.</u>	55875
<u>(D) A physician is not liable in damages in a civil action</u>	55876

for harm allegedly incurred as a result of a report made under 55877
this section. 55878

Sec. 4731.74. (A) As used in this section: 55879

(1) "Controlled substance" has the same meaning as in section 55880
3719.01 of the Revised Code. 55881

(2) "Drug" and "prescription" have the same meanings as in 55882
section 4729.01 of the Revised Code. 55883

(3) "Institutional facility" means a hospital as defined in 55884
section 3727.01 of the Revised Code or a facility licensed by the 55885
state board of pharmacy and the department of health, the 55886
department of rehabilitation and correction, or the department of 55887
developmental disabilities, at which medical care is provided on 55888
site and a medical record documenting episodes of care, including 55889
drugs ordered and administered, is maintained. 55890

(4) "Telehealth service" has the same meaning as in section 55891
5164.95 of the Revised Code. 55892

(B) Except as provided in divisions (C) and (D) of this 55893
section, a physician shall not prescribe, dispense, otherwise 55894
provide, or cause to be provided a prescription drug to a person 55895
on whom the physician has never conducted a medical evaluation. 55896

(C) A physician may prescribe, dispense, otherwise provide, 55897
or cause to be provided a prescription drug that is not a 55898
controlled substance to a person on whom the physician has never 55899
conducted a medical evaluation, and who is at a location remote 55900
from the physician, if the physician meets all of the following 55901
requirements: 55902

(1) In a manner that is consistent with the standard for 55903
in-person care by a physician, the remote physician shall complete 55904
and document a medical evaluation of the patient and collect 55905
clinical data as needed to establish a diagnosis, identify any 55906

underlying conditions, and identify any contraindications to the 55907
treatment that is recommended or provided. 55908

(2)(a) Except as provided in division (C)(2)(b) of this 55909
section, the remote physician shall complete an examination of the 55910
patient using appropriate technology that is capable of all of the 55911
following: 55912

(i) Transmitting images of the patient's condition in 55913
real-time; 55914

(ii) Transmitting information regarding the patient's 55915
physical condition and other relevant clinical data needed for 55916
compliance with division (C)(1) of this section; 55917

(iii) Being adjusted for better image quality and definition. 55918

(b) If the patient has a designated primary care physician or 55919
designates a primary care physician with assistance from the 55920
remote physician, the remote physician may examine the patient 55921
over the telephone without the use of the technology required by 55922
division (C)(2)(a) of this section, if the remote physician meets 55923
all of the following requirements: 55924

(i) The remote physician is physically located in this state. 55925

(ii) The remote physician has received credentials to provide 55926
telehealth services pursuant to a process certified by the 55927
national committee for quality assurance. 55928

(iii) The remote physician forwards the patient's electronic 55929
health record to the patient's designated primary care physician 55930
after the consultation. 55931

(iv) The remote physician is available to follow up with the 55932
patient after the consult as necessary. 55933

(3) The remote physician shall document having had dialogue 55934
with the patient regarding treatment options and the risks and 55935
benefits of treatment sufficient to permit the patient to provide 55936

informed consent to treatment. 55937

(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 55938
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(5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 55941
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(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 55943
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(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations: 55945
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(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians. 55951
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(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 55954
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 55959
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 55963
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(c) If the health care provider is an advanced practice 55966

registered nurse, the physician has a standard care arrangement 55967
with the advanced practice registered nurse. 55968

(3) The physician is the medical director of a hospice care 55969
program licensed pursuant to Chapter 3712. of the Revised Code or 55970
is the attending physician of a hospice patient, enrolled in such 55971
a hospice care program, and the drugs are prescribed, dispensed, 55972
or otherwise provided to a hospice patient. 55973

(4) The person has been admitted as an inpatient to or is a 55974
resident of an institutional facility. 55975

(E) This section does not imply that a single in-person 55976
medical evaluation demonstrates that a prescription has been 55977
issued for a legitimate medical purpose within the course of 55978
professional practice. 55979

Sec. 4735.06. (A) Application for a license as a real estate 55980
broker shall be made to the superintendent of real estate on forms 55981
furnished by the superintendent and filed with the superintendent 55982
and shall be signed by the applicant or its members or officers. 55983
Each application shall state the name of the person applying and 55984
the location of the place of business for which the license is 55985
desired, and give such other information as the superintendent 55986
requires in the form of application prescribed by the 55987
superintendent. 55988

If the applicant is a partnership, limited liability company, 55989
limited liability partnership, or association, the names of all 55990
the members also shall be stated, and, if the applicant is a 55991
corporation, the names of its president and of each of its 55992
officers also shall be stated. The superintendent has the right to 55993
reject the application of any partnership, association, limited 55994
liability company, limited liability partnership, or corporation 55995
if the name proposed to be used by such partnership, association, 55996
limited liability company, limited liability partnership, or 55997

corporation is likely to mislead the public or if the name is not 55998
such as to distinguish it from the name of any existing 55999
partnership, association, limited liability company, limited 56000
liability partnership, or corporation licensed under this chapter, 56001
unless there is filed with the application the written consent of 56002
such existing partnership, association, limited liability company, 56003
limited liability partnership, or corporation, executed by a duly 56004
authorized representative of it, permitting the use of the name of 56005
such existing partnership, association, limited liability company, 56006
limited liability partnership, or corporation. 56007

(B) A fee of one hundred dollars shall accompany the 56008
application for a real estate broker's license. The initial 56009
licensing period commences at the time the license is issued and 56010
ends on the applicant's first birthday thereafter. However, if the 56011
applicant was an inactive or active salesperson immediately 56012
preceding application for a broker's license, then the initial 56013
licensing period shall commence at the time the broker's license 56014
is issued and ends on the date the licensee's continuing education 56015
is due as set when the applicant was a salesperson. The 56016
application fee shall be nonrefundable. A fee of one hundred 56017
dollars shall be charged by the superintendent for each successive 56018
application made by an applicant. In the case of issuance of a 56019
three-year license, upon passing the examination, or upon waiver 56020
of the examination requirement, if the superintendent determines 56021
it is necessary, the applicant shall submit an additional fee 56022
determined by the superintendent based upon the number of years 56023
remaining in a real estate salesperson's licensing period. 56024

(C) One dollar of each application fee for a real estate 56025
broker's license shall be credited to the real estate education 56026
and research fund, which is hereby created in the state treasury. 56027
The Ohio real estate commission may use the fund in discharging 56028
the duties prescribed in divisions (E), (F), (G), and (H) of 56029

section 4735.03 of the Revised Code and shall use it in the 56030
advancement of education and research in real estate at any 56031
institution of higher education in the state, or in contracting 56032
with any such institution or a trade organization for a particular 56033
research or educational project in the field of real estate, or in 56034
advancing loans, not exceeding two thousand dollars, to applicants 56035
for salesperson licenses, to defray the costs of satisfying the 56036
educational requirements of division (F) of section 4735.09 of the 56037
Revised Code. Such loans shall be made according to rules 56038
established by the commission under the procedures of Chapter 119. 56039
of the Revised Code, and they shall be repaid to the fund within 56040
three years of the time they are made. No more than ~~ten~~ 56041
twenty-five thousand dollars shall be lent from the fund in any 56042
one fiscal year. 56043

The governor may appoint a representative from the executive 56044
branch to be a member ex officio of the commission for the purpose 56045
of advising on research requests or educational projects. The 56046
commission shall report to the general assembly on the third 56047
Tuesday after the third Monday in January of each year setting 56048
forth the total amount contained in the fund and the amount of 56049
each research grant that it has authorized and the amount of each 56050
research grant requested. A copy of all research reports shall be 56051
submitted to the state library of Ohio and the library of the 56052
legislative service commission. 56053

(D) If the superintendent, with the consent of the 56054
commission, enters into an agreement with a national testing 56055
service to administer the real estate broker's examination, 56056
pursuant to division (A) of section 4735.07 of the Revised Code, 56057
the superintendent may require an applicant to pay the testing 56058
service's examination fee directly to the testing service. If the 56059
superintendent requires the payment of the examination fee 56060
directly to the testing service, each applicant shall submit to 56061

the superintendent a processing fee in an amount determined by the 56062
Ohio real estate commission pursuant to division (A)(2) of section 56063
4735.10 of the Revised Code. 56064

Sec. 4735.13. (A) Every real estate broker licensed under 56065
this chapter shall have and maintain a definite place of business 56066
in this state. A post office box address is not a definite place 56067
of business for purposes of this section. The license of a real 56068
estate broker shall be prominently displayed in the office or 56069
place of business of the broker, and no license shall authorize 56070
the licensee to do business except from the location specified in 56071
it. If the broker maintains more than one place of business within 56072
the state, the broker shall apply for and procure a duplicate 56073
license for each branch office maintained by the broker. Each 56074
branch office shall be in the charge of a licensed broker or 56075
salesperson. The branch office license shall be prominently 56076
displayed at the branch office location. 56077

(B) The license of each real estate salesperson shall be 56078
mailed to and remain in the possession of the licensed broker with 56079
whom the salesperson is or is to be associated until the licensee 56080
places the license on inactive or resigned status or until the 56081
salesperson leaves the brokerage or is terminated. The broker 56082
shall keep each salesperson's license in a way that it can, and 56083
shall on request, be made immediately available for public 56084
inspection at the office or place of business of the broker. 56085
Except as provided in divisions (G) and (H) of this section, 56086
immediately upon the salesperson's leaving the association or 56087
termination of the association of a real estate salesperson with 56088
the broker, the broker shall return the salesperson's license to 56089
the superintendent of real estate. 56090

The failure of a broker to return the license of a real 56091
estate salesperson or broker who leaves or who is terminated, via 56092

certified mail return receipt requested, within three business 56093
days of the receipt of a written request from the superintendent 56094
for the return of the license, is prima-facie evidence of 56095
misconduct under division (A)(6) of section 4735.18 of the Revised 56096
Code. 56097

(C) A licensee shall notify the superintendent in writing 56098
within fifteen days of any of the following occurrences: 56099

(1) The licensee is convicted of a felony. 56100

(2) The licensee is convicted of a crime involving moral 56101
turpitude. 56102

(3) The licensee is found to have violated any federal, 56103
state, or municipal civil rights law pertaining to discrimination 56104
in housing. 56105

(4) The licensee is found to have engaged in a discriminatory 56106
practice pertaining to housing accommodations described in 56107
division (H) of section 4112.02 of the Revised Code. 56108

(5) The licensee is the subject of an order by the department 56109
of commerce, the department of insurance, or the department of 56110
agriculture revoking or permanently surrendering any professional 56111
license, certificate, or registration. 56112

(6) The licensee is the subject of an order by any government 56113
agency concerning real estate, financial matters, or the 56114
performance of fiduciary duties with respect to any license, 56115
certificate, or registration. 56116

If a licensee fails to notify the superintendent within the 56117
required time, the superintendent immediately may suspend the 56118
license of the licensee. 56119

Any court that convicts a licensee of a violation of any 56120
municipal civil rights law pertaining to housing discrimination 56121
also shall notify the Ohio civil rights commission within fifteen 56122

days of the conviction. 56123

(D) In case of any change of business location, a broker 56124
shall give notice to the superintendent, on a form prescribed by 56125
the superintendent, within thirty days after the change of 56126
location, whereupon the superintendent shall issue new licenses 56127
for the unexpired period without charge. If a broker changes a 56128
business location without giving the required notice and without 56129
receiving new licenses that action is prima-facie evidence of 56130
misconduct under division (A)(6) of section 4735.18 of the Revised 56131
Code. 56132

(E) If a real estate broker desires to associate with another 56133
real estate broker in the capacity of a real estate salesperson, 56134
the broker shall apply to the superintendent to deposit the 56135
broker's real estate broker's license with the superintendent and 56136
for the issuance of a real estate salesperson's license. The 56137
application shall be made on a form prescribed by the 56138
superintendent and shall be accompanied by the recommendation of 56139
the real estate broker with whom the applicant intends to become 56140
associated and a fee of twenty-five dollars for the real estate 56141
salesperson's license. One dollar of the fee shall be credited to 56142
the real estate education and research fund. If the superintendent 56143
is satisfied that the applicant is honest, truthful, and of good 56144
reputation, has not been convicted of a felony or a crime 56145
involving moral turpitude, and has not been finally adjudged by a 56146
court to have violated any municipal, state, or federal civil 56147
rights laws relevant to the protection of purchasers or sellers of 56148
real estate, and that the association of the real estate broker 56149
and the applicant will be in the public interest, the 56150
superintendent shall grant the application and issue a real estate 56151
salesperson's license to the applicant. Any license so deposited 56152
with the superintendent shall be subject to this chapter. A broker 56153
who intends to deposit the broker's license with the 56154

superintendent, as provided in this section, shall give written 56155
notice of this fact in a format prescribed by the superintendent 56156
to all salespersons associated with the broker when applying to 56157
place the broker's license on deposit. 56158

(F) If a real estate broker desires to become a member or 56159
officer of a partnership, association, limited liability company, 56160
limited liability partnership, or corporation that is or intends 56161
to become a licensed real estate broker, the broker shall notify 56162
the superintendent of the broker's intentions. The notice of 56163
intention shall be on a form prescribed by the superintendent and 56164
shall be accompanied by a fee of twenty-five dollars. One dollar 56165
of the fee shall be credited to the real estate education and 56166
research fund. 56167

A licensed real estate broker who is a member or officer of a 56168
partnership, association, limited liability company, limited 56169
liability partnership, or corporation shall only act as a real 56170
estate broker for such partnership, association, limited liability 56171
company, limited liability partnership, or corporation. 56172

(G)(1) If a real estate broker or salesperson enters the 56173
armed forces, the broker or salesperson may place the broker's or 56174
salesperson's license on deposit with the Ohio real estate 56175
commission. The licensee shall not be required to renew the 56176
license until the renewal date that follows the date of discharge 56177
from the armed forces. Any license deposited with the commission 56178
shall be subject to this chapter. ~~Any~~ 56179

Any licensee whose license is on deposit under this division 56180
and who fails to meet the continuing education requirements of 56181
section 4735.141 of the Revised Code because the licensee is in 56182
the armed forces shall satisfy the commission that the licensee 56183
has complied with the continuing education requirements within 56184
twelve months of the licensee's first birthday after discharge or 56185
within the amount of time equal to the total number of months the 56186

licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces.

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed

forces of the United States or reserve component of the armed 56218
forces of the United States including the Ohio national guard or 56219
the national guard of any other state. 56220

(H) If a licensed real estate salesperson submits an 56221
application to the superintendent to leave the association of one 56222
broker to associate with a different broker, the broker possessing 56223
the licensee's license need not return the salesperson's license 56224
to the superintendent. The superintendent may process the 56225
application regardless of whether the licensee's license is 56226
returned to the superintendent. 56227

Sec. 4735.141. (A) Except as otherwise provided in this 56228
division and in section 4735.13 of the Revised Code and except for 56229
a licensee who has placed the licensee's license in resigned 56230
status pursuant to section 4735.142 of the Revised Code, each 56231
person licensed under section 4735.07 or 4735.09 of the Revised 56232
Code shall submit proof satisfactory to the superintendent of real 56233
estate that the licensee has satisfactorily completed thirty hours 56234
of continuing education, as prescribed by the Ohio real estate 56235
commission pursuant to section 4735.10 of the Revised Code, on or 56236
before the licensee's birthday occurring three years after the 56237
licensee's date of initial licensure, and on or before the 56238
licensee's birthday every three years thereafter. 56239

Persons licensed as real estate salespersons who subsequently 56240
become licensed real estate brokers shall continue to submit proof 56241
of continuing education in accordance with the time period 56242
established in this section. 56243

The requirements of this section shall not apply to any 56244
disabled licensee as provided in division (E) of this section. 56245

Each licensee who is seventy years of age or older, within a 56246
continuing education reporting period, shall submit proof 56247
satisfactory to the superintendent of real estate that the 56248

licensee has satisfactorily completed a total of nine classroom 56249
hours of continuing education, including instruction in Ohio real 56250
estate law; recently enacted state and federal laws affecting the 56251
real estate industry; municipal, state, and federal civil rights 56252
law; and canons of ethics for the real estate industry as adopted 56253
by the commission. The required proof of completion shall be 56254
submitted on or before the licensee's birthday that falls in the 56255
third year of that continuing education reporting period. A 56256
licensee who is seventy years of age or older whose license is in 56257
an inactive status is exempt from the continuing education 56258
requirements specified in this section. The commission shall adopt 56259
reasonable rules in accordance with Chapter 119. of the Revised 56260
Code to carry out the purposes of this paragraph. 56261

(B) The continuing education requirements of this section 56262
shall be completed in schools, seminars, and educational 56263
institutions approved by the commission. Such approval shall be 56264
given according to rules established by the commission under the 56265
procedures of Chapter 119. of the Revised Code, and shall not be 56266
limited to institutions providing two-year or four-year degrees. 56267
Each school, seminar, or educational institution approved under 56268
this division shall be open to all licensees on an equal basis. 56269

(C) If the requirements of this section are not met by a 56270
licensee within the period specified, the licensee's license shall 56271
be suspended automatically without the taking of any action by the 56272
superintendent. The superintendent shall notify the licensee of 56273
the license suspension, and such notification shall be sent by 56274
regular mail to the personal residence address of the licensee 56275
that is on file with the division. Any license so suspended shall 56276
remain suspended until it is reactivated by the superintendent. No 56277
such license shall be reactivated until it is established, to the 56278
satisfaction of the superintendent, that the requirements of this 56279
section have been met. If the requirements of this section are not 56280

met within twelve months from the date the license was suspended, 56281
the license shall be revoked automatically without the taking of 56282
any action by the superintendent. 56283

(D) If the license of a real estate broker is suspended 56284
pursuant to division (C) of this section, the license of a real 56285
estate salesperson associated with that broker correspondingly is 56286
suspended pursuant to division (H) of section 4735.20 of the 56287
Revised Code. A sole broker shall notify affiliated salespersons 56288
of the suspension in writing within three days of receiving the 56289
notice required by division (C) of this section. 56290

(1) The suspended license of the associated real estate 56291
salesperson shall be reactivated and no fee shall be charged or 56292
collected for that reactivation if that broker subsequently 56293
submits proof to the superintendent that the broker has complied 56294
with the requirements of this section and requests that the 56295
broker's license as a real estate broker be reactivated, and the 56296
superintendent then reactivates the broker's license as a real 56297
estate broker. 56298

(2) If the real estate salesperson submits an application to 56299
leave the association of the suspended broker in order to 56300
associate with a different broker, the suspended license of the 56301
associated real estate salesperson shall be reactivated and no fee 56302
shall be charged or collected for that reactivation. The 56303
superintendent may process the application regardless of whether 56304
the licensee's license is returned to the superintendent. 56305

Any person whose license is reactivated pursuant to this 56306
division shall comply with the requirements of this section and 56307
otherwise be in compliance with this chapter. 56308

(E) Any licensee who is a disabled licensee at any time 56309
during the last three months of the third year of the licensee's 56310
continuing education reporting period may receive an extension of 56311

time as deemed appropriate by the superintendent to submit proof 56312
to the superintendent that the licensee has satisfactorily 56313
completed the required thirty hours of continuing education. To 56314
receive an extension of time, the licensee shall submit a request 56315
to the division of real estate for the extension and proof 56316
satisfactory to the commission that the licensee was a disabled 56317
licensee at some time during the last three months of the 56318
three-year reporting period. The proof shall include, but is not 56319
limited to, a signed statement by the licensee's attending 56320
physician describing the disability, certifying that the 56321
licensee's disability is of such a nature as to prevent the 56322
licensee from attending any instruction lasting at least three 56323
hours in duration, and stating the expected duration of the 56324
disability. The licensee shall request the extension and provide 56325
the physician's statement to the division no later than one month 56326
prior to the end of the licensee's three-year continuing education 56327
reporting period, unless the disability did not arise until the 56328
last month of the three-year reporting period, in which event the 56329
licensee shall request the extension and provide the physician's 56330
statement as soon as practical after the occurrence of the 56331
disability. A licensee granted an extension pursuant to this 56332
division who is no longer a disabled licensee and who submits 56333
proof of completion of the continuing education during the 56334
extension period, shall submit, for future continuing education 56335
reporting periods, proof of completion of the continuing education 56336
requirements according to the schedule established in division (A) 56337
of this section. 56338

(F) The superintendent shall not renew a license if the 56339
licensee fails to comply with this section, and the licensee shall 56340
be required to pay the penalty fee provided in section 4735.14 of 56341
the Revised Code. 56342

(G) A licensee shall submit proof of completion of the 56343

required continuing education with the licensee's notice of 56344
renewal. The proof shall be submitted in the manner provided by 56345
the superintendent. 56346

Sec. 4736.12. (A) The state board of sanitarian registration 56347
shall charge the following fees: 56348

(1) To apply as a sanitarian-in-training, eighty dollars; 56349

(2) For sanitarians-in-training to apply for registration as 56350
sanitarians, eighty dollars. The applicant shall pay this fee only 56351
once regardless of the number of times the applicant takes an 56352
examination required under section 4736.08 of the Revised Code. 56353

(3) For persons other than sanitarians-in-training to apply 56354
for registration as sanitarians, including persons meeting the 56355
requirements of section 4736.16 of the Revised Code, one hundred 56356
sixty dollars. The applicant shall pay this fee only once 56357
regardless of the number of times the applicant takes an 56358
examination required under section 4736.08 of the Revised Code. 56359

(4) The renewal fee for registered sanitarians shall be 56360
~~eighty~~ ninety dollars. 56361

(5) The renewal fee for sanitarians-in-training shall be 56362
~~eighty~~ ninety dollars. 56363

(6) For late application for renewal, an additional ~~fifty~~ 56364
seventy-five dollars. 56365

The board of sanitarian registration, with the approval of 56366
the controlling board, may establish fees in excess of the amounts 56367
provided in this section, provided that such fees do not exceed 56368
the amounts permitted by this section by more than fifty per cent. 56369

(B) The board of sanitarian registration shall charge 56370
separate fees for examinations as required by section 4736.08 of 56371
the Revised Code, provided that the fees are not in excess of the 56372
actual cost to the board of conducting the examinations. 56373

(C) The board of sanitarian registration may adopt rules 56374
establishing fees for all of the following: 56375

(1) Application for the registration of a training agency 56376
approved under rules adopted by the board pursuant to section 56377
4736.11 of the Revised Code and for the annual registration 56378
renewal of an approved training agency; 56379

(2) Application for the review of continuing education hours 56380
submitted for the board's approval by approved training agencies 56381
or by registered sanitarians or sanitarians-in-training; 56382

(3) Additional copies of pocket identification cards and wall 56383
certificates. 56384

Sec. 4741.03. (A) The state veterinary medical licensing 56385
board shall meet at least once in each calendar year and may hold 56386
additional meetings as often as it considers necessary to conduct 56387
the business of the board. The president of the board may call 56388
special meetings, and the executive director shall call special 56389
meetings upon the written request of three members of the board. 56390
The board shall organize by electing a president and 56391
vice-president from its veterinarian members and such other 56392
officers as the board prescribes by rule. Each officer shall serve 56393
for a term specified by boardrule or until a successor is elected 56394
and qualified. A quorum of the board consists of four members of 56395
which at least three are members who are veterinarians. The 56396
concurrence of four members is necessary for the board to take any 56397
action. 56398

(B) The board may appoint a person, not one of its members, 56399
to serve as its executive director. The executive director is in 56400
the unclassified service and serves at the pleasure of the board. 56401
The executive director shall serve as the board's 56402
secretary-treasurer ex officio. The board may employ additional 56403
employees for professional, technical, clerical, and special work 56404

as it considers necessary. The executive director shall give a surety bond to the state in the sum the board requires, conditioned upon the faithful performance of the executive director's duties. The board shall pay the cost of the bond. The executive director shall keep a complete accounting of all funds received and of all vouchers presented by the board to the director of budget and management for the disbursement of funds. The president or executive director shall approve all vouchers of the board. All money received by the board shall be credited to the occupational licensing and regulatory fund.

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

(1) Prescribe a seal;

~~(2) Accept and review applications for admission to an examination in accordance with section 4741.09 of the Revised Code and review~~ Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.

(3) Keep a record of all of its meetings and proceedings;

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;	56436 56437
(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;	56438 56439 56440 56441 56442
(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.	56443 56444 56445
(D) The board may do all of the following:	56446
(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.	56447 56448 56449 56450 56451 56452 56453 56454 56455 56456
(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.	56457 56458 56459 56460
(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.	56461 56462 56463 56464 56465

Sec. 4741.11. Whenever an applicant for a license to practice veterinary medicine ~~passes the examination specified in section 4741.09 of the Revised Code, and~~ has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards, and is not in violation of this chapter, the board shall issue a certificate of license to that effect, signed by the members and bearing the seal of the board. The certificate shall show that the successful applicant has qualified under the laws of this state and the requirements of the board and that the applicant is duly licensed and qualified to practice veterinary medicine.

~~Upon request, the board shall furnish to an applicant for a license who fails to pass the examination a written report showing reasons for the applicant's failure in the examination.~~

Sec. 4741.12. The state veterinary medical licensing board may issue a license to practice veterinary medicine without the examination required pursuant to section 4741.11 of the Revised Code to an applicant from another state, territory, country, or the District of Columbia who furnishes satisfactory proof to the board that the applicant meets all of the following criteria:

(A) The applicant is a graduate of a veterinary college accredited by the American veterinary medical association or holds a certificate issued, on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or ~~issued by any other nationally recognized certification program the board approves by rule~~ by the

program for the assessment of veterinary education equivalence of 56497
the American association of veterinary state boards. 56498

(B) The applicant holds a license, which is not under 56499
suspension, revocation, or other disciplinary action, issued by an 56500
agency similar to this board of another state, territory, country, 56501
or the District of Columbia, having requirements equivalent to 56502
those of this state, provided the laws of such state, territory, 56503
country, or district accord equal rights to the holder of a 56504
license to practice in this state who removes to such state, 56505
territory, country, or district. 56506

(C) The applicant is of good moral character, as determined 56507
by the board. 56508

(D) The applicant is not under investigation for an act which 56509
would constitute a violation of this chapter that would require 56510
the revocation of or refusal to renew a license. 56511

(E) The applicant has a thorough knowledge of the laws and 56512
rules governing the practice of veterinary medicine in this state, 56513
as determined by the board. 56514

Sec. 4741.17. (A) Applicants or registrants shall pay to the 56515
state veterinary medical licensing board: 56516

(1) For an initial veterinary license ~~based on examination,~~ 56517
on or after the first day of March in an even-numbered year, ~~three~~ 56518
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 56519
after the first day of March in an odd-numbered year, ~~two hundred~~ 56520
~~fifty~~ three hundred dollars; 56521

(2) For an initial limited license to practice veterinary 56522
medicine for an intern, resident in a veterinary specialty, or 56523
graduate student, thirty-five dollars; 56524

(3) For an initial limited license to practice veterinary 56525
medicine for an instructor, researcher, or diagnostician, one 56526

hundred fifty-five dollars; 56527

~~(4) For a veterinary license by reciprocity issued on or~~ 56528
~~after the first day of March in an even numbered year, four~~ 56529
~~hundred twenty five dollars, and on or after the first day of~~ 56530
~~March in an odd numbered year, three hundred dollars;~~ 56531

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 56532

~~(6)~~(5) For a duplicate license, thirty-five dollars; 56533

~~(7)~~(6) For the veterinary license biennial renewal fee, where 56534
the application is postmarked no later than the first day of 56535
March, one hundred fifty-five dollars; where the application is 56536
postmarked after the first day of March, but no later than the 56537
first day of April, two hundred twenty-five dollars; and where the 56538
application is postmarked after the first day of April, four 56539
hundred fifty dollars. Notwithstanding section 4741.25 of the 56540
Revised Code, the board shall deposit ten dollars of each 56541
veterinary license biennial renewal fee that it collects into the 56542
state treasury to the credit of the veterinarian loan repayment 56543
fund created in section 4741.46 of the Revised Code. 56544

~~(8)~~(7) For the limited license to practice veterinary 56545
medicine biennial renewal fee, where the application is postmarked 56546
not later than the first day of July, one hundred fifty-five 56547
dollars; where the application is postmarked after the first day 56548
of July, but not later than the first day of August, two hundred 56549
twenty-five dollars; and where the application is postmarked after 56550
the first day of August, four hundred fifty dollars. 56551
Notwithstanding section 4741.25 of the Revised Code, the board 56552
shall deposit ten dollars of each limited license biennial renewal 56553
fee that it collects from instructors, researchers, and 56554
diagnosticians into the state treasury to the credit of the 56555
veterinarian loan repayment fund. 56556

~~(9)~~(8) For an initial registered veterinary technician 56557

registration fee on or after the first day of March in an 56558
odd-numbered year, thirty-five dollars, and on or after the first 56559
day of March in an even-numbered year, twenty-five dollars; 56560

~~(10)~~(9) For the biennial renewal registration fee of a 56561
registered veterinary technician, where the application is 56562
postmarked no later than the first day of March, thirty-five 56563
dollars; where the application is postmarked after the first day 56564
of March, but no later than the first day of April, forty-five 56565
dollars; and where the application is postmarked after the first 56566
day of April, sixty dollars; 56567

~~(11)~~(10) For a specialist certificate, fifty dollars. The 56568
certificate is not subject to renewal. 56569

~~(12)~~(11) For the reinstatement of a suspended license, or for 56570
reinstatement of a license that has lapsed more than one year, an 56571
additional fee of seventy-five dollars; 56572

~~(13) For examinations offered by the board, a fee, which 56573
shall be established by the board, in an amount adequate to cover 56574
the expense of procuring, administering, and scoring examinations; 56575~~

~~(14)~~(12) For a provisional veterinary graduate license, one 56576
hundred dollars. 56577

(B) For the purposes of divisions (A)(6), (7), ~~(8)~~, and 56578
~~(10)~~(9) of this section, a date stamp of the office of the board 56579
may serve in lieu of a postmark. 56580

Sec. 4741.19. (A) Unless exempted under this chapter, no 56581
person shall practice veterinary medicine, or any of its branches, 56582
without a license or limited license issued by the state 56583
veterinary medical licensing board pursuant to sections 4741.11 to 56584
4741.13 of the Revised Code, a temporary permit issued pursuant to 56585
section 4741.14 of the Revised Code, or a registration certificate 56586
issued pursuant to division (C) of this section, or with an 56587

inactive, expired, suspended, terminated, or revoked license, 56588
temporary permit, or registration. 56589

(B) No veterinary student shall: 56590

(1) Perform or assist surgery unless under direct veterinary 56591
supervision and unless the student has had the minimum education 56592
and experience prescribed by rule of the board; 56593

(2) Engage in any other work related to the practice of 56594
veterinary medicine unless under veterinary supervision; 56595

(3) Participate in the operation of a branch office, clinic, 56596
or allied establishment unless a licensed veterinarian is present 56597
on the establishment premises. 56598

(C) No person shall act as a registered veterinary technician 56599
unless the person is registered with the board on a biennial basis 56600
and pays the biennial registration fee. A registered veterinary 56601
technician registration expires biennially on the first day of 56602
March in the odd-numbered years and may be renewed in accordance 56603
with the standard renewal procedures contained in Chapter 4745. of 56604
the Revised Code upon payment of the biennial registration fee and 56605
fulfillment of ten continuing education hours during the two years 56606
immediately preceding renewal for registration. Each registered 56607
veterinary technician shall notify in writing the executive 56608
director of the board of any change in the registered veterinary 56609
technician's office address or employment within ninety days after 56610
the change has taken place. 56611

(1) A registered veterinary technician operating under 56612
veterinary supervision may perform the following duties: 56613

(a) Prepare or supervise the preparation of patients, 56614
instruments, equipment, and medications for surgery; 56615

(b) Collect or supervise the collection of specimens and 56616
perform laboratory procedures as required by the supervising 56617

veterinarian;	56618
(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	56619 56620
(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	56621 56622
(e) Suture skin incisions;	56623
(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	56624 56625 56626
(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	56627 56628 56629
(h) Any additional duties as established by the board in rule.	56630 56631
(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:	56632 56633
(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	56634 56635
(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;	56636 56637 56638
(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.	56639 56640 56641
The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.	56642 56643 56644 56645
(D) A veterinarian licensed to practice in this state shall	56646

not present the person's self as or state a claim that the person 56647
is a specialist unless the veterinarian has previously met the 56648
requirements for certification by a specialty organization 56649
recognized by the American board of veterinary specialties for a 56650
specialty or such other requirements set by rule of the board and 56651
has paid the fee required by division (A)~~(11)~~(10) of section 56652
4741.17 of the Revised Code. 56653

(E) Notwithstanding division (A) of this section, any animal 56654
owner or the owner's designee may engage in the practice of embryo 56655
transfer on the owner's animal if a licensed veterinarian directly 56656
supervises the owner or the owner's designee and the means used to 56657
perform the embryo transfer are nonsurgical. 56658

(F) Allied medical support may assist a licensed veterinarian 56659
to the extent to which the law that governs the individual 56660
providing the support permits, if all of the following apply: 56661

(1) A valid veterinary-client-patient-relationship exists. 56662

(2) The individual acts under direct veterinary supervision. 56663

(3) The allied medical support individual receives informed, 56664
written, client consent. 56665

(4) The veterinarian maintains responsibility for the patient 56666
and keeps the patient's medical records. 56667

The board may inspect the facilities of an allied medical 56668
support individual in connection with an investigation based on a 56669
complaint received in accordance with section 4741.26 of the 56670
Revised Code involving that individual. 56671

Sec. 4743.08. (A) As used in this section and in section 56672
4743.09 of the Revised Code: 56673

(1) "Dangerous drug" has the same meaning as in section 56674
4729.01 of the Revised Code. 56675

(2) "Health care provider" or "provider" means an individual who is licensed, certified, or registered by a board, commission, or agency that is created under or by virtue of Title XLVII of the Revised Code and provides health-related diagnostic, evaluative, or treatment services. In accordance with Chapter 119. of the Revised Code, the director of health may adopt rules further defining "health care provider." 56676
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(3) "Insurer" means any person that is authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, the Ohio fair plan underwriting association created under section 3929.43 of the Revised Code, any health insuring corporation, or any legal entity that is self-insured and provides benefits to its employees or members. 56683
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(B)(1) Except as provided in division (D) of this section, before a health care provider dispenses a dangerous drug or provides a medical product or service to a patient, the provider shall notify the patient or the patient's representative of all of the following: 56689
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(a) The provider's usual and customary charge for the drug or medical product or service; 56694
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(b) The portion of the charge described in division (B)(1) (a) of this section that the patient's insurer will pay for the drug, medical product, or service or, if the patient is a medicaid recipient, the portion the medicaid program will pay for the medicaid service; 56696
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(c) Any out-of-pocket amount the patient will be charged for the drug, medical product, or service. 56701
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(2) The notifications required by division (B)(1) of this section shall be provided in writing unless the patient and the provider are in different locations. Under those circumstances, the notifications may be given verbally. 56703
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(C) Except as provided in division (D) of this section, a health care provider shall not dispense a dangerous drug or provide a medical product or service to a patient unless the patient or the patient's representative consents to being charged the out-of-pocket amount for the item. Consent shall be given in writing unless the patient and the provider are in different locations. Under those circumstances, consent may be given verbally if the verbal consent is recorded by the provider.

(D) The requirements of divisions (B) and (C) of this section do not apply in emergency situations. The director of health may adopt rules specifying which situations are emergency situations.

Sec. 4743.09. Notwithstanding any provision of the Revised Code to the contrary, a health care provider may advertise the provider's usual and customary charge for any product, procedure, or service that is provided, performed, or rendered by the provider. Any provision in a contract that prohibits this practice is void.

Sec. 4760.133. (A)(1) If an anesthesiologist assistant violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4760.13 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of

not fewer than six board members. 56737

Under the guidelines, no civil penalty amount shall exceed 56738
twenty thousand dollars. 56739

(B) Amounts received from payment of civil penalties imposed 56740
under this section shall be deposited by the board in accordance 56741
with section 4731.24 of the Revised Code. Amounts received from 56742
payment of civil penalties imposed for violations of division 56743
(B)(6) of section 4760.13 of the Revised Code shall be used by the 56744
board solely for investigations, enforcement, and compliance 56745
monitoring. 56746

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or 56747
acupuncturist violates any section of this chapter or any rule 56748
adopted under this chapter, the state medical board may, pursuant 56749
to an adjudication under Chapter 119. of the Revised Code and an 56750
affirmative vote of not fewer than six of its members, impose a 56751
civil penalty. The amount of the civil penalty shall be determined 56752
by the board in accordance with the guidelines adopted under 56753
division (A)(2) of this section. The civil penalty may be in 56754
addition to any other action the board may take under section 56755
4762.13 of the Revised Code. 56756

(2) The board shall adopt and may amend guidelines regarding 56757
the amounts of civil penalties to be imposed under this section. 56758
Adoption or amendment of the guidelines requires the approval of 56759
not fewer than six board members. 56760

Under the guidelines, no civil penalty amount shall exceed 56761
twenty thousand dollars. 56762

(B) Amounts received from payment of civil penalties imposed 56763
under this section shall be deposited by the board in accordance 56764
with section 4731.24 of the Revised Code. Amounts received from 56765
payment of civil penalties imposed for violations of division 56766

(B)(6) of section 4762.13 of the Revised Code shall be used by the 56767
board solely for investigations, enforcement, and compliance 56768
monitoring. 56769

Sec. 4763.01. As used in this chapter: 56770

(A) "Real estate appraisal" or "appraisal" means an analysis, 56771
opinion, or conclusion relating to the nature, quality, value, or 56772
utility of specified interests in, or aspects of identified real 56773
estate that is classified as either a valuation or an analysis. 56774

(B) "Valuation" means an estimate of the value of real 56775
estate. 56776

(C) "Analysis" means a study of real estate for purposes 56777
other than valuation. 56778

(D) "Appraisal report" means a written communication of a 56779
real estate appraisal, or appraisal review, or appraisal 56780
consulting service or an oral communication of a real estate 56781
appraisal, or appraisal review, or appraisal consulting service 56782
that is documented by a writing that supports the oral 56783
communication. 56784

(E) "Appraisal assignment" means an engagement for which a 56785
person licensed or certified under this chapter is employed, 56786
retained, or engaged to act, or would be perceived by third 56787
parties or the public as acting, as a disinterested third party in 56788
rendering an unbiased real estate appraisal. 56789

(F) "Specialized services" means all appraisal services, 56790
other than appraisal assignments, including, but not limited to, 56791
valuation and analysis given in connection with activities such as 56792
real estate brokerage, mortgage banking, real estate counseling, 56793
and real estate tax counseling, and specialized marketing, 56794
financing, and feasibility studies. 56795

(G) "Real estate" has the same meaning as in section 4735.01 56796

of the Revised Code. 56797

(H) "Appraisal foundation" means a nonprofit corporation 56798
incorporated under the laws of the state of Illinois on November 56799
30, 1987, for the purposes of establishing and improving uniform 56800
appraisal standards by defining, issuing, and promoting those 56801
standards; establishing appropriate criteria for the certification 56802
and recertification of qualified appraisers by defining, issuing, 56803
and promoting the qualification criteria and disseminating the 56804
qualification criteria to others; and developing or assisting in 56805
development of appropriate examinations for qualified appraisers. 56806

(I) "Prepare" means to develop and communicate, whether 56807
through a personal physical inspection or through the act or 56808
process of critically studying a report prepared by another who 56809
made the physical inspection, an appraisal, analysis, or opinion, 56810
or specialized service and to report the results. If the person 56811
who develops and communicates the appraisal or specialized service 56812
does not make the personal inspection, the name of the person who 56813
does make the personal inspection shall be identified on the 56814
appraisal or specialized service reported. 56815

(J) "Report" means any communication, written, oral, or by 56816
any other means of transmission of information, of a real estate 56817
appraisal, appraisal review, ~~appraisal consulting service~~, or 56818
specialized service that is transmitted to a client or employer 56819
upon completion of the appraisal or service. 56820

(K) "State-certified general real estate appraiser" means any 56821
person who satisfies the certification requirements of this 56822
chapter relating to the appraisal of all types of real property 56823
and who holds a current and valid certificate or renewal 56824
certificate issued to the person pursuant to this chapter. 56825

(L) "State-certified residential real estate appraiser" means 56826
any person who satisfies the certification requirements only 56827

relating to the appraisal of one to four units of single-family residential real estate without regard to transaction value or complexity and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(M) "State-licensed residential real estate appraiser" means any person who satisfies the licensure requirements of this chapter relating to the appraisal of noncomplex one-to-four unit single-family residential real estate having a transaction value of less than one million dollars and complex one-to-four unit single-family residential real estate having a transaction value of less than two hundred fifty thousand dollars and who holds a current and valid license or renewal license issued to the person pursuant to this chapter.

(N) "Certified or licensed real estate appraisal" means an appraisal prepared and reported by a certificate holder or licensee under this chapter acting within the scope of certification or licensure and as a disinterested third party.

(O) "State-registered real estate appraiser assistant" means any person, other than a state-certified general real estate appraiser, state-certified residential real estate appraiser, or a state-licensed residential real estate appraiser, who satisfies the registration requirements of this chapter for participating in the development and preparation of real estate appraisals and who holds a current and valid registration or renewal registration issued to the person pursuant to this chapter.

(P) "Institution of higher education" means a state university or college, a private college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ director of higher education pursuant to Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association

recognized by the ~~Ohio board of regents~~ director of higher 56860
education. 56861

(Q) "Division of real estate" may be used interchangeably 56862
with, and for all purposes has the same meaning as, "division of 56863
real estate and professional licensing." 56864

(R) "Superintendent" or "superintendent of real estate" means 56865
the superintendent of the division of real estate and professional 56866
licensing of this state. Whenever the division or superintendent 56867
of real estate is referred to or designated in any statute, rule, 56868
contract, or other document, the reference or designation shall be 56869
deemed to refer to the division or superintendent of real estate 56870
and professional licensing, as the case may be. 56871

(S) "Appraisal review" means the act or process of developing 56872
and communicating an opinion about the quality of another 56873
appraiser's work that was performed as part of an appraisal, or 56874
appraisal review, ~~or appraisal consulting assignment.~~ 56875

(T) ~~"Appraisal consulting" means the act or process of~~ 56876
~~developing an analysis, recommendation, or opinion to solve a~~ 56877
~~problem related to real estate.~~ 56878

~~(U)~~ "Work file" means documentation used during the 56879
preparation of an appraisal report or necessary to support an 56880
appraiser's analyses, opinions, or conclusions. 56881

Sec. 4763.07. (A) Every state-certified general real estate 56882
appraiser, state-certified residential real estate appraiser and 56883
state-licensed residential real estate appraiser shall submit 56884
proof of successfully completing a minimum of fourteen classroom 56885
hours of continuing education instruction in courses or seminars 56886
approved by the real estate appraiser board. The certificate 56887
holder and licensee shall have satisfied the fourteen-hour 56888
continuing education requirements within the one-year period 56889

immediately following the issuance of the initial certificate or 56890
license and shall satisfy those requirements annually thereafter. 56891

A 56892

In accordance with federal law, each state-registered real 56893
estate appraiser assistant who remains in this classification for 56894
more than two years shall satisfy in the third and successive 56895
years this section's requirements submit proof of successfully 56896
completing a minimum of fourteen classroom hours of continuing 56897
education instruction in courses or seminars approved by the real 56898
estate appraiser board. Each registrant shall satisfy the 56899
fourteen-hour continuing education requirements annually. 56900

This division does not apply to an appraiser with a 56901
certification or license from another state that is temporarily 56902
recognized in this state pursuant to division (E)(2) of section 56903
4763.05 of the Revised Code. A 56904

A certificate holder, licensee, or registrant who fails to 56905
submit proof to the superintendent of meeting these requirements 56906
is ineligible to obtain a renewal certificate, license, or 56907
registration and shall comply with section 4763.05 of the Revised 56908
Code in order to regain a certificate, license, or registration, 56909
except that the certificate holder, licensee, or registrant may 56910
submit proof to the superintendent of meeting these requirements 56911
within three months after the date of expiration of the 56912
certificate, license, or registration, or by obtaining a medical 56913
exception under division (E) of this section, without having to 56914
comply with section 4763.05 of the Revised Code. A certificate 56915
holder, licensee, or registrant may not engage in any activities 56916
permitted by the certificate, license, or registration during the 56917
three-month period following the certificate's, license's, or 56918
registration's normal expiration date or during the time period 56919
for which a medical exception applies. 56920

A certificate holder, licensee, or registrant may satisfy all 56921

or a portion of the required hours of classroom instruction in the 56922
following manner: 56923

(1) Completion of an educational program of study determined 56924
by the board to be equivalent, for continuing education purposes, 56925
to courses or seminars approved by the board; 56926

(2) Participation, other than as a student, in educational 56927
processes or programs approved by the board that relate to real 56928
estate appraisal theory, practices, or techniques. 56929

A certificate holder, licensee, or registrant shall present 56930
to the superintendent of real estate evidence of the manner in 56931
which the certificate holder, licensee, or registrant satisfied 56932
the requirements of division (A) of this section. 56933

(B) The board shall adopt rules for implementing a continuing 56934
education program for state-certified general real estate 56935
appraisers, state-certified residential real estate appraisers, 56936
state-licensed residential real estate appraisers, and 56937
state-registered real estate appraiser assistants for the purpose 56938
of assuring that certificate holders, licensees, and registrants 56939
have current knowledge of real estate appraisal theories, 56940
practices, and techniques that will provide a high degree of 56941
service and protection to members of the public. In addition to 56942
any other provisions the board considers appropriate, the rules 56943
adopted by the board shall prescribe the following: 56944

(1) Policies and procedures for obtaining board approval of 56945
courses of instruction and seminars; 56946

(2) Standards, policies, and procedures to be applied in 56947
evaluating the alternative methods of complying with continuing 56948
education requirements set forth in divisions (A)(1) and (2) of 56949
this section; 56950

(3) Standards, monitoring methods, and systems for recording 56951
attendance to be employed by course sponsors as a prerequisite to 56952

approval of courses for continuing education credit. 56953

(C) No amendment or rescission of a rule the board adopts 56954
pursuant to division (B) of this section shall operate to deprive 56955
a certificate holder or licensee of credit toward renewal of 56956
certification or licensure for any course of instruction completed 56957
by the certificate holder or licensee prior to the effective date 56958
of the amendment or rescission that would have qualified for 56959
credit under the rule as it existed prior to amendment or 56960
rescission. 56961

(D) The superintendent of real estate shall not issue a 56962
renewal certificate, registration, or license to any person who 56963
does not meet applicable minimum criteria for state certification, 56964
registration, or licensure prescribed by federal law or rule. 56965

(E) The superintendent may grant a medical exception upon 56966
application by a person certified, registered, or licensed under 56967
this chapter. To receive an exception, the certificate holder, 56968
registrant, or licensee shall submit a request to the 56969
superintendent with proof satisfactory that a medical exception is 56970
warranted. If the superintendent makes a determination that 56971
satisfactory proof has not been presented, within fifteen days of 56972
the date of the denial of the medical exception, the certificate 56973
holder, registrant, or licensee may file with the division of real 56974
estate a request that the real estate appraiser board review the 56975
determination. The board may adopt reasonable rules in accordance 56976
with Chapter 119. of the Revised Code to implement this division. 56977

Sec. 4765.161. The state board of emergency medical, fire, 56978
and transportation services shall adopt rules under section 56979
4765.11 of the Revised Code to establish an expedited veterans 56980
paramedic certification program for any person who is a veteran of 56981
the armed forces of the United States and who, while serving in 56982
the armed forces of the United States, received training as what 56983

this state categorizes as a paramedic. The program shall provide 56984
for a method or procedure whereby, upon application by such a 56985
veteran, the veteran is evaluated to determine the extent of the 56986
training the veteran received while serving in the armed forces of 56987
the United States. If the evaluation indicates that the training 56988
the veteran received while serving in the armed forces of the 56989
United States was such that the veteran is eligible to be issued a 56990
certificate to practice as a paramedic, the board shall issue the 56991
veteran a certificate to practice as a paramedic as provided in 56992
section 4765.30 of the Revised Code upon payment of the 56993
appropriate fee. 56994

If the evaluation indicates that the training the veteran 56995
received while serving in the armed forces of the United States 56996
was such that the veteran is not eligible to be issued a 56997
certificate to practice as a paramedic, the veteran shall receive 56998
credit for the training the veteran received while serving in the 56999
armed forces of the United States and shall be required to 57000
successfully complete only the necessary additional training or 57001
instruction in order to be issued a certificate to practice as a 57002
paramedic. 57003

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 57004
section of this chapter or any rule adopted under this chapter, 57005
the state medical board may, pursuant to an adjudication under 57006
Chapter 119. of the Revised Code and an affirmative vote of not 57007
fewer than six of its members, impose a civil penalty. The amount 57008
of the civil penalty shall be determined by the board in 57009
accordance with the guidelines adopted under division (A)(2) of 57010
this section. The civil penalty may be in addition to any other 57011
action the board may take under section 4774.13 of the Revised 57012
Code. 57013

(2) The board shall adopt and may amend guidelines regarding 57014

the amounts of civil penalties to be imposed under this section. 57015
Adoption or amendment of the guidelines requires the approval of 57016
not fewer than six board members. 57017

Under the guidelines, no civil penalty amount shall exceed 57018
twenty thousand dollars. 57019

(B) Amounts received from payment of civil penalties imposed 57020
under this section shall be deposited by the board in accordance 57021
with section 4731.24 of the Revised Code. Amounts received from 57022
payment of civil penalties imposed for violations of division 57023
(B)(6) of section 4774.13 of the Revised Code shall be used by the 57024
board solely for investigations, enforcement, and compliance 57025
monitoring. 57026

Sec. 4778.06. (A) An individual seeking to renew a license to 57027
practice as a genetic counselor shall, on or before the 57028
thirty-first day of January of each even-numbered year, apply for 57029
renewal of the license. The state medical board shall send renewal 57030
notices at least one month prior to the expiration date. 57031

Renewal applications shall be submitted to the board in a 57032
manner prescribed by the board. Each application shall be 57033
accompanied by a biennial renewal fee of one hundred fifty 57034
dollars. 57035

The applicant shall report any criminal offense to which the 57036
applicant has pleaded guilty, of which the applicant has been 57037
found guilty, or for which the applicant has been found eligible 57038
for intervention in lieu of conviction, since last signing an 57039
application for a license to practice as a genetic counselor. 57040

(B) To be eligible for renewal, a genetic counselor shall 57041
certify to the board that the counselor has done both of the 57042
following: 57043

(1) Maintained the counselor's status as a certified genetic 57044

counselor; 57045

(2) Completed at least thirty hours of continuing education 57046
in genetic counseling that has been approved by the national 57047
society of genetic counselors or American board of genetic 57048
counseling. 57049

(C) If an applicant submits a renewal application that the 57050
board considers to be complete and qualifies for renewal pursuant 57051
to division (B) of this section, the board shall issue to the 57052
applicant a renewed license to practice as a genetic counselor. 57053

(D) The board may require a random sample of genetic 57054
counselors to submit materials documenting that their status as 57055
certified genetic counselors has been maintained and that the 57056
number of hours of continuing education required under division 57057
(B)(2) of this section has been completed. 57058

If a genetic counselor certifies that the genetic counselor 57059
has completed the number of hours and type of continuing education 57060
required for renewal of a license, and the board finds through the 57061
random sample or any other means that the genetic counselor did 57062
not complete the requisite continuing education, the board may 57063
impose a civil penalty of not more than five thousand dollars. ~~The~~ 57064
If a civil penalty is imposed in addition to any other action the 57065
board takes under section 4778.14 of the Revised Code, the board's 57066
finding shall be made pursuant to an adjudication under Chapter 57067
119. of the Revised Code and by an affirmative vote of not fewer 57068
than six members. A civil penalty imposed under this division may 57069
be in addition to or in lieu of any other action the board may 57070
take under section 4778.14 of the Revised Code. The board shall 57071
deposit civil penalties in accordance with section 4731.24 of the 57072
Revised Code. 57073

Sec. 4778.141. (A)(1) If a genetic counselor violates any 57074
section of this chapter other than section 4778.06 of the Revised 57075

Code or violates any rule adopted under this chapter, the state 57076
medical board may, pursuant to an adjudication under Chapter 119. 57077
of the Revised Code and an affirmative vote of not fewer than six 57078
of its members, impose a civil penalty. The amount of the civil 57079
penalty shall be determined by the board in accordance with 57080
guidelines adopted under division (A)(2) of this section. The 57081
civil penalty may be in addition to any other action the board may 57082
take under section 4778.14 of the Revised Code. 57083

(2) The board shall adopt and may amend guidelines regarding 57084
the amounts of civil penalties to be imposed under this section. 57085
Adoption or amendment of the guidelines requires the approval of 57086
not fewer than six board members. 57087

Under the guidelines, no civil penalty amount shall exceed 57088
twenty thousand dollars. 57089

(B) Amounts received from payment of civil penalties imposed 57090
under this section shall be deposited by the board in accordance 57091
with section 4731.24 of the Revised Code. Amounts received from 57092
payment of civil penalties imposed for violations of division 57093
(B)(6) of section 4778.14 of the Revised Code shall be used by the 57094
board solely for investigations, enforcement, and compliance 57095
monitoring. 57096

Sec. 4905.71. (A) Every telephone or electric light company 57097
that is a public utility as defined by section 4905.02 of the 57098
Revised Code and, subject to section 4927.15 of the Revised Code, 57099
every incumbent local exchange carrier as defined by section 57100
4927.01 of the Revised Code shall permit, upon reasonable terms 57101
and conditions and the payment of reasonable charges, the 57102
attachment of any wire, cable, facility, or apparatus to its 57103
poles, pedestals, or placement of same in conduit duct space, by 57104
any person or entity other than a public utility that is 57105
authorized and has obtained, under law, any necessary public or 57106

private authorization and permission to construct and maintain the attachment, so long as the attachment does not interfere, obstruct, or delay the service and operation of the ~~telephone or electric light~~ company or carrier, or create a hazard to safety. Every such ~~telephone or electric light~~ company or carrier shall file tariffs with the public utilities commission containing the charges, terms, and conditions established for such use.

(B) The commission shall regulate the justness and reasonableness of the charges, terms, and conditions contained in any such tariff, and may, upon complaint of any persons in which it appears that reasonable grounds for complaint are stated, or upon its own initiative, investigate such charges, terms, and conditions and conduct a hearing to establish just and reasonable charges, terms, and conditions, and to resolve any controversy that may arise among the parties as to such attachment.

Sec. 4905.81. The public utilities commission shall:

(A) Supervise and regulate each motor carrier;

(B) Regulate the safety of operation of each motor carrier, and of each intermodal equipment provider as defined in section 4923.041 of the Revised Code;

(C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers;

(D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate and intrastate commerce by motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation.

(E) Require the filing of reports and other data by motor carriers;

(F) Adopt reasonable rules for the administration and 57137
enforcement of this chapter and Chapters 4901., 4903., 4907., 57138
4909., 4921., and 4923. of the Revised Code applying to each motor 57139
carrier in this state; 57140

(G) Supervise and regulate motor carriers in all other 57141
matters affecting the relationship between those carriers and the 57142
public to the exclusion of all local authorities, except as 57143
provided in this section. The commission, in the exercise of the 57144
jurisdiction conferred upon it by this chapter and Chapters 4901., 57145
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 57146
adopt rules affecting motor carriers, notwithstanding the 57147
provisions of any ordinance, resolution, license, or permit 57148
enacted, adopted, or granted by any township, municipal 57149
corporation, municipal corporation and county, or county. In case 57150
of conflict between any such ordinance, resolution, license, or 57151
permit, the order or rule of the commission shall prevail. Local 57152
subdivisions may adopt reasonable local police rules within their 57153
respective boundaries not inconsistent with those chapters and 57154
rules adopted under them. 57155

The commission has jurisdiction to receive, hear, and 57156
determine as a question of fact, upon complaint of any party or 57157
upon its own motion, and upon not less than fifteen days' notice 57158
of the time and place of the hearing and the matter to be heard, 57159
whether any corporation, company, association, joint-stock 57160
association, person, firm, or copartnership, or their lessees, 57161
legal or personal representatives, trustees, or receivers or 57162
trustees appointed by any court, is engaged as a motor carrier. 57163
The finding of the commission on such a question is a final order 57164
that may be reviewed as provided in section 4923.15 of the Revised 57165
Code. 57166

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall 57167

adopt rules applicable to ~~the~~ all of the following: 57168

(1) The transportation of persons or property by motor 57169
carriers operating in interstate and intrastate commerce;~~i~~ 57170

(2) ~~The commission shall adopt rules applicable to the~~ 57171
highway transportation and offering for transportation of 57172
hazardous materials by motor carriers, and persons engaging in the 57173
highway transportation and offering for transportation of 57174
hazardous materials, operating in interstate or intrastate 57175
commerce;~~i~~ 57176

(3) The use and interchange of intermodal equipment, as those 57177
terms are defined in section 4923.041 of the Revised Code. 57178

(B) The rules adopted under division (A) of this section 57179
shall not be incompatible with the requirements of the United 57180
States department of transportation. 57181

(C) To achieve the purposes of this chapter and to assist the 57182
commission in the performance of any of its powers or duties, the 57183
commission, either through the public utilities commissioners or 57184
employees authorized by it, may do either or both of the 57185
following: 57186

(1) Apply for, and any judge of a court of record of 57187
competent jurisdiction may issue, an appropriate search warrant; 57188

(2) Examine under oath, at the offices of the commission, any 57189
officer, agent, or employee of any person subject to this chapter. 57190
The commission, by subpoena, also may compel the attendance of a 57191
witness for the purpose of the examination and, by subpoena duces 57192
tecum, may compel the production of all books, contracts, records, 57193
and documents that relate to ~~the transportation and offering for~~ 57194
~~transportation of hazardous materials~~ compliance with this chapter 57195
or compliance with rules adopted under this chapter. 57196

<u>Sec. 4923.041. (A) As used in section 4923.04 of the Revised</u>	57197
<u>Code:</u>	57198
<u>"Interchange" means the act of providing intermodal equipment</u>	57199
<u>to a motor carrier pursuant to an intermodal equipment interchange</u>	57200
<u>agreement for the purpose of transporting the equipment for</u>	57201
<u>loading or unloading by any person or repositioning the equipment</u>	57202
<u>for the benefit of the equipment provider, but it does not include</u>	57203
<u>the leasing of equipment to a motor carrier for primary use in the</u>	57204
<u>motor carrier's freight hauling operations.</u>	57205
<u>"Intermodal equipment" means trailing equipment that is used</u>	57206
<u>in the intermodal transportation of containers over public</u>	57207
<u>highways in interstate commerce, including trailers and chassis.</u>	57208
<u>(B) As used in this section:</u>	57209
<u>"Intermodal equipment interchange agreement" means the</u>	57210
<u>uniform intermodal interchange and facilities access agreement or</u>	57211
<u>any other written document executed by an intermodal equipment</u>	57212
<u>provider or its agent and a motor carrier or its agent, the</u>	57213
<u>primary purpose of which is to establish the responsibilities and</u>	57214
<u>liabilities of both parties with respect to the interchange of the</u>	57215
<u>intermodal equipment.</u>	57216
<u>"Intermodal equipment provider" means any person that</u>	57217
<u>interchanges intermodal equipment with a motor carrier pursuant to</u>	57218
<u>a written interchange agreement or has a contractual</u>	57219
<u>responsibility for the maintenance of the intermodal equipment.</u>	57220
<u>"Person" means any individual, partnership, association,</u>	57221
<u>corporation, business trust, or any other organized group of</u>	57222
<u>individuals.</u>	57223
Sec. 4927.01. (A) As used in this chapter:	57224
(1) "Basic local exchange service" means residential-end-user	57225

access to and usage of telephone-company-provided services over a 57226
single line or small-business-end-user access to and usage of 57227
telephone-company-provided services over the primary access line 57228
of service, which in the case of residential and small-business 57229
access and usage is not part of a bundle or package of services, 57230
that does both of the following: 57231

(a) Enables a customer to originate or receive voice 57232
communications within a local service area as that area exists on 57233
September 13, 2010, ~~the effective date of the amendment of this~~ 57234
~~section by S.B. 162 of the 128th general assembly or as that area~~ 57235
is changed with the approval of the public utilities commission; 57236

(b) Consists of all of the following services: 57237

(i) Local dial tone service; 57238

(ii) For residential end users, flat-rate telephone exchange 57239
service; 57240

(iii) Touch tone dialing service; 57241

(iv) Access to and usage of 9-1-1 services, where such 57242
services are available; 57243

(v) Access to operator services and directory assistance; 57244

(vi) Provision of a telephone directory in any reasonable 57245
format for no additional charge and a listing in that directory, 57246
with reasonable accommodations made for private listings; 57247

(vii) Per call, caller identification blocking services; 57248

(viii) Access to telecommunications relay service; and 57249

(ix) Access to toll presubscription, interexchange or toll 57250
providers or both, and networks of other telephone companies. 57251

"Basic local exchange service" excludes any voice service to 57252
which customers are transitioned following a withdrawal of basic 57253
local exchange service under section 4927.10 of the Revised Code. 57254

(2) "Bundle or package of services" means one or more 57255
telecommunications services or other services offered together as 57256
one service option at a single price. 57257

(3) "Carrier access" means access to and usage of telephone 57258
company-provided facilities that enable end user customers 57259
originating or receiving voice grade, data, or image 57260
communications, over a local exchange telephone company network 57261
operated within a local service area, to access interexchange or 57262
other networks and includes special access. 57263

(4) "Federal poverty level" means the income level 57264
represented by the poverty guidelines as revised annually by the 57265
United States department of health and human services in 57266
accordance with section 673(2) of the "Omnibus Reconciliation Act 57267
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 57268
size equal to the size of the family of the person whose income is 57269
being determined. 57270

(5) "Incumbent local exchange carrier" means, with respect to 57271
an area, the local exchange carrier that: 57272

(a) On February 8, 1996, provided telephone exchange service 57273
in such area; and 57274

(b)(i) On February 8, 1996, was deemed to be a member of the 57275
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 57276

(ii) Is a person or entity that, on or after February 8, 57277
1996, became a successor or assign of a member described in 57278
division (A)(5)(b)(i) of this section. 57279

(6) "Internet protocol-enabled services" means any services, 57280
capabilities, functionalities, or applications that are provided 57281
using internet protocol or a successor protocol to enable an end 57282
user to send or receive communications in internet protocol format 57283
or a successor format, regardless of how any particular such 57284
service is classified by the federal communications commission, 57285

and includes voice over internet protocol service. 57286

(7) "Interstate-access component" means the portion of 57287
carrier access that is within the jurisdiction of the federal 57288
communications commission. 57289

(8) "Local exchange carrier" means any person engaged in the 57290
provision of telephone exchange service, or the offering of access 57291
to telephone exchange service or facilities for the purpose of 57292
originating or terminating telephone toll service. 57293

~~(8)~~(9) "Local service area" means the geographic area that 57294
may encompass more than one exchange area and within which a 57295
telephone customer, by paying the rate for basic local exchange 57296
service, may complete calls to other telephone customers without 57297
being assessed long distance toll charges. 57298

~~(9)~~(10) "Small business" means a nonresidential service 57299
customer with three or fewer service access lines. 57300

~~(10)~~(11) "Telecommunications" means the transmission, between 57301
or among points specified by the user, of information of the 57302
user's choosing, without change in the form or content of the 57303
information as sent and received. 57304

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 57305
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 57306
153. 57307

~~(12)~~(13) "Telecommunications service" means the offering of 57308
telecommunications for a fee directly to the public, or to such 57309
classes of users as to be effectively available directly to the 57310
public, regardless of the facilities used. 57311

~~(13)~~(14) "Telephone company" means a company described in 57312
division (A) of section 4905.03 of the Revised Code that is a 57313
public utility under section 4905.02 of the Revised Code. 57314

~~(14)~~(15) "Telephone exchange service" means 57315

telecommunications service that is within a telephone exchange, or 57316
within a connected system of telephone exchanges within the same 57317
exchange area operated to furnish to subscribers 57318
intercommunicating service of the character ordinarily furnished 57319
by a single exchange, and that is covered by the exchange service 57320
charge; or comparable service provided through a system of 57321
switches, transmission equipment, or other facilities, or 57322
combination thereof, by which a customer can originate and 57323
terminate a telecommunications service. 57324

~~(15)~~(16) "Telephone toll service" means telephone service 57325
between stations in different exchange areas for which there is 57326
made a separate charge not included in contracts with customers 57327
for exchange service. 57328

~~(16)~~(17) "Voice over internet protocol service" means a 57329
service that ~~uses a broadband connection from an end user's~~ 57330
~~location and~~ enables real-time, two-way, voice communications that 57331
originate or terminate from the user's location using internet 57332
protocol or a successor protocol, including, but not limited to, 57333
any such service that permits an end user to receive calls from 57334
and terminate calls to the public switched network. 57335

~~(17)~~(18) "Voice service" includes all of the applicable 57336
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 57337
is not the same as basic local exchange service. 57338

(19) "Wireless service" means federally licensed commercial 57339
mobile service as defined in the "Telecommunications Act of 1996," 57340
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 57341
commercial mobile radio service in 47 C.F.R. 20.3. Under division 57342
(A)~~(17)~~(19) of this section, commercial mobile radio service is 57343
specifically limited to mobile telephone, mobile cellular 57344
telephone, paging, personal communications services, and 57345
specialized mobile radio service provided by a common carrier in 57346
this state and excludes fixed wireless service. 57347

~~(18)~~(20) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state. 57348
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(B) The definitions of this section shall be applied consistent with the definitions in the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with federal decisions interpreting those definitions. 57351
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Sec. 4927.02. (A) It is the policy of this state to: 57355

(1) Ensure the availability of adequate basic local exchange service or voice service to citizens throughout the state; 57356
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(2) Provide incentives for competing providers of telecommunications service to provide advanced, high-quality telecommunications service to citizens throughout the state; 57358
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(3) Rely primarily on market forces, where they exist, to maintain reasonable service levels for telecommunications services at reasonable rates; 57361
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(4) Encourage innovation in the telecommunications industry and the deployment of advanced telecommunications services; 57364
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(5) Create a regulatory climate that provides incentives to create and maintain high technology jobs for Ohioans; 57366
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(6) Promote diversity and options in the supply of telecommunications services and equipment throughout the state; 57368
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(7) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of telecommunications services where appropriate; 57370
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(8) Consider the regulatory treatment of competing and functionally equivalent services and, to the extent practicable, provide for equivalent regulation of all telephone companies and services; 57373
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(9) Not unduly favor or advantage any provider and not unduly disadvantage providers of competing and functionally equivalent services; and

(10) Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs.

(B) The public utilities commission shall consider the policy set forth in this section in carrying out this chapter.

Sec. 4927.07. (A) A Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone company may withdraw any telecommunications service if it gives at least thirty days' prior notice to the public utilities commission and to its affected customers.

(B) A Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone company may abandon entirely telecommunications service in this state if it gives at least thirty days' prior notice to the commission, to its wholesale and retail customers, and to any telephone company wholesale provider of its services.

(C) Divisions (A) and (B) of this section do not apply to any of the following:

~~(1) Basic local exchange service provided by an incumbent local exchange carrier;~~

~~(2)~~ Pole attachments under section 4905.71 of the Revised Code;

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised Code;

~~(4)~~(3) Interconnection and resale agreements approved under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended.

(D) ~~An~~ Except as provided in section 4927.10 of the Revised Code, an incumbent local exchange carrier may not withdraw or abandon basic local exchange service. 57407
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(E) ~~A~~ Neither a telephone company nor an incumbent local exchange carrier may not, without first filing a request with the commission and obtaining commission approval, withdraw any tariff filed with the commission for pole attachments or conduit occupancy under section 4905.71 of the Revised Code or abandon service provided under that section. 57410
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Sec. 4927.10. (A) Subject to division (B) of this section, if the federal communications commission adopts an order that allows an incumbent local exchange carrier to withdraw the interstate-access component of its basic local exchange service under 47 U.S.C. 214, neither of the following shall apply, beginning when the order is adopted, with regard to any exchange area in which an incumbent local exchange carrier withdraws that component: 57416
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(1) The prohibition contained in division (D) of section 4927.07 of the Revised Code against the withdrawal or abandonment of basic local exchange service by an incumbent local exchange carrier, provided that the carrier gives at least one hundred twenty days' prior notice to the public utilities commission and to its affected customers of the withdrawal or abandonment; 57424
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(2) The requirements contained in division (A) of section 4927.11 of the Revised Code. 57430
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(B) If a residential customer to whom notice has been given under this section will be unable to obtain reasonable and comparatively priced voice service upon the carrier's withdrawal or abandonment of basic local exchange service, the customer may file a petition with the public utilities commission not later than ninety days prior to the effective date of the withdrawal or 57432
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abandonment. If a residential customer is identified by the 57438
collaborative process established under Section 749.10 of H.B. 64 57439
of the 131st general assembly as a customer who will be unable to 57440
obtain reasonable and comparatively priced voice service upon the 57441
withdrawal or abandonment of basic local exchange service, that 57442
customer shall be treated as though the customer filed a timely 57443
petition under this division. 57444

(1) The public utilities commission shall issue an order 57445
disposing of the petition not later than ninety days after the 57446
filing of the petition. 57447

(a) If the public utilities commission determines after an 57448
investigation that no reasonable and comparatively priced voice 57449
service will be available to the customer at the customer's 57450
residence, the public utilities commission shall attempt to 57451
identify a willing provider of a reasonable and comparatively 57452
priced voice service to serve the customer. 57453

(b) If no willing provider is identified, the public 57454
utilities commission may order the withdrawing or abandoning 57455
carrier to provide a reasonable and comparatively priced voice 57456
service to the customer at the customer's residence. 57457

(c) The willing provider or the carrier, as applicable, may 57458
utilize any technology or service arrangement to provide the voice 57459
service. 57460

(2) Except as provided in division (B)(2) of this section, an 57461
order adopted under division (B)(1)(b) of this section shall not 57462
be in effect for more than twelve months after the date that it is 57463
issued. If an order is issued under division (B)(1)(b) of this 57464
section, the public utilities commission shall evaluate, during 57465
the twelve-month period in which the order is effective, whether 57466
an alternative reasonable and comparatively priced voice service 57467
is found to exist for the affected customer. If no such voice 57468

service is available, the public utilities commission may extend 57469
the order for one additional twelve-month period. If, at the end 57470
of the second twelve-month period, no alternative reasonable and 57471
comparatively priced voice service is available, the public 57472
utilities commission may order the withdrawing or abandoning 57473
carrier to continue to provide a reasonable and comparatively 57474
priced voice service to the affected customer, utilizing any 57475
technology or service arrangement to provide the voice service. 57476

(3) For purposes of this division, the public utilities 57477
commission shall define the term "reasonable and comparatively 57478
priced voice service" to include service that provides voice grade 57479
access to the public switched network or its functional 57480
equivalent, access to 9-1-1, and that is competitively priced, 57481
when considering all the alternatives in the marketplace and their 57482
functionalities. 57483

Sec. 4927.101. (A) Section 4927.10 of the Revised Code and 57484
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 57485
of the Revised Code made by H.B. 64 of the 131st general assembly 57486
shall not affect any of the following: 57487

(1) Any contractual obligation, including agreements under 57488
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 57489
and 252, as amended; 57490

(2) Any right or obligation under federal law or rules; 57491

(3) The carrier-access requirements under section 4927.15 of 57492
the Revised Code; 57493

(4) Any right or obligation under section 4905.71 of the 57494
Revised Code. 57495

(B) The amendments to section 4927.15 of the Revised Code 57496
made by H.B. 64 of the 131st general assembly shall not affect the 57497
obligations and rights described in divisions (A)(1), (2), and (4) 57498

of this section. 57499

Sec. 4927.11. (A) Except as otherwise provided in this 57500
section and section 4927.10 of the Revised Code, an incumbent 57501
local exchange carrier shall provide basic local exchange service 57502
to all persons or entities in its service area requesting that 57503
service, and that service shall be provided on a reasonable and 57504
nondiscriminatory basis. 57505

(B)(1) An incumbent local exchange carrier is not obligated 57506
to construct facilities and provide basic local exchange service, 57507
or any other telecommunications service, to the occupants of 57508
multitenant real estate, including, but not limited to, 57509
apartments, condominiums, subdivisions, office buildings, or 57510
office parks, if the owner, operator, or developer of the 57511
multitenant real estate does any of the following to the benefit 57512
of any other telecommunications service provider: 57513

(a) Permits only one provider of telecommunications service 57514
to install the company's facilities or equipment during the 57515
construction or development phase of the multitenant real estate; 57516

(b) Accepts or agrees to accept incentives or rewards that 57517
are offered by a telecommunications service provider to the owner, 57518
operator, developer, or occupants of the multitenant real estate 57519
and are contingent on the provision of telecommunications service 57520
by that provider to the occupants, to the exclusion of services 57521
provided by other telecommunications service providers; 57522

(c) Collects from the occupants of the multitenant real 57523
estate any charges for the provision of telecommunications service 57524
to the occupants, including charges collected through rents, fees, 57525
or dues. 57526

(2) A carrier not obligated to construct facilities and 57527
provide basic local exchange service pursuant to division (B)(1) 57528

of this section shall notify the public utilities commission of 57529
that fact within one hundred twenty days of receiving knowledge 57530
thereof. 57531

(3) The commission by rule may establish a process for 57532
determining a necessary successor telephone company to provide 57533
service to real estate described in division (B)(1) of this 57534
section when the circumstances described in that division cease to 57535
exist. 57536

(4) An incumbent local exchange carrier that receives a 57537
request from any person or entity to provide service under the 57538
circumstances described in division (B)(1) of this section shall, 57539
within fifteen days of such receipt, provide notice to the person 57540
or entity specifying whether the carrier will provide the 57541
requested service. If the carrier provides notice that it will not 57542
serve the person or entity, the notice shall describe the person's 57543
or entity's right to file a complaint with the commission under 57544
section 4927.21 of the Revised Code within thirty days after 57545
receipt of the notice. In resolving any such complaint, the 57546
commission's determination shall be limited to whether any 57547
circumstance described in divisions (B)(1)(a) to (c) of this 57548
section exists. Upon a finding by the commission that such a 57549
circumstance exists, the complaint shall be dismissed. Upon a 57550
finding that such circumstances do not exist, the person's or 57551
entity's sole remedy shall be provision by the carrier of the 57552
requested service within a reasonable time. 57553

(C) An incumbent local exchange carrier may apply to the 57554
commission for a waiver from compliance with division (A) of this 57555
section. The application shall include, at a minimum, the reason 57556
for the requested waiver, the number of persons or entities who 57557
would be impacted by the waiver, and the alternatives that would 57558
be available to those persons or entities if the waiver were 57559
granted. The incumbent local exchange carrier applying for the 57560

waiver shall publish notice of the waiver application one time in 57561
a newspaper of general circulation throughout the service area 57562
identified in the application and shall provide additional notice 57563
to affected persons or entities as required by the commission in 57564
rules adopted under this division. The commission's rules shall 57565
define "affected" for purposes of this division. The commission 57566
shall afford such persons or entities a reasonable opportunity to 57567
comment to the commission on the application. This opportunity 57568
shall include a public hearing conducted in accordance with rules 57569
adopted under this division and conducted in the service area 57570
identified in the application. After a reasonable opportunity to 57571
comment has been provided, but not later than one hundred twenty 57572
days after the application is filed, the commission either shall 57573
issue an order granting the waiver if, upon investigation, it 57574
finds the waiver to be just, reasonable, and not contrary to the 57575
public interest, and that the applicant demonstrates a financial 57576
hardship or an unusual technical limitation, or shall issue an 57577
order denying the waiver based on a failure to meet those 57578
standards and specifying the reasons for the denial. The 57579
commission shall adopt rules to implement division (C) of this 57580
section. 57581

Sec. 4927.15. (A)(1) The rates, terms, and conditions for 57582
9-1-1 service provided in this state by a telephone company or a 57583
telecommunications carrier and each of the following provided in 57584
this state by a telephone company shall be approved and tariffed 57585
in the manner prescribed by rule adopted by the public utilities 57586
commission and shall be subject to the applicable laws, including 57587
rules or regulations adopted and orders issued by the commission 57588
or the federal communications commission: 57589

~~(1) Carrier access;~~ 57590

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 57591

(3) Pole attachments and conduit occupancy under section	57592
4905.71 of the Revised Code;	57593
(4)(b) Pay telephone access lines;	57594
(5)(c) Toll presubscription;	57595
(6)(d) Telecommunications relay service.	57596
<u>(2) The rates, terms, and conditions for both of the</u>	57597
<u>following provided in this state by a telephone company or an</u>	57598
<u>incumbent local exchange carrier shall be approved and tariffed in</u>	57599
<u>the manner prescribed by rule adopted by the public utilities</u>	57600
<u>commission and shall be subject to the applicable laws, including</u>	57601
<u>rules or regulations adopted and orders issued by the commission</u>	57602
<u>or the federal communications commission:</u>	57603
<u>(a) Carrier access;</u>	57604
<u>(b) Pole attachments and conduit occupancy under section</u>	57605
<u>4905.71 of the Revised Code.</u>	57606
(B) The public utilities commission may order changes in a	57607
telephone company's rates for carrier access in this state subject	57608
to this division. In the event that the public utilities	57609
commission reduces a telephone company's rates for carrier access	57610
that are in effect on September 13, 2010, that reduction shall be	57611
on a revenue-neutral basis under terms and conditions established	57612
by the public utilities commission, and any resulting rate changes	57613
necessary to comply with division (B) or (C) of this section shall	57614
be in addition to any upward rate alteration made under section	57615
4927.12 of the Revised Code.	57616
(C) The public utilities commission has authority to address	57617
carrier access policy and to create and administer mechanisms for	57618
carrier access reform, including, but not limited to, high cost	57619
support.	57620
Sec. 4929.164. (A) A natural gas company may file an	57621

application with the public utilities commission for approval of 57622
an economic development project that has been ~~certified by~~ 57623
submitted to the director of development services ~~under~~ for the 57624
SiteOhio certification program, pursuant to section 122.9511 of 57625
the Revised Code. The company shall file the application prior to 57626
beginning the project. 57627

(B) The commission may approve a project under this section 57628
if both of the following apply: 57629

(1) The infrastructure development costs for the project are 57630
projected to generate a return on the company's investment that is 57631
less than the most recently authorized rate of return. 57632

(2) The amount of infrastructure development costs to be 57633
incurred by the company per calendar year, for the project and all 57634
other projects previously approved under this section, is not 57635
projected to exceed the product of one dollar multiplied by the 57636
aggregate number of the company's customers in this state. 57637

(C) The commission shall adopt rules to provide for an 57638
accelerated review of an application filed under division (A) of 57639
this section. The rules shall provide for the automatic approval 57640
of the application not later than ninety days after the date of 57641
the application filing unless the commission suspends the 57642
application for good cause shown. If the application is suspended, 57643
the commission shall approve, deny, modify, or hold a hearing on 57644
the application not later than forty-five days after the date that 57645
the suspension begins. 57646

Sec. 5101.073. There is hereby created in the state treasury 57647
the ODJFS ~~general services administration~~ audit settlements and 57648
~~operating~~ contingency fund. The ~~director of job and family~~ 57649
~~services may submit a deposit modification and payment detail~~ 57650
~~report to the treasurer of state after the completion of the~~ 57651
~~reconciliation of all final transactions with the federal~~ 57652

~~government regarding a federal grant for a program the department 57653
of job and family services administers and a final closeout for 57654
the grant. On receipt of the report, the treasurer of state shall 57655
transfer the money in the refunds and audit settlements fund that 57656
is the subject of the report to the ODJFS general services 57657
administration and operating fund. Money in the ODJFS general 57658
services administration and operating fund shall be used to pay 57659
for the expenses of the programs the department administers and 57660
the department's administrative expenses, including the costs of 57661
state hearings under section 5101.35 of the Revised Code, required 57662
audit adjustments audits, settlements, contingencies, and other 57663
related expenses. As necessary for the purposes of the fund, the 57664
director of job and family services may request the director of 57665
budget and management to transfer money from any of the funds used 57666
by the department of job and family services, except the general 57667
revenue fund, to the ODJFS audit settlements and contingency fund. 57668
Upon receipt of such a request, the director of budget and 57669
management may transfer the money requested. The director of 57670
budget and management, in consultation with the director of job 57671
and family services, may transfer money from the ODJFS audit 57672
settlements and contingency fund to any fund used by the 57673
department or to the general revenue fund. 57674~~

Sec. 5101.54. (A) The director of job and family services 57675
shall administer the supplemental nutrition assistance program in 57676
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 57677
et seq.). The department may: 57678

(1) Prepare and submit to the secretary of the United States 57679
department of agriculture a plan for the administration of the 57680
supplemental nutrition assistance program; 57681

(2) Prescribe forms for applications, certificates, reports, 57682
records, and accounts of county departments of job and family 57683

services, and other matters; 57684

(3) Require such reports and information from each county 57685
department of job and family services as may be necessary and 57686
advisable; 57687

(4) Administer and expend any sums appropriated by the 57688
general assembly for the purposes of the supplemental nutrition 57689
assistance program and all sums paid to the state by the United 57690
States as authorized by the Food and Nutrition Act of 2008; 57691

(5) Conduct such investigations as are necessary; 57692

(6) Enter into interagency agreements and cooperate with 57693
investigations conducted by the department of public safety, 57694
including providing information for investigative purposes, 57695
exchanging property and records, passing through federal financial 57696
participation, modifying any agreements with the United States 57697
department of agriculture, providing for the supply, security, and 57698
accounting of supplemental nutrition assistance program benefits 57699
for investigative purposes, and meeting any other requirements 57700
necessary for the detection and deterrence of illegal activities 57701
in the supplemental nutrition assistance program; 57702

(7) Adopt rules in accordance with Chapter 119. of the 57703
Revised Code governing employment and training requirements of 57704
recipients of supplemental nutrition assistance program benefits, 57705
including rules specifying which recipients are subject to the 57706
requirements and establishing sanctions for failure to satisfy the 57707
requirements. The rules shall be consistent with 7 U.S.C. 2015, 57708
including its work and employment and training requirements, and, 57709
to the extent practicable, ~~may~~ shall provide for the recipients to 57710
participate in work activities, developmental activities, and 57711
alternative work activities ~~established under~~ described in 57712
sections 5107.40 to 5107.69 of the Revised Code that are 57713
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 57714

rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities ~~established under~~ described in sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, as amended, and regulations adopted thereunder governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance

program in the case of households receiving supplemental nutrition 57745
assistance program benefits and participating in Ohio works first. 57746

(B) A household that is entitled to receive supplemental 57747
nutrition assistance program benefits and that is determined to be 57748
in immediate need of nutrition assistance, shall receive 57749
certification of eligibility for program benefits, pending 57750
verification, within twenty-four hours, or, if mitigating 57751
circumstances occur, within seventy-two hours, after application, 57752
if: 57753

(1) The results of the application interview indicate that 57754
the household will be eligible upon full verification; 57755

(2) Information sufficient to confirm the statements in the 57756
application has been obtained from at least one additional source, 57757
not a member of the applicant's household. Such information shall 57758
be recorded in the case file, and shall include: 57759

(a) The name of the person who provided the name of the 57760
information source; 57761

(b) The name and address of the information source; 57762

(c) A summary of the information obtained. 57763

The period of temporary eligibility shall not exceed one 57764
month from the date of certification of temporary eligibility. If 57765
eligibility is established by full verification, benefits shall 57766
continue without interruption as long as eligibility continues. 57767

At the time of application, the county department of job and 57768
family services shall provide to a household described in this 57769
division a list of community assistance programs that provide 57770
emergency food. 57771

(C) All applications shall be approved or denied through full 57772
verification within thirty days from receipt of the application by 57773
the county department of job and family services. 57774

(D) Nothing in this section shall be construed to prohibit 57775
the certification of households that qualify under federal 57776
regulations to receive supplemental nutrition assistance program 57777
benefits without charge under the Food and Nutrition Act of 2008. 57778

(E) Any person who applies for the supplemental nutrition 57779
assistance program shall receive a voter registration application 57780
under section 3503.10 of the Revised Code. 57781

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 57782
Revised Code: 57783

(A) "Abuse" means the infliction upon an adult by self or 57784
others of injury, unreasonable confinement, intimidation, or cruel 57785
punishment with resulting physical harm, pain, or mental anguish. 57786

(B) "Adult" means any person sixty years of age or older 57787
within this state who is handicapped by the infirmities of aging 57788
or who has a physical or mental impairment which prevents the 57789
person from providing for the person's own care or protection, and 57790
who resides in an independent living arrangement. An "independent 57791
living arrangement" is a domicile of a person's own choosing, 57792
including, but not limited to, a private home, apartment, trailer, 57793
or rooming house. An "independent living arrangement" includes a 57794
residential facility licensed under section 5119.34 of the Revised 57795
Code that provides accommodations, supervision, and personal care 57796
services for three to sixteen unrelated adults, but does not 57797
include other institutions or facilities licensed by the state or 57798
facilities in which a person resides as a result of voluntary, 57799
civil, or criminal commitment. 57800

(C) "Caretaker" means the person assuming the responsibility 57801
for the care of an adult on a voluntary basis, by contract, 57802
through receipt of payment for care, as a result of a family 57803
relationship, or by order of a court of competent jurisdiction. 57804

(D) "Court" means the probate court in the county where an adult resides. 57805
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(E) "Emergency" means that the adult is living in conditions 57807
which present a substantial risk of immediate and irreparable 57808
physical harm or death to self or any other person. 57809

(F) "Emergency services" means protective services furnished 57810
to an adult in an emergency. 57811

(G) "Exploitation" means the unlawful or improper act of a 57812
caretaker using an adult or an adult's resources for monetary or 57813
personal benefit, profit, or gain when the caretaker obtained or 57814
exerted control over the adult or the adult's resources in any of 57815
the following ways: 57816

(1) Without the adult's consent or the consent of the person 57817
authorized to give consent on the adult's behalf; 57818

(2) Beyond the scope of the express or implied consent of the 57819
adult or the person authorized to give consent on the adult's 57820
behalf; 57821

(3) By deception; 57822

(4) By threat; 57823

(5) By intimidation. 57824

(H) "In need of protective services" means an adult known or 57825
suspected to be suffering from abuse, neglect, or exploitation to 57826
an extent that either life is endangered or physical harm, mental 57827
anguish, or mental illness results or is likely to result. 57828

(I) "Incapacitated person" means a person who is impaired for 57829
any reason to the extent that the person lacks sufficient 57830
understanding or capacity to make and carry out reasonable 57831
decisions concerning the person's self or resources, with or 57832
without the assistance of a caretaker. Refusal to consent to the 57833
provision of services shall not be the sole determinative that the 57834

person is incapacitated. "Reasonable decisions" are decisions made 57835
in daily living which facilitate the provision of food, shelter, 57836
clothing, and health care necessary for life support. 57837

(J) "Mental illness" means a substantial disorder of thought, 57838
mood, perception, orientation, or memory that grossly impairs 57839
judgment, behavior, capacity to recognize reality, or ability to 57840
meet the ordinary demands of life. 57841

(K) "Neglect" means the failure of an adult to provide for 57842
self the goods or services necessary to avoid physical harm, 57843
mental anguish, or mental illness or the failure of a caretaker to 57844
provide such goods or services. 57845

(L) "Peace officer" means a peace officer as defined in 57846
section 2935.01 of the Revised Code. 57847

(M) "Physical harm" means bodily pain, injury, impairment, or 57848
disease suffered by an adult. 57849

(N) "Protective services" means services provided by the 57850
county department of job and family services or its designated 57851
agency to an adult who has been determined by evaluation to 57852
require such services for the prevention, correction, or 57853
discontinuance of an act of as well as conditions resulting from 57854
abuse, neglect, or exploitation. Protective services may include, 57855
but are not limited to, case work services, medical care, mental 57856
health services, legal services, fiscal management, home health 57857
care, homemaker services, housing-related services, guardianship 57858
services, and placement services as well as the provision of such 57859
commodities as food, clothing, and shelter. 57860

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 57861
and Friday, except when such day is a holiday as defined in 57862
section 1.14 of the Revised Code. 57863

Sec. 5101.61. (A) As used in this section: 57864

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a

registered professional nurse on duty at all times of clinical operations; 57896
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(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals; 57898
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(h) Has established an accounting and record keeping system to determine reasonable and allowable costs; 57900
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(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification. 57902
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(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located. 57909
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(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 57913
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 57916
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(a) Is primarily engaged in providing home health services; 57918

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 57919
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- (c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 57926
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- (d) Maintains comprehensive records on all patients; 57930
- (e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 57931
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- (6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 57940
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- (a) Nursing care provided by or under the supervision of a registered professional nurse; 57944
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- (b) Physical, occupational, or speech therapy ordered by the patient's attending physician; 57946
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- (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician; 57948
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- (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse; 57951
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- (e) Medical supplies and the use of medical appliances; 57954
- (f) Medical services of interns and residents-in-training 57955

under an approved teaching program of a nonprofit hospital and 57956
under the direction and supervision of the patient's attending 57957
physician; 57958

(g) Any of the foregoing items and services which: 57959

(i) Are provided on an outpatient basis under arrangements 57960
made by the home health agency at a hospital or skilled nursing 57961
facility; 57962

(ii) Involve the use of equipment of such a nature that the 57963
items and services cannot readily be made available to the patient 57964
in the patient's place of residence, or which are furnished at the 57965
hospital or skilled nursing facility while the patient is there to 57966
receive any item or service involving the use of such equipment. 57967

Any attorney, physician, osteopath, podiatrist, chiropractor, 57968
dentist, psychologist, any employee of a hospital as defined in 57969
section 3701.01 of the Revised Code, any nurse licensed under 57970
Chapter 4723. of the Revised Code, any employee of an ambulatory 57971
health facility, any employee of a home health agency, any 57972
employee of a residential facility licensed under section 5119.34 57973
of the Revised Code that provides accommodations, supervision, and 57974
personal care services for three to sixteen unrelated adults, any 57975
employee of a nursing home, residential care facility, or home for 57976
the aging, as defined in section 3721.01 of the Revised Code, any 57977
senior service provider, any peace officer, coroner, member of the 57978
clergy, any employee of a community mental health facility, and 57979
any person engaged in professional counseling, social work, or 57980
marriage and family therapy having reasonable cause to believe 57981
that an adult is being abused, neglected, or exploited, or is in a 57982
condition which is the result of abuse, neglect, or exploitation 57983
shall immediately report such belief to the county department of 57984
job and family services. This section does not apply to employees 57985
of any hospital or public hospital as defined in section 5122.01 57986
of the Revised Code. 57987

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the

employee's having filed a report under this section. 58019

(F) ~~Neither the~~ The written or oral report provided for in 58020
this section ~~nor~~ and the investigatory report provided for in 58021
section 5101.62 of the Revised Code ~~shall be considered a~~ are 58022
confidential and are not public record records, as defined in 58023
section 149.43 of the Revised Code. ~~Information~~ In accordance with 58024
rules adopted by the department of job and family services, 58025
information contained in the report shall upon request be made 58026
available to the adult who is the subject of the report, ~~to~~ 58027
~~agencies authorized by the department to receive information~~ 58028
~~contained in the report,~~ and to legal counsel for the adult. 58029

(G) The county department of job and family services shall be 58030
available to receive the written or oral report provided for in 58031
this section twenty-four hours a day and seven days a week. 58032

Sec. 5101.611. (A) If a county department of job and family 58033
services knows or has reasonable cause to believe that the subject 58034
of a report made under section 5101.61 or of an investigation 58035
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 58036
~~of the department of the Revised Code~~ is ~~mentally retarded or~~ 58037
~~developmentally disabled~~ an individual with a developmental 58038
disability as defined in section 5126.01 of the Revised Code, the 58039
county department shall refer the case to the county board of 58040
developmental disabilities of that county for review pursuant to 58041
section 5126.31 of the Revised Code. 58042

If a county board of developmental disabilities refers a case 58043
to the county department of job and family services in accordance 58044
with section 5126.31, the county department of job and family 58045
services shall proceed with the case in accordance with sections 58046
5101.60 to 5101.71 of the Revised Code. 58047

(B) If a county department of job and family services knows 58048
or has reasonable cause to believe that the subject of a report 58049

made under section 5101.61 or of an investigation conducted under 58050
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 58051
long-term care facility, as defined in section 173.14 of the 58052
Revised Code, the department shall refer the case to the office of 58053
the state long-term care ombudsman program for review pursuant to 58054
section 173.19 of the Revised Code. 58055

If the state ombudsman or regional long-term care ombudsman 58056
program refers a case to the county department of job and family 58057
services in accordance with rules adopted pursuant to section 58058
173.20 of the Revised Code, the county department shall proceed 58059
with the case in accordance with sections 5101.60 to 5101.71 of 58060
the Revised Code. 58061

(C) If a county department of job and family services knows 58062
or has reasonable cause to believe that the subject of a report 58063
made under section 5101.61 or of an investigation conducted under 58064
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 58065
nursing home, as defined in section 3721.01 of the Revised Code, 58066
and has allegedly been abused, neglected, or exploited by an 58067
employee of the nursing home, the department shall refer the case 58068
to the department of health for investigation pursuant to section 58069
3721.031 of the Revised Code. 58070

(D) If a county department of job and family services knows 58071
or has reasonable cause to believe that the subject of a report 58072
made under section 5101.61 or of an investigation conducted under 58073
sections 5101.62 to 5101.64 of the Revised Code is a child, as 58074
defined in section 5153.01 of the Revised Code, the department 58075
shall refer the case to the public children services agency of 58076
that county. 58077

(E) A referral by the county department of job and family 58078
services of a case to another public regulatory agency or 58079
investigatory entity pursuant to this section shall be made in 58080
accordance with rules adopted by the department of job and family 58081

services. 58082

Sec. 5101.612. (A) The department of job and family services 58083
shall establish and maintain a uniform statewide automated adult 58084
protective services information system. The information system 58085
shall contain records regarding all of the following: 58086

(1) All reports of abuse, neglect, or exploitation of adults 58087
made to county departments of job and family services under 58088
section 5101.61 of the Revised Code; 58089

(2) Investigations conducted under section 5101.62 of the 58090
Revised Code; 58091

(3) Protective services provided to adults pursuant to 58092
sections 5101.60 to 5101.71 of the Revised Code; 58093

(4) Any other information related to adults in need of 58094
protective services that state or federal law, regulation, or rule 58095
requires the department or a county department to maintain. 58096

(B) The department shall plan implementation of the 58097
information system on a county-by-county basis. The department 58098
shall promptly notify all county departments of the initiation and 58099
completion of statewide implementation of the information system. 58100

(C) Except as provided in division (C)(3) of this section and 58101
in rules adopted by the department pursuant to that division: 58102

(1) The information contained in or obtained from the 58103
information system is confidential and is not subject to 58104
disclosure pursuant to section 149.43 or 1347.08 of the Revised 58105
Code. 58106

(2) No person shall knowingly do either of the following: 58107

(a) Access or use information contained in the information 58108
system; 58109

(b) Disclose information obtained from the information 58110

system. 58111

(3) Information contained in the information system may be 58112
accessed or used only in a manner, to the extent, and for the 58113
purposes, authorized by rules adopted by the department. 58114

Sec. 5101.62. The county department of job and family 58115
services or its designee shall be responsible for the 58116
investigation of all reports provided for in section 173.20 or 58117
5101.61 and all cases referred to it under section 5126.31 of the 58118
Revised Code and for evaluating the need for and, to the extent of 58119
available funds, providing or arranging for the provision of 58120
protective services. ~~The department may designate another agency~~ 58121
~~to perform the department's duties under this section.~~ 58122

Investigation of the report provided for in section 5101.61 58123
or a case referred to the department under section 5126.31 of the 58124
Revised Code shall be initiated within twenty-four hours after the 58125
department receives the report or case if any emergency exists; 58126
otherwise investigation shall be initiated within three working 58127
days. 58128

Investigation of the need for protective services shall 58129
include a face-to-face visit with the adult who is the subject of 58130
the report, preferably in the adult's residence, and consultation 58131
with the person who made the report, if feasible, and agencies or 58132
persons who have information about the adult's alleged abuse, 58133
neglect, or exploitation. 58134

The department shall give written notice of the intent of the 58135
investigation and an explanation of the notice in language 58136
reasonably understandable to the adult who is the subject of the 58137
investigation, at the time of the initial interview with that 58138
person. 58139

Upon completion of the investigation, the department shall 58140

determine from its findings whether or not the adult who is the 58141
subject of the report is in need of protective services. No adult 58142
shall be determined to be abused, neglected, or in need of 58143
protective services for the sole reason that, in lieu of medical 58144
treatment, the adult relies on or is being furnished spiritual 58145
treatment through prayer alone in accordance with the tenets and 58146
practices of a church or religious denomination of which the adult 58147
is a member or adherent. The department shall write a report which 58148
confirms or denies the need for protective services and states why 58149
it reached this conclusion. 58150

Sec. 5101.621. (A) Each county department of job and family 58151
services shall prepare a memorandum of understanding that is 58152
signed by all of the following: 58153

(1) The director of the county department of job and family 58154
services; 58155

(2) If the county department has entered into an interagency 58156
agreement with a local agency pursuant to section 5101.622 of the 58157
Revised Code, the director of the local agency; 58158

(3) The county peace officer; 58159

(4) All chief municipal peace officers within the county; 58160

(5) Other law enforcement officers handling adult abuse, 58161
neglect, and exploitation cases in the county; 58162

(6) The prosecuting attorney of the county; 58163

(7) The coroner of the county. 58164

(B) The memorandum of understanding shall set forth the 58165
procedures to be followed by the persons listed in division (A) of 58166
this section in the execution of their respective responsibilities 58167
related to cases of adult abuse, neglect, and exploitation. The 58168
memorandum of understanding shall establish all of the following: 58169

(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults; 58170
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(2) The roles and responsibilities for handling cases that have been referred by the county department to another agency pursuant to section 5101.611 of the Revised Code; 58173
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(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults. 58176
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Failure to follow the procedure set forth in the memorandum of understanding is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from a report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person. 58179
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(C) The memorandum of understanding may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in division (B)(1) of this section: 58186
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(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code; 58190
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(2) The regional long-term care ombudsman; 58192

(3) A representative of the board of alcohol, drug addiction, and mental health services; 58193
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(4) A representative of the board of health of a city or general health district; 58195
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(5) A representative of the county board of developmental disabilities; 58197
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(6) A representative of a victim assistance program; 58199

<u>(7) A representative of a local housing authority;</u>	58200
<u>(8) Any other person whose participation furthers the goals of the memorandum of understanding.</u>	58201 58202
<u>Sec. 5101.622.</u> <u>The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties:</u>	58203 58204 58205
<u>(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section;</u>	58206 58207
<u>(B) Perform the county department's duties under section 5101.62 of the Revised Code;</u>	58208 58209
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69 of the Revised Code for an order authorizing the provision of protective services.</u>	58210 58211 58212
<u>Sec. 5101.69.</u> (A) Upon petition by the county department of human <u>job and family services or its designee</u> , the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include <u>all of the following</u> :	58213 58214 58215 58216 58217
(1) The name, age, and address of the adult in need of protective services;	58218 58219
(2) The nature of the emergency;	58220
(3) The proposed protective services;	58221
(4) The petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the circumstances described in divisions (D)(1) to (3) of this section;	58222 58223 58224
(5) Facts showing the petitioner's attempts to obtain the adult's consent to the protective services.	58225 58226
(B) Notice of the filing and contents of the petition	58227

provided for in division (A) of this section, the rights of the 58228
person in the hearing provided for in division (C) of this 58229
section, and the possible consequences of a court order, shall be 58230
given to the adult. Notice shall also be given to the spouse of 58231
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 58232
children or next of kin, and ~~his~~ the adult's guardian, if any, if 58233
~~his~~ the guardian's whereabouts are known. The notice shall be 58234
given in language reasonably understandable to its recipients at 58235
least twenty-four hours prior to the hearing provided for in this 58236
section. The court may waive the twenty-four ~~hour~~ hours' notice 58237
~~requirement~~ requirement upon a showing that both of the following 58238
are the case: 58239

(1) Immediate and irreparable physical harm or immediate and 58240
irreparable financial harm to the adult or others will result from 58241
the twenty-four hour delay; ~~and~~ 58242

(2) Reasonable attempts have been made to notify the adult, 58243
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 58244
adult's adult children or next of kin, if any, and ~~his~~ the adult's 58245
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 58246

Notice of the court's determination shall be given to all 58247
persons receiving notice of the filing of the petition provided 58248
for in this division. 58249

(C) Upon receipt of a petition for an order for emergency 58250
services, the court shall hold a hearing no sooner than 58251
twenty-four and no later than seventy-two hours after the notice 58252
provided for in division (B) of this section has been given, 58253
unless the court has waived the notice. The adult who is the 58254
subject of the petition shall have the right to be present at the 58255
hearing, present, evidence, and examine and cross-examine 58256
witnesses. 58257

(D) The court shall issue an order authorizing the provision 58258

of protective services on an emergency basis if it finds, on the 58259
basis of clear and convincing evidence, ~~that~~ all of the following: 58260

(1) The adult is an incapacitated person; 58261

(2) An emergency exists; 58262

(3) No person authorized by law or court order to give 58263
consent for the adult is available or willing to consent to 58264
emergency services. 58265

(E) In issuing an emergency order, the court shall adhere to 58266
the following limitations: 58267

(1) The court shall order only such protective services as 58268
are necessary and available locally to remove the conditions 58269
creating the emergency, and the court shall specifically designate 58270
those protective services the adult shall receive; 58271

(2) The court shall not order any change of residence under 58272
this section unless the court specifically finds that a change of 58273
residence is necessary; 58274

(3) The court may order emergency ~~services~~ services only for 58275
fourteen days. The county department or its designee may petition 58276
the court for a renewal of the order for a fourteen-day period 58277
upon a showing that continuation of the order is necessary to 58278
remove the emergency. 58279

(4) In its order the court shall authorize the director of 58280
the county department ~~or his~~, the director's designee, or a 58281
representative of the department's designee to give consent for 58282
the person for the approved emergency services until the 58283
expiration of the order; 58284

(5) The court shall not order a person to a hospital or 58285
public hospital as defined in section 5122.01 of the Revised Code. 58286

(F) If the county department or its designee determines that 58287
the adult continues to need protective services after the order 58288

provided for in division (D) of this section has expired, the 58289
county department or its designee may petition the court for an 58290
order to continue protective services, pursuant to section 5101.65 58291
of the Revised Code. After the filing of the petition, the county 58292
department or its designee may continue to provide protective 58293
services pending a hearing by the court. 58294

Sec. 5101.691. (A) A court, through a probate judge or a 58295
magistrate under the direction of a probate judge, may issue by 58296
telephone an ex parte emergency order authorizing the provision of 58297
protective services, including the relief available under division 58298
(B) of section 5101.692 of the Revised Code, to an adult on an 58299
emergency basis if all of the following are the case: 58300

(1) The court receives notice from the county department of 58301
job and family services, an authorized employee of the county 58302
department, the department's designee, or an authorized employee 58303
of the department's designee, that the county department, 58304
designee, or employee believes an emergency order is needed as 58305
described in this section. 58306

(2) There is reasonable cause to believe that the adult is 58307
incapacitated. 58308

(3) There is reasonable cause to believe that there is a 58309
substantial risk to the adult of immediate and irreparable 58310
physical harm, immediate and irreparable financial harm, or death. 58311

(B)(1) The judge or magistrate shall journalize any order 58312
issued under this section. 58313

(2) An order issued under this section shall be in effect for 58314
not longer than twenty-four hours, except that if the day 58315
following the day on which the order is issued is not a working 58316
day, the order shall remain in effect until the next working day. 58317

(C)(1) Except as provided in division (C)(2) of this section, 58318

not later than twenty-four hours after an order is issued under 58319
this section, a petition shall be filed with the court in 58320
accordance with division (A) of section 5101.69 of the Revised 58321
Code. 58322

(2) If the day following the day on which the order was 58323
issued is not a working day, the petition shall be filed with the 58324
court on the next working day. 58325

(3) Except as provided in section 5101.692 of the Revised 58326
Code, proceedings on the petition shall be conducted in accordance 58327
with section 5101.69 of the Revised Code. 58328

Sec. 5101.692. (A) If an order is issued pursuant to section 58329
5101.691 of the Revised Code, the court shall hold a hearing not 58330
later than twenty-four hours after the issuance to determine 58331
whether there is probable cause for the order, except that if the 58332
day following the day on which the order is issued is not a 58333
working day, the court shall hold the hearing on the next working 58334
day. 58335

(B) At the hearing, the court: 58336

(1) Shall determine whether protective services are the least 58337
restrictive alternative available for meeting the adult's needs; 58338

(2) May issue temporary orders to protect the adult from 58339
immediate and irreparable physical harm or immediate and 58340
irreparable financial harm, including, but not limited to, 58341
temporary protection orders, evaluations, and orders requiring a 58342
party to vacate the adult's place of residence or legal 58343
settlement; 58344

(3) May order emergency services; 58345

(4) May freeze the financial assets of the adult. 58346

(C) A temporary order issued pursuant to division (B)(2) of 58347
this section is effective for thirty days. The court may renew the 58348

order for an additional thirty-day period. 58349

Information contained in the order may be entered into the 58350

law enforcement automated data system. 58351

Sec. 5101.71. (A) The county departments of job and family 58352
services shall implement sections 5101.60 to 5101.71 of the 58353
Revised Code. The department of job and family services ~~may~~ shall 58354
provide a program of ongoing, comprehensive, formal training ~~to~~ 58355
~~county departments and other agencies authorized to implement~~ 58356
regarding the implementation of sections 5101.60 to 5101.71 of the 58357
Revised Code and require all adult protective services caseworkers 58358
and their supervisors to undergo the training. Training shall not 58359
be limited to the procedures for implementing section 5101.62 of 58360
the Revised Code. The department of job and family services shall 58361
adopt any rules it deems necessary regarding the training. 58362

(B) The director of job and family services may adopt rules 58363
in accordance with section 111.15 of the Revised Code ~~governing~~ 58364
~~the county departments' implementation to carry out the purposes~~ 58365
of sections 5101.60 to 5101.71 of the Revised Code. The rules 58366
adopted pursuant to this division may include a requirement that 58367
the county departments provide on forms prescribed by the rules a 58368
plan of proposed expenditures, and a report of actual 58369
expenditures, of funds necessary to implement sections 5101.60 to 58370
5101.71 of the Revised Code and other requirements for intake 58371
procedures, investigations, case management, and the provision of 58372
protective services. 58373

Sec. 5101.72. The department of job and family services, ~~to~~ 58374
~~the extent of available funds,~~ may reimburse county departments of 58375
job and family services for all or part of the costs they incur in 58376
implementing sections 5101.60 to 5101.71 of the Revised Code. The 58377
director of job and family services shall adopt internal 58378

management rules in accordance with section 111.15 of the Revised Code that provide for reimbursement of county departments of job and family services under this section.

The director shall adopt internal management rules in accordance with section 111.15 of the Revised Code that do both of the following:

(A) Implement sections 5101.60 to 5101.71 of the Revised Code;

(B) Require the county departments to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to 5101.71 of the Revised Code.

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of the Revised Code:

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

(2) "Publicly funded assistance program" means any physical health, behavioral health, social, employment, education, housing, or similar program funded or provided by the state or a political subdivision of the state.

(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members:

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the

senate; 58409

(3) Two members of the house of representatives, one from the 58410
majority party and one from the minority party, appointed by the 58411
speaker of the house of representatives; 58412

(4) One member representing the judicial branch of 58413
government, appointed by the chief justice of the supreme court; 58414

(5) Additional members representing any other entities or 58415
organizations the director of job and family services determines 58416
are necessary, appointed by the governor. 58417

(C) Initial appointments to the council shall be made not 58418
later than thirty days after ~~the effective date of this section~~ 58419
September 15, 2014. 58420

A member shall serve at the pleasure of the member's 58421
appointing authority. Members may be reappointed to the council. 58422
Vacancies on the council shall be filled in the same manner as the 58423
original appointments. 58424

(D) The director of job and family services shall serve as 58425
chairperson of the council. 58426

(E) The department of job and family services shall provide 58427
administrative assistance to the council. 58428

(F) Members shall serve without compensation, but shall be 58429
reimbursed for their actual and necessary expenses incurred in the 58430
performance of their official duties. 58431

(G) Annually, the Ohio healthier buckeye advisory council 58432
shall submit a report to the governor and, in accordance with 58433
section 101.68 of the Revised Code, to the general assembly. Each 58434
report shall contain a description of the council's activities for 58435
the preceding year and any other information the council considers 58436
appropriate to include in the report. 58437

Sec. 5101.92. The Ohio healthier buckeye advisory council ~~may~~ 58438
shall do all of the following: 58439

(A) Develop the means by which ~~county~~ local healthier buckeye 58440
councils established under section 355.02 of the Revised Code may 58441
reduce the reliance of individuals on publicly funded assistance 58442
programs as provided in section 355.03 of the Revised Code; 58443

~~Recommend to the director of job and family services~~ 58444
~~eligibility criteria, application processes, and maximum grant~~ 58445
~~amounts for~~ Administer the Ohio healthier buckeye grant program 58446
created under section 5101.93 of the Revised Code; 58447

~~Not later than December 1, 2014, submit to the director~~ 58448
~~recommendations for doing all of the following:~~ 58449

~~(1) Coordinating services across all public assistance~~ 58450
~~programs to help individuals find employment, succeed at work, and~~ 58451
~~stay out of poverty;~~ 58452

~~(2) Revising incentives for public assistance programs to~~ 58453
~~foster person-centered case management;~~ 58454

~~(3) Standardizing and automating eligibility determination~~ 58455
~~policies and processes for public assistance programs~~ Provide 58456
assistance in the establishment of local healthier buckeye 58457
councils under Chapter 355. of the Revised Code; 58458

(D) Identify barriers and gaps to achieving greater financial 58459
independence for individuals and families, and provide advice to 58460
remove those barriers and gaps; 58461

(E) Collect, analyze, and report performance measure 58462
information. 58463

Sec. 5101.93. (A) There is hereby created the healthier 58464
buckeye grant program under which grants are awarded to local 58465
healthier buckeye councils established under section 355.02 of the 58466

Revised Code, other public entities, private entities, and 58467
individuals. The program shall be administered by the Ohio 58468
healthier buckeye advisory council. The council may request 58469
assistance from the department of job and family services. 58470

Eligibility criteria established for the program shall give 58471
priority to proposals including the following factors: 58472

(1) Prior effectiveness in providing services that achieve 58473
lasting self-sufficiency for low-income individuals; 58474

(2) Alignment and coordination of public and private 58475
resources to assist low-income individuals achieve 58476
self-sufficiency; 58477

(3) Maintenance of continuous mentoring support for 58478
participants; 58479

(4) Use of local matching funds; 58480

(5) Use of volunteers and peer supports; 58481

(6) Evidence of previous experience managing or providing 58482
similar services with public funds; 58483

(7) Evidence of capability to effectively report relevant 58484
participant data; 58485

(8) Creation through local assessment and planning processes; 58486

(9) Collaboration between entities that participate in 58487
assessment and planning processes. 58488

(B) Funds for grants awarded under the program shall be made 58489
from the healthier buckeye fund, which is hereby created in the 58490
state treasury. The fund shall consist of moneys appropriated to 58491
it and any grants or donations received. Interest earned on the 58492
money in the fund shall be credited to the fund. 58493

Sec. 5101.99. (A) Whoever violates division (A) or (B) of 58494

section 5101.61 of the Revised Code shall be fined not more than 58495
five hundred dollars. 58496

(B) Whoever violates division (A) of section 5101.27 of the 58497
Revised Code is guilty of a misdemeanor of the first degree. 58498

(C) Whoever violates section 5101.133 or division (C)(2) of 58499
section 5101.612 of the Revised Code is guilty of a misdemeanor of 58500
the fourth degree. 58501

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 58502
Revised Code: 58503

(A)(1) "Association" or "institution" includes all of the 58504
following: 58505

(a) Any incorporated or unincorporated organization, society, 58506
association, or agency, public or private, that receives or cares 58507
for children for two or more consecutive weeks; 58508

(b) Any individual, including the operator of a foster home, 58509
who, for hire, gain, or reward, receives or cares for children for 58510
two or more consecutive weeks, unless the individual is related to 58511
them by blood or marriage; 58512

(c) Any individual not in the regular employ of a court, or 58513
of an institution or association certified in accordance with 58514
section 5103.03 of the Revised Code, who in any manner becomes a 58515
party to the placing of children in foster homes, unless the 58516
individual is related to such children by blood or marriage or is 58517
the appointed guardian of such children. 58518

(2) "Association" or "institution" does not include any of 58519
the following: 58520

(a) Any organization, society, association, school, agency, 58521
child guidance center, detention or rehabilitation facility, or 58522
children's clinic licensed, regulated, approved, operated under 58523

the direction of, or otherwise certified by the department of 58524
education, a local board of education, the department of youth 58525
services, the department of mental health and addiction services, 58526
or the department of developmental disabilities; 58527

(b) Any individual who provides care for only a single-family 58528
group, placed there by their parents or other relative having 58529
custody; 58530

(c) A private, nonprofit therapeutic wilderness camp. 58531

(B) "Family foster home" means a foster home that is not a 58532
specialized foster home. 58533

(C) "Foster caregiver" means a person holding a valid foster 58534
home certificate issued under section 5103.03 of the Revised Code. 58535

(D) "Foster home" means a private residence in which children 58536
are received apart from their parents, guardian, or legal 58537
custodian, by an individual reimbursed for providing the children 58538
nonsecure care, supervision, or training twenty-four hours a day. 58539
"Foster home" does not include care provided for a child in the 58540
home of a person other than the child's parent, guardian, or legal 58541
custodian while the parent, guardian, or legal custodian is 58542
temporarily away. Family foster homes and specialized foster homes 58543
are types of foster homes. 58544

(E) "Medically fragile foster home" means a foster home that 58545
provides specialized medical services designed to meet the needs 58546
of children with intensive health care needs who meet all of the 58547
following criteria: 58548

(1) Under rules adopted by the medicaid director governing 58549
medicaid payments for long-term care services, the children 58550
require a skilled level of care. 58551

(2) The children require the services of a doctor of medicine 58552
or osteopathic medicine at least once a week due to the 58553

instability of their medical conditions.	58554
(3) The children require the services of a registered nurse on a daily basis.	58555 58556
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	58557 58558 58559
(F) <u>"Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:</u>	58560 58561 58562 58563 58564
<u>(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.</u>	58565 58566
<u>(2) The children have been placed there by their parents or another relative having custody.</u>	58567 58568
<u>(3) The camp accepts no public funds for use in its operations.</u>	58569 58570
(G) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	58571 58572 58573 58574 58575
(1) Issue a certificate;	58576
(2) Deny a certificate;	58577
(3) Renew a certificate;	58578
(4) Deny renewal of a certificate;	58579
(5) Revoke a certificate.	58580
(G) (H) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	58581 58582

~~(H)~~(I) "Treatment foster home" means a foster home that 58583
incorporates special rehabilitative services designed to treat the 58584
specific needs of the children received in the foster home and 58585
that receives and cares for children who are emotionally or 58586
behaviorally disturbed, chemically dependent, mentally retarded, 58587
developmentally disabled, or who otherwise have exceptional needs. 58588

Sec. 5103.50. (A) As used in this section and sections 58589
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 58590
therapeutic wilderness camp" has the same meaning as in section 58591
5103.02 of the Revised Code. 58592

(B) The director of job and family services shall issue a 58593
license to a private, nonprofit therapeutic wilderness camp that 58594
meets the minimum standards for such camps specified in division 58595
(C) of this section and applies to the director for a license on a 58596
form prescribed by the director. 58597

(C) Both of the following apply as the minimum standards to 58598
be met by a private, nonprofit therapeutic wilderness camp: 58599

(1) The camp shall develop and implement a written policy 58600
that establishes all of the following: 58601

(a) Standards for hiring, training, and supervising staff; 58602

(b) Standards for behavioral intervention, including 58603
standards prohibiting the use of prone restraint and governing the 58604
use of other restraints or isolation; 58605

(c) Standards for recordkeeping, including specifying 58606
information that must be included in each child's record, who may 58607
access records, confidentiality, maintenance, security, and 58608
disposal of records; 58609

(d) A procedure for handling complaints about the camp from 58610
the children attending the camp, their families, staff, and the 58611
public; 58612

(e) Standards for emergency and disaster preparedness, 58613
including procedures for emergency evacuation and standards 58614
requiring that a method of emergency communication be accessible 58615
at all times; 58616

(f) Standards that ensure the protection of children's civil 58617
rights; 58618

(g) Standards for the admission and discharge of children 58619
attending the camp, including standards for emergency discharge. 58620

(2) The camp shall cooperate with any request from the 58621
director for an inspection or for access to records or written 58622
policies of the camp. 58623

Sec. 5103.51. A license issued under section 5103.50 of the 58624
Revised Code is valid for five years, unless earlier revoked by 58625
the director of job and family services. The license may be 58626
renewed. 58627

Each private, nonprofit therapeutic wilderness camp seeking 58628
license renewal shall submit to the director an application for 58629
license renewal on such form as the director prescribes. If the 58630
camp meets the minimum standards specified in section 5103.50 of 58631
the Revised Code, the director shall renew the license. 58632

Sec. 5103.52. (A) The director of job and family services may 58633
inspect a private, nonprofit therapeutic wilderness camp at any 58634
time. The director may delegate this authority to a county 58635
department of job and family services. 58636

(B) The director may request access to the camp's records or 58637
to the written policies adopted by the camp pursuant to section 58638
5103.50 of the Revised Code. The director may delegate this 58639
authority to a county department of job and family services. 58640

Sec. 5103.53. A private, nonprofit therapeutic wilderness 58641

camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of job and family services determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license. 58642
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Sec. 5103.54. If a licensed private, nonprofit therapeutic wilderness camp fails to meet the minimum standards set forth in section 5103.50 of the Revised Code, the director of job and family services shall notify the camp that the director intends to revoke the license. Unless the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp, the director shall give the camp ninety days to meet the minimum standards. If the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp or the camp fails to meet the minimum standards within ninety days of receipt of the notice of revocation, the director shall revoke the license. An order of revocation under this section may be appealed in accordance with Chapter 119. of the Revised Code. 58649
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Sec. 5103.55. A parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's obligations regarding compulsory school attendance pursuant to section 3321.04 of the Revised Code. 58662
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Sec. 5104.01. As used in this chapter: 58666

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person. 58667
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(B) "Approved child day camp" means a child day camp approved 58670

pursuant to section 5104.22 of the Revised Code. 58671

(C) "Border state child care provider" means a child care 58672
provider that is located in a state bordering Ohio and that is 58673
licensed, certified, or otherwise approved by that state to 58674
provide child care. 58675

(D) "Career pathways model" means an alternative pathway to 58676
meeting the requirements to be a child-care staff member or 58677
administrator that does both of the following: 58678

(1) Uses a framework approved by the director of job and 58679
family services to document formal education, training, 58680
experience, and specialized credentials and certifications; 58681

(2) Allows the child-care staff member or administrator to 58682
achieve a designation as an early childhood professional level 58683
one, two, three, four, five, or six. 58684

(E) "Caretaker parent" means the father or mother of a child 58685
whose presence in the home is needed as the caretaker of the 58686
child, a person who has legal custody of a child and whose 58687
presence in the home is needed as the caretaker of the child, a 58688
guardian of a child whose presence in the home is needed as the 58689
caretaker of the child, and any other person who stands in loco 58690
parentis with respect to the child and whose presence in the home 58691
is needed as the caretaker of the child. 58692

(F) "Chartered nonpublic school" means a school that meets 58693
standards for nonpublic schools prescribed by the state board of 58694
education for nonpublic schools pursuant to section 3301.07 of the 58695
Revised Code. 58696

(G) "Child" includes an infant, toddler, preschool-age child, 58697
or school-age child. 58698

(H) "Child care block grant act" means the "Child Care and 58699
Development Block Grant Act of 1990," established in section 5082 58700

of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 58701
1388-236 (1990), 42 U.S.C. 9858, as amended. 58702

(I) "Child day camp" means a program in which only school-age 58703
children attend or participate, that operates for no more than 58704
seven hours per day, that operates only during one or more public 58705
school district's regular vacation periods or for no more than 58706
fifteen weeks during the summer, and that operates outdoor 58707
activities for each child who attends or participates in the 58708
program for a minimum of fifty per cent of each day that children 58709
attend or participate in the program, except for any day when 58710
hazardous weather conditions prevent the program from operating 58711
outdoor activities for a minimum of fifty per cent of that day. 58712
For purposes of this division, the maximum seven hours of 58713
operation time does not include transportation time from a child's 58714
home to a child day camp and from a child day camp to a child's 58715
home. 58716

(J) "Child care" means ~~administering~~ all of the following: 58717

(1) Administering to the needs of infants, toddlers, 58718
preschool-age children, and school-age children outside of school 58719
hours ~~by;~~ 58720

(2) By persons other than their parents ~~or~~ guardians, or 58721
custodians, ~~or relatives by blood, marriage, or adoption for;~~ 58722

(3) For any part of the twenty-four-hour day ~~in;~~ 58723

(4) In a place ~~or residence~~ other than a child's own home, 58724
except that an in-home aide provides child care in the child's own 58725
home. 58726

(K) "Child day-care center" and "center" mean any place in 58727
which child care or publicly funded child care is provided for 58728
thirteen or more children at one time or any place that is not the 58729
permanent residence of the licensee or administrator in which 58730
child care or publicly funded child care is provided for seven to 58731

twelve children at one time. In counting children for the purposes 58732
of this division, any children under six years of age who are 58733
related to a licensee, administrator, or employee and who are on 58734
the premises of the center shall be counted. "Child day-care 58735
center" and "center" do not include any of the following: 58736

(1) A place located in and operated by a hospital, as defined 58737
in section 3727.01 of the Revised Code, in which the needs of 58738
children are administered to, if all the children whose needs are 58739
being administered to are monitored under the on-site supervision 58740
of a physician licensed under Chapter 4731. of the Revised Code or 58741
a registered nurse licensed under Chapter 4723. of the Revised 58742
Code, and the services are provided only for children who, in the 58743
opinion of the child's parent, guardian, or custodian, are 58744
exhibiting symptoms of a communicable disease or other illness or 58745
are injured; 58746

(2) A child day camp; 58747

(3) A place that provides child care, but not publicly funded 58748
child care, if all of the following apply: 58749

(a) An organized religious body provides the child care; 58750

(b) A parent, custodian, or guardian of at least one child 58751
receiving child care is on the premises and readily accessible at 58752
all times; 58753

(c) The child care is not provided for more than thirty days 58754
a year; 58755

(d) The child care is provided only for preschool-age and 58756
school-age children. 58757

(L) "Child care resource and referral service organization" 58758
means a community-based nonprofit organization that provides child 58759
care resource and referral services but not child care. 58760

(M) "Child care resource and referral services" means all of 58761

the following services:	58762
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	58763 58764 58765
(2) Provision of individualized consumer education to families seeking child care;	58766 58767
(3) Provision of timely referrals of available child care providers to families seeking child care;	58768 58769
(4) Recruitment of child care providers;	58770
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	58771 58772 58773 58774
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58775 58776
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58777 58778 58779
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	58780 58781 58782
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	58783 58784
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	58785 58786 58787 58788
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care	58789 58790 58791

homes.	58792
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	58793 58794 58795 58796 58797
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	58798 58799 58800 58801
(P) "Employee" means a person who either:	58802
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	58803 58804
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	58805 58806
(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	58807 58808 58809 58810
(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	58811 58812 58813 58814 58815
(S) "Head start program" means a comprehensive child development program <u>serving birth to three years old and preschool-age children</u> that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	58816 58817 58818 58819 58820
(T) "Income" means gross income, as defined in section	58821

5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded. 58822
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(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements. 58824
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(V) "Infant" means a child who is less than eighteen months of age. 58831
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(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 58833
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(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 58839
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(Y) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. For the 58846
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purposes of a provisional license issued under this chapter, the 58853
director shall also consider the number of available child-care 58854
staff members when determining "license capacity" for the 58855
provisional license. 58856

(Z) "Licensed child care program" means any of the following: 58857

(1) A child day-care center licensed by the department of job 58858
and family services pursuant to this chapter; 58859

(2) A type A family day-care home or type B family day-care 58860
home licensed by the department of job and family services 58861
pursuant to this chapter; 58862

(3) A licensed preschool program or licensed school child 58863
program. 58864

(AA) "Licensed preschool program" or "licensed school child 58865
program" means a preschool program or school child program, as 58866
defined in section 3301.52 of the Revised Code, that is licensed 58867
by the department of education pursuant to sections 3301.52 to 58868
3301.59 of the Revised Code. 58869

(BB) "Licensed type B family day-care home" and "licensed 58870
type B home" mean a type B family day-care home for which there is 58871
a valid license issued by the director of job and family services 58872
pursuant to section 5104.03 of the Revised Code. 58873

(CC) "Licensee" means the owner of a child day-care center, 58874
type A family day-care home, or type B family day-care home that 58875
is licensed pursuant to this chapter and who is responsible for 58876
ensuring its compliance with this chapter and rules adopted 58877
pursuant to this chapter. 58878

(DD) "Operate a child day camp" means to operate, establish, 58879
manage, conduct, or maintain a child day camp. 58880

(EE) "Owner" includes a person, as defined in section 1.59 of 58881
the Revised Code, ~~or~~ government entity, firm, organization, 58882

institution, agency, as well as any individual governing board 58883
members, partners, incorporators, agents, or authorized 58884
representatives of the owner. 58885

(FF) "Parent cooperative child day-care center," "parent 58886
cooperative center," "parent cooperative type A family day-care 58887
home," and "parent cooperative type A home" mean a corporation or 58888
association organized for providing educational services to the 58889
children of members of the corporation or association, without 58890
gain to the corporation or association as an entity, in which the 58891
services of the corporation or association are provided only to 58892
children of the members of the corporation or association, 58893
ownership and control of the corporation or association rests 58894
solely with the members of the corporation or association, and at 58895
least one parent-member of the corporation or association is on 58896
the premises of the center or type A home during its hours of 58897
operation. 58898

(GG) "Part-time child day-care center," "part-time center," 58899
"part-time type A family day-care home," and "part-time type A 58900
home" mean a center or type A home that provides child care or 58901
publicly funded child care for ~~no~~ not more than four hours a day 58902
for any child or not more than fifteen consecutive weeks per year, 58903
regardless of the number of hours per day. 58904

(HH) "Place of worship" means a building where activities of 58905
an organized religious group are conducted and includes the 58906
grounds and any other buildings on the grounds used for such 58907
activities. 58908

(II) "Preschool-age child" means a child who is three years 58909
old or older but is not a school-age child. 58910

(JJ) "Protective child care" means publicly funded child care 58911
for the direct care and protection of a child to whom either of 58912
the following applies: 58913

(1) A case plan prepared and maintained for the child 58914
pursuant to section 2151.412 of the Revised Code indicates a need 58915
for protective care and the child resides with a parent, 58916
stepparent, guardian, or another person who stands in loco 58917
parentis as defined in rules adopted under section 5104.38 of the 58918
Revised Code; 58919

(2) The child and the child's caretaker either temporarily 58920
reside in a facility providing emergency shelter for homeless 58921
families or are determined by the county department of job and 58922
family services to be homeless, and are otherwise ineligible for 58923
publicly funded child care. 58924

(KK) "Publicly funded child care" means administering to the 58925
needs of infants, toddlers, preschool-age children, and school-age 58926
children under age thirteen during any part of the 58927
twenty-four-hour day by persons other than their caretaker parents 58928
for remuneration wholly or in part with federal or state funds, 58929
including funds available under the child care block grant act, 58930
Title IV-A, and Title XX, distributed by the department of job and 58931
family services. 58932

(LL) "Religious activities" means any of the following: 58933
worship or other religious services; religious instruction; Sunday 58934
school classes or other religious classes conducted during or 58935
prior to worship or other religious services; youth or adult 58936
fellowship activities; choir or other musical group practices or 58937
programs; meals; festivals; or meetings conducted by an organized 58938
religious group. 58939

(MM) "School-age child" means a child who is enrolled in or 58940
is eligible to be enrolled in a grade of kindergarten or above but 58941
is less than fifteen years old. 58942

(NN) "School-age child care center" and "school-age child 58943
type A home" mean a center or type A home that provides child care 58944

for school-age children only and that does either or both of the 58945
following: 58946

(1) Operates only during that part of the day that 58947
immediately precedes or follows the public school day of the 58948
school district in which the center or type A home is located; 58949

(2) Operates only when the public schools in the school 58950
district in which the center or type A home is located are not 58951
open for instruction with pupils in attendance. 58952

(OO) "Serious risk noncompliance" means a licensure or 58953
certification rule violation that leads to a great risk of harm 58954
to, or death of, a child, and is observable, not inferable. 58955

(PP) "State median income" means the state median income 58956
calculated by the department of development pursuant to division 58957
(A)(1)(g) of section 5709.61 of the Revised Code. 58958

(QQ) "Title IV-A" means Title IV-A of the "Social Security 58959
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 58960

(RR) "Title XX" means Title XX of the "Social Security Act," 58961
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 58962

(SS) "Toddler" means a child who is at least eighteen months 58963
of age but less than three years of age. 58964

(TT) "Type A family day-care home" and "type A home" mean a 58965
permanent residence of the administrator in which child care or 58966
publicly funded child care is provided for seven to twelve 58967
children at one time or a permanent residence of the administrator 58968
in which child care is provided for four to twelve children at one 58969
time if four or more children at one time are under two years of 58970
age. In counting children for the purposes of this division, any 58971
children under six years of age who are related to a licensee, 58972
administrator, or employee and who are on the premises of the type 58973
A home shall be counted. "Type A family day-care home" and "type A 58974

home" do not include any child day camp. 58975

(UU) "Type B family day-care home" and "type B home" mean a 58976
permanent residence of the provider in which child care is 58977
provided for one to six children at one time and in which no more 58978
than three children are under two years of age at one time. In 58979
counting children for the purposes of this division, any children 58980
under six years of age who are related to the provider and who are 58981
on the premises of the type B home shall be counted. "Type B 58982
family day-care home" and "type B home" do not include any child 58983
day camp. 58984

Sec. 5104.013. (A)(1) At the times specified in division 58985
(A)(3) of this section, the director of job and family services, 58986
as part of the process of licensure of child day-care centers, 58987
type A family day-care homes, and ~~licensed~~ type B family day-care 58988
homes shall request the superintendent of the bureau of criminal 58989
identification and investigation to conduct a criminal records 58990
check with respect to the following persons: 58991

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 58992
center; 58993

(b) Any owner, licensee, or administrator of a type A ~~family~~ 58994
~~day-care~~ home or type B home and any person eighteen years of age 58995
or older who resides in a type A ~~family day-care~~ home; 58996

~~(c) Any administrator of a licensed type B family day-care~~ 58997
~~home and any person eighteen years of age or older who resides in~~ 58998
~~a licensed type B family day-care home~~ or type B home. 58999

(2) At the time specified in division (A)(3) of this section, 59000
the director of a county department of job and family services, as 59001
part of the process of certification of in-home aides, shall 59002
request the superintendent of the bureau of criminal 59003
identification and investigation to conduct a criminal records 59004

check with respect to any in-home aide. 59005

(3) The director of job and family services shall request a 59006
criminal records check pursuant to division (A)(1) of this section 59007
at the time of the initial application for licensure and every 59008
five years thereafter. The director of a county department of job 59009
and family services shall request a criminal records check 59010
pursuant to division (A)(2) of this section at the time of the 59011
initial application for certification and every five years 59012
thereafter. When the director of job and family services or the 59013
director of a county department of job and family services 59014
requests pursuant to division (A)(1) or (2) of this section a 59015
criminal records check for a person at the time of the person's 59016
initial application for licensure or certification, the director 59017
shall request that the superintendent of the bureau of criminal 59018
identification and investigation obtain information from the 59019
federal bureau of investigation as a part of the criminal records 59020
check for the person, including fingerprint-based checks of 59021
national crime information databases as described in 42 U.S.C. 671 59022
for the person subject to the criminal records check. In all other 59023
cases in which the director of job and family services or the 59024
director of a county department of job and family services 59025
requests a criminal records check for an applicant pursuant to 59026
division (A)(1) or (2) of this section, the director may request 59027
that the superintendent include information from the federal 59028
bureau of investigation in the criminal records check, including 59029
fingerprint-based checks of national crime information databases 59030
as described in 42 U.S.C. 671. 59031

(4) The director of job and family services shall review the 59032
results of a criminal records check subsequent to a request made 59033
pursuant to divisions (A)(1) and (3) of this section prior to 59034
approval of a license. The director of a county department of job 59035
and family services shall review the results of a criminal records 59036

check subsequent to a request made pursuant to divisions (A)(2) 59037
and (3) of this section prior to approval of certification. 59038

(B) The director of job and family services or the director 59039
of a county department of job and family services shall provide to 59040
each person for whom a criminal records check is required under 59041
this section a copy of the form prescribed pursuant to division 59042
(C)(1) of section 109.572 of the Revised Code and a standard 59043
impression sheet to obtain fingerprint impressions prescribed 59044
pursuant to division (C)(2) of that section, obtain the completed 59045
form and impression sheet from that person, and forward the 59046
completed form and impression sheet to the superintendent of the 59047
bureau of criminal identification and investigation. 59048

(C) A person who receives pursuant to division (B) of this 59049
section a copy of the form and standard impression sheet described 59050
in that division and who is requested to complete the form and 59051
provide a set of fingerprint impressions shall complete the form 59052
or provide all the information necessary to complete the form and 59053
shall provide the impression sheet with the impressions of the 59054
person's fingerprints. If the person, upon request, fails to 59055
provide the information necessary to complete the form or fails to 59056
provide impressions of the person's fingerprints, the director may 59057
consider the failure as a reason to deny licensure or 59058
certification. 59059

(D) Except as provided in rules adopted under division ~~(G)~~(N) 59060
of this section, ~~the:~~ 59061

(1) The director of job and family services shall not grant a 59062
license to a ~~child day care~~ center, type A ~~family day care~~ home, 59063
or type B ~~family day care~~ home and a county director of job and 59064
family services shall not certify an in-home aide if a person for 59065
whom a criminal records check was required in connection with the 59066
center or home previously has been convicted of or pleaded guilty 59067
to any of the violations described in division (A)(5) of section 59068

109.572 of the Revised Code. 59069

(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code. 59070
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(E) Each ~~child day care center~~, type A ~~family day care home~~, and type B ~~family day care home~~ shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section. 59076
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(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment. 59083
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(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases 59089
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in which the administrator requests a criminal records check for 59101
an applicant pursuant to division (F)(1) of this section, the 59102
administrator may request that the superintendent include 59103
information from the federal bureau of investigation in the 59104
criminal records check, including fingerprint-based checks of 59105
national crime information databases as described in 42 U.S.C. 59106
671. 59107

(G) Any person required by division (F) of this section to 59108
request a criminal records check shall inform each person, at the 59109
time of the person's initial application for employment, that the 59110
person is required to provide a set of impressions of the person's 59111
fingerprints and that a criminal records check is required to be 59112
conducted and satisfactorily completed in accordance with section 59113
109.572 of the Revised Code if the person comes under final 59114
consideration for appointment or employment as a precondition to 59115
employment for that position. 59116

(H) A person required by division (F) of this section to 59117
request a criminal records check shall provide to each applicant a 59118
copy of the form prescribed pursuant to division (C)(1) of section 59119
109.572 of the Revised Code, provide to each applicant a standard 59120
impression sheet to obtain fingerprint impressions prescribed 59121
pursuant to division (C)(2) of section 109.572 of the Revised 59122
Code, obtain the completed form and impression sheet from each 59123
applicant, and forward the completed form and impression sheet to 59124
the superintendent of the bureau of criminal identification and 59125
investigation at the time the person requests a criminal records 59126
check pursuant to division (F) of this section. 59127

(I) An applicant who receives pursuant to division (H) of 59128
this section a copy of the form prescribed pursuant to division 59129
(C)(1) of section 109.572 of the Revised Code and a copy of an 59130
impression sheet prescribed pursuant to division (C)(2) of that 59131
section and who is requested to complete the form and provide a 59132

set of fingerprint impressions shall complete the form or provide 59133
all the information necessary to complete the form and shall 59134
provide the impression sheet with the impressions of the 59135
applicant's fingerprints. If an applicant, upon request, fails to 59136
provide the information necessary to complete the form or fails to 59137
provide impressions of the applicant's fingerprints, the center or 59138
type A home shall not employ that applicant for any position for 59139
which a criminal records check is required by division (F) of this 59140
section. 59141

(J)(1) Except as provided in rules adopted under division (N) 59142
of this section, no center, type A home, or licensed type B home 59143
shall employ or contract with another entity for the services of a 59144
person if the person previously has been convicted of or pleaded 59145
guilty to any of the violations described in division (A)(5) of 59146
section 109.572 of the Revised Code. 59147

(2) A center, type A home, or licensed type B home may employ 59148
an applicant conditionally until the criminal records check 59149
required by this section is completed and the center or home 59150
receives the results of the criminal records check. If the results 59151
of the criminal records check indicate that, pursuant to division 59152
(J)(1) of this section, the applicant does not qualify for 59153
employment, the center, type A home, or licensed type B home shall 59154
release the applicant from employment. 59155

(3) The administrator of a center, type A home, or licensed 59156
type B home shall review the results of the criminal records check 59157
before an applicant has sole responsibility for the care, custody, 59158
or control of any child. 59159

(K)(1) Each center, type A home, and licensed type B home 59160
shall pay to the bureau of criminal identification and 59161
investigation the fee prescribed pursuant to division (C)(3) of 59162
section 109.572 of the Revised Code for each criminal records 59163
check conducted in accordance with that section upon the request 59164

pursuant to division (F) of this section of the administrator of 59165
the center, type A home, or licensed type B home. 59166

(2) A center, type A home, or licensed type B home may charge 59167
an applicant a fee for the costs it incurs in obtaining a criminal 59168
records check under this section. A fee charged under this 59169
division shall not exceed the amount of fees the center, type A 59170
home, or licensed type B home pays under division (K)(1) of this 59171
section. If a fee is charged under this division, the center, type 59172
A home, or licensed type B home shall notify the applicant at the 59173
time of the applicant's initial application for employment of the 59174
amount of the fee and that, unless the fee is paid, the center, 59175
type A home, or licensed type B home will not consider the 59176
applicant for employment. 59177

~~(F)~~(L) The report of any criminal records check conducted by 59178
the bureau of criminal identification and investigation in 59179
accordance with section 109.572 of the Revised Code and pursuant 59180
to a request made under division (A) or (F) of this section is not 59181
a public record for the purposes of section 149.43 of the Revised 59182
Code and shall not be made available to any person other than the 59183
person who is the subject of the criminal records check or the 59184
person's representative, the director of job and family services, 59185
the director of a county department of job and family services, 59186
the center, type A home, or type B home involved, and any court, 59187
hearing officer, or other necessary individual involved in a case 59188
dealing with a denial of licensure or certification related to the 59189
criminal records check. 59190

(M)(1) Each of the following persons shall sign a statement 59191
on forms prescribed by the director of job and family services 59192
attesting to the fact that the person has not been convicted of or 59193
pleaded guilty to any offense set forth in division (A)(5) of 59194
section 109.572 of the Revised Code and that no child has been 59195
removed from the person's home pursuant to section 2151.353 of the 59196

<u>Revised Code:</u>	59197
<u>(a) An employee of a center, type A home, or licensed type B home;</u>	59198
<u>home;</u>	59199
<u>(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;</u>	59200
<u>type A home or licensed type B home;</u>	59201
<u>(c) An in-home aide;</u>	59202
<u>(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.</u>	59203
<u>home, or licensed type B home.</u>	59204
<u>(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59205
<u>a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59206
<u>type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59207
<u>type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59208
<u>age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59209
<u>violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59210
<u>109.572 of the Revised Code.</u>	59211
<u>(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:</u>	59212
<u>this section shall be kept on file as follows:</u>	59213
<u>(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59214
<u>employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59215
<u>person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59216
<u>licensed type B home, at the center, type A home, or licensed type B home;</u>	59217
<u>B home;</u>	59218
<u>(b) With respect to in-home aides, at the county department of job and family services.</u>	59219
<u>of job and family services.</u>	59220
<u>(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59221
<u>center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59222
<u>eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59223
<u>licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59224
<u>information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59225
<u>or (2) of this section.</u>	59226

~~(G)~~(N) The director of job and family services shall adopt 59227
rules in accordance with Chapter 119. of the Revised Code to 59228
implement this section, including rules specifying exceptions to 59229
the ~~prohibition~~ prohibitions in division divisions (D) and (J) of 59230
this section for persons who have been convicted of an offense 59231
listed in ~~that division~~ division (A)(5) of section 109.572 of the 59232
Revised Code but who meet standards in regard to rehabilitation 59233
set by the director. 59234

~~(H)~~(O) As used in this section, ~~"criminal:~~ 59235

(1) "Applicant" means a person who is under final 59236
consideration for appointment to or employment in a position with 59237
a center, a type A home, or licensed type B home or any person who 59238
would serve in any position with a center, type A home, or 59239
licensed type B home pursuant to a contract with another entity. 59240

(2) "Criminal records check" has the same meaning as in 59241
section 109.572 of the Revised Code. 59242

Sec. 5104.015. The director of job and family services shall 59243
adopt rules in accordance with Chapter 119. of the Revised Code 59244
governing the operation of child day-care centers, including 59245
parent cooperative centers, part-time centers, drop-in centers, 59246
and school-age child care centers. The rules shall reflect the 59247
various forms of child care and the needs of children receiving 59248
child care or publicly funded child care and shall include 59249
specific rules for school-age child care centers that are 59250
developed in consultation with the department of education. The 59251
rules shall not require an existing school facility that is in 59252
compliance with applicable building codes to undergo an additional 59253
building code inspection or to have structural modifications. The 59254
rules shall include the following: 59255

(A) Submission of a site plan and descriptive plan of 59256
operation to demonstrate how the center proposes to meet the 59257

requirements of this chapter and rules adopted pursuant to this	59258
chapter for the initial license application;	59259
(B) Standards for ensuring that the physical surroundings of	59260
the center are safe and sanitary including the physical	59261
environment, the physical plant, and the equipment of the center;	59262
(C) Standards for the supervision, care, and discipline of	59263
children receiving child care or publicly funded child care in the	59264
center;	59265
(D) Standards for a program of activities, and for play	59266
equipment, materials, and supplies, to enhance the development of	59267
each child; however, any educational curricula, philosophies, and	59268
methodologies that are developmentally appropriate and that	59269
enhance the social, emotional, intellectual, and physical	59270
development of each child shall be permissible. As used in this	59271
division, "program" does not include instruction in religious or	59272
moral doctrines, beliefs, or values that is conducted at child	59273
day-care centers owned and operated by churches and does include	59274
methods of disciplining children at child day-care centers.	59275
(E) Admissions policies and procedures;	59276
(F) Health care policies and procedures, including procedures	59277
for the isolation of children with communicable diseases;	59278
(G) First aid and emergency procedures;	59279
(H) Procedures for discipline and supervision of children;	59280
(I) Standards for the provision of nutritious meals and	59281
snacks;	59282
(J) Procedures for screening children that may include any	59283
necessary physical examinations and shall include immunizations in	59284
accordance with section 5104.014 of the Revised Code;	59285
(K) Procedures for screening employees that may include any	59286
necessary physical examinations and immunizations;	59287

(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	59288 59289 59290 59291
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	59292 59293 59294
(N) Procedures for record keeping, organization, and administration;	59295 59296
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59297 59298 59299
(P) Inspection procedures;	59300
(Q) Procedures and standards for setting initial license application fees;	59301 59302
(R) Procedures for receiving, recording, and responding to complaints about centers;	59303 59304
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59305 59306
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	59307 59308 59309 59310 59311
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037	59312 59313 59314 59315 59316 59317

of the Revised Code;	59318
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	59319 59320 59321 59322
(W) A procedure for reporting of injuries of children that occur at the center;	59323 59324
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	59325 59326 59327
(Y) <u>Minimum requirements for instructional time for child day-care centers rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u>	59328 59329 59330 59331
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	59332 59333
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.037 <u>5104.036</u> of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; the number and type of inservice training hours required under section 5104.037 of the	59334 59335 59336 59337 59338 59339 59340 59341 59342 59343 59344 59345 59346 59347

~~Revised Code~~; however, the rules shall provide procedures for 59348
determining compliance with those requirements. 59349

Sec. 5104.017. The director of job and family services shall 59350
adopt rules pursuant to Chapter 119. of the Revised Code governing 59351
the operation of type A family day-care homes, including parent 59352
cooperative type A homes, part-time type A homes, drop-in type A 59353
homes, and school-age child type A homes. The rules shall reflect 59354
the various forms of child care and the needs of children 59355
receiving child care. The rules shall include the following: 59356

(A) Submission of a site plan and descriptive plan of 59357
operation to demonstrate how the type A home proposes to meet the 59358
requirements of this chapter and rules adopted pursuant to this 59359
chapter for the initial license application; 59360

(B) Standards for ensuring that the physical surroundings of 59361
the type A home are safe and sanitary, including the physical 59362
environment, the physical plant, and the equipment of the type A 59363
home; 59364

(C) Standards for the supervision, care, and discipline of 59365
children receiving child care or publicly funded child care in the 59366
type A home; 59367

(D) Standards for a program of activities, and for play 59368
equipment, materials, and supplies, to enhance the development of 59369
each child; however, any educational curricula, philosophies, and 59370
methodologies that are developmentally appropriate and that 59371
enhance the social, emotional, intellectual, and physical 59372
development of each child shall be permissible; 59373

(E) Admissions policies and procedures; 59374

(F) Health care policies and procedures, including procedures 59375
for the isolation of children with communicable diseases; 59376

(G) First aid and emergency procedures;	59377
(H) Procedures for discipline and supervision of children;	59378
(I) Standards for the provision of nutritious meals and snacks;	59379 59380
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	59381 59382 59383
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	59384 59385
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	59386 59387 59388 59389
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	59390 59391 59392
(N) Procedures for record keeping, organization, and administration;	59393 59394
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59395 59396 59397
(P) Inspection procedures;	59398
(Q) Procedures and standards for setting initial license application fees;	59399 59400
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	59401 59402
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59403 59404
(T) A standard requiring the inclusion of a current	59405

department of job and family services toll-free telephone number 59406
on each type A home license that any person may use to report a 59407
suspected violation by the type A home of this chapter or rules 59408
adopted pursuant to this chapter; 59409

(U) Requirements for the training of administrators and 59410
child-care staff members in first aid, in prevention, recognition, 59411
and management of communicable diseases, and in child abuse 59412
recognition and prevention; 59413

(V) Standards providing for the special needs of children who 59414
are handicapped or who require treatment for health conditions 59415
while the child is receiving child care or publicly funded child 59416
care in the type A home; 59417

(W) Standards for the maximum number of children per 59418
child-care staff member; 59419

(X) Requirements for the amount of usable indoor floor space 59420
for each child; 59421

(Y) Requirements for safe outdoor play space; 59422

(Z) Qualifications and training requirements for 59423
administrators and for child-care staff members; 59424

(AA) Procedures for granting a parent who is the residential 59425
parent and legal custodian, or a custodian or guardian access to 59426
the type A home during its hours of operation; 59427

(BB) Standards for the preparation and distribution of a 59428
roster of parents, custodians, and guardians; 59429

(CC) Minimum requirements for instructional time for type A 59430
homes rated through the tiered quality rating and improvement 59431
system established pursuant to section 5104.30 of the Revised 59432
Code; 59433

(DD) Any other procedures and standards necessary to carry 59434
out the provisions of this chapter regarding type A homes. 59435

Sec. 5104.018. The director of job and family services shall 59436
adopt rules in accordance with Chapter 119. of the Revised Code 59437
governing the licensure of type B family day-care homes. The rules 59438
shall provide for safeguarding the health, safety, and welfare of 59439
children receiving child care or publicly funded child care in a 59440
licensed type B family day-care home and shall include all of the 59441
following: 59442

(A) Requirements for the type B home to notify parents with 59443
children in the type B home that the type B home is certified as a 59444
foster home under section 5103.03 of the Revised Code; 59445

(B) Standards for ensuring that the type B home and the 59446
physical surroundings of the type B home are safe and sanitary, 59447
including physical environment, physical plant, and equipment; 59448

(C) Standards for the supervision, care, and discipline of 59449
children receiving child care or publicly funded child care in the 59450
home; 59451

(D) Standards for a program of activities, and for play 59452
equipment, materials, and supplies to enhance the development of 59453
each child; however, any educational curricula, philosophies, and 59454
methodologies that are developmentally appropriate and that 59455
enhance the social, emotional, intellectual, and physical 59456
development of each child shall be permissible; 59457

(E) Admission policies and procedures; 59458

(F) Health care, first aid and emergency procedures; 59459

(G) Procedures for the care of sick children; 59460

(H) Procedures for discipline and supervision of children; 59461

(I) Nutritional standards; 59462

(J) Procedures for screening children, including any 59463
necessary physical examinations and the immunizations required 59464

pursuant to section 5104.014 of the Revised Code;	59465
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	59466 59467
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	59468 59469 59470 59471
(M) Standards for the safe transport of children when under the care of administrators;	59472 59473
(N) Procedures for issuing, denying, or revoking licenses;	59474
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	59475 59476 59477
(P) Procedures for record keeping and evaluation;	59478
(Q) Procedures for receiving, recording, and responding to complaints;	59479 59480
(R) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	59481 59482 59483 59484
(S) Requirements for the amount of usable indoor floor space for each child;	59485 59486
(T) Requirements for safe outdoor play space;	59487
(U) Qualification and training requirements for administrators;	59488 59489
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	59490 59491 59492
(W) Requirements for the type B home to notify parents with	59493

children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

Sec. 5104.03. (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

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

(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is

satisfied that this chapter and rules adopted pursuant to it are 59525
complied with, subject to division (H) of this section, a license 59526
shall be issued as soon as practicable in such form and manner as 59527
prescribed by the director. The license shall be designated as 59528
provisional and shall be valid for twelve months from the date of 59529
issuance unless revoked. 59530

(2) The director may contract with a government entity or a 59531
private nonprofit entity for the entity to inspect type A or type 59532
B family day-care homes pursuant to this section. If the director 59533
contracts with a government entity or private nonprofit entity for 59534
that purpose, the entity may contract with another government 59535
entity or private nonprofit entity for the other entity to inspect 59536
type A or type B homes pursuant to this section. The director, 59537
government entity, or private nonprofit entity shall conduct an 59538
inspection prior to the issuance of a license for a type A or type 59539
B home and, as part of that inspection, ensure that the ~~type B~~ 59540
home is safe and sanitary. 59541

(C)(1) On receipt of an application for licensure as a type B 59542
family day-care home to provide publicly funded child care, the 59543
director shall search the uniform statewide automated child 59544
welfare information system for information concerning any abuse or 59545
neglect report made pursuant to section 2151.421 of the Revised 59546
Code of which the applicant, any other adult residing in the 59547
applicant's home, or a person designated by the applicant to be an 59548
emergency or substitute caregiver for the applicant is the 59549
subject. 59550

(2) The director shall consider any information discovered 59551
pursuant to division (C)(1) of this section or that is provided by 59552
a public children services agency pursuant to section 5153.175 of 59553
the Revised Code. If the director determines that the information, 59554
when viewed within the totality of the circumstances, reasonably 59555
leads to the conclusion that the applicant may directly or 59556

indirectly endanger the health, safety, or welfare of children, 59557
the director shall deny the application for licensure or revoke 59558
the license of a type B family day-care home. 59559

(D) The director shall investigate and inspect the center, 59560
type A home, or type B home at least once during operation under a 59561
license designated as provisional. If after the investigation and 59562
inspection the director determines that the requirements of this 59563
chapter and rules adopted pursuant to this chapter are met, 59564
subject to division (H) of this section, the director shall issue 59565
a new license to the center or home. 59566

(E) Each license shall state the name of the licensee, the 59567
name of the administrator, the address of the center, type A home, 59568
or licensed type B home, and the license capacity for each age 59569
category of children. The license shall include thereon, in 59570
accordance with sections 5104.015, 5104.017, and 5104.018 of the 59571
Revised Code, the toll-free telephone number to be used by persons 59572
suspecting that the center, type A home, or licensed type B home 59573
has violated a provision of this chapter or rules adopted pursuant 59574
to this chapter. A license is valid only for the licensee, 59575
administrator, address, and license capacity for each age category 59576
of children designated on the license. The license capacity 59577
specified on the license is the maximum number of children in each 59578
age category that may be cared for in the center, type A home, or 59579
licensed type B home at one time. 59580

The center or type A home licensee shall notify the director 59581
when the administrator of the center or home changes. The director 59582
shall amend the current license to reflect a change in an 59583
administrator, if the administrator meets the requirements of this 59584
chapter and rules adopted pursuant to this chapter, or a change in 59585
license capacity for any age category of children as determined by 59586
the director of job and family services. 59587

(F) If the director revokes the license of a center, a type A 59588

home, or a type B home, the director shall not issue another 59589
license to the owner of the center, type A home, or type B home 59590
until five years have elapsed from the date the license is 59591
revoked. 59592

If the director denies an application for a license, the 59593
director shall not ~~accept~~ consider another application from the 59594
applicant until five years have elapsed from the date the 59595
application is denied. 59596

(G) If during the application for licensure process the 59597
director determines that the license of the owner has been 59598
revoked, the investigation of the center, type A home, or type B 59599
home shall cease. This action does not constitute denial of the 59600
application and may not be appealed under division (H) of this 59601
section. 59602

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 59603
section, all actions of the director with respect to licensing 59604
centers, type A homes, or type B homes, refusal to license, and 59605
revocation of a license shall be in accordance with Chapter 119. 59606
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 59607
this section, any applicant who is denied a license or any owner 59608
whose license is revoked may appeal in accordance with section 59609
119.12 of the Revised Code. 59610

(2) The following actions by the director are not subject to 59611
Chapter 119. of the Revised Code: 59612

(a) The director does not issue a license to the owner of a 59613
center, type A home, or type B home because the owner sought a 59614
license before five years had elapsed from the date the previous 59615
license was revoked. 59616

(b) The director does not issue a license because the 59617
applicant applied for licensure before five years had elapsed from 59618
the date the previous application was denied. 59619

(I) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as a type B family day-care home when such certifications were issued by county departments prior to January 1, 2014, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services.

(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code.

Sec. 5104.036. (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, shall comply with the training requirements set forth in rules adopted pursuant to section 5104.015 of the Revised Code, and shall furnish the director of job and family services or the director's designee evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of

job and family services or state board of education, except as 59651
follows: 59652

(B) A child-care staff member may be less than eighteen years 59653
of age if the staff member is either of the following: 59654

(1) A graduate of a two-year vocational child-care training 59655
program approved by the state board of education; 59656

(2) A student enrolled in the second year of a vocational 59657
child-care training program approved by the state board of 59658
education which leads to high school graduation, provided that the 59659
student performs the student's duties in the child day-care center 59660
under the continuous supervision of an experienced child-care 59661
staff member, receives periodic supervision from the vocational 59662
child-care training program teacher-coordinator in the student's 59663
high school, and meets all other requirements of this chapter and 59664
rules adopted pursuant to this chapter. 59665

(C) A child-care staff member shall be exempt from the 59666
educational requirements of division (A) of this section if the 59667
staff member: 59668

(1) Prior to January 1, 1972, was employed or designated by a 59669
child day-care center and has been continuously employed since 59670
either by the same child day-care center employer or at the same 59671
child day-care center; 59672

(2) Is a student enrolled in the second year of a vocational 59673
child-care training program approved by the state board of 59674
education which leads to high school graduation, provided that the 59675
student performs the student's duties in the child day-care center 59676
under the continuous supervision of an experienced child-care 59677
staff member, receives periodic supervision from the vocational 59678
child-care training program teacher-coordinator in the student's 59679
high school, and meets all other requirements of this chapter and 59680

rules adopted pursuant to this chapter; 59681

(3) Is receiving or has completed the final year of 59682
instruction at home as authorized under section 3321.04 of the 59683
Revised Code or has graduated from a nonchartered, nonpublic 59684
school in Ohio. 59685

Sec. 5104.04. (A) The department of job and family services 59686
shall establish procedures to be followed in investigating, 59687
inspecting, and licensing child day-care centers, type A family 59688
day-care homes, and licensed type B family day-care homes. 59689

(B)(1)(a) The department shall, at least once during every 59690
twelve-month period of operation of a center, type A home, or 59691
licensed type B home, inspect the center, type A home, or licensed 59692
type B home. The department shall inspect a part-time center or 59693
part-time type A home at least once during every twelve-month 59694
period of operation. The department shall provide a written 59695
inspection report to the licensee within a reasonable time after 59696
each inspection. The licensee shall display its most recent 59697
inspection report in a conspicuous place in the center, type A 59698
home, or licensed type B home. 59699

Inspections may be unannounced. No person, firm, 59700
organization, institution, or agency shall interfere with the 59701
inspection of a center, type A home, or licensed type B home by 59702
any state or local official engaged in performing duties required 59703
of the state or local official by this chapter or rules adopted 59704
pursuant to this chapter, including inspecting the center, type A 59705
home, or licensed type B home, reviewing records, or interviewing 59706
licensees, employees, children, or parents. 59707

(b) Upon receipt of any complaint that a center, type A home 59708
or licensed type B home is out of compliance with the requirements 59709
of this chapter or rules adopted pursuant to this chapter, the 59710
department shall investigate the center or home, and both of the 59711

following apply: 59712

(i) If the complaint alleges that a child suffered physical 59713
harm while receiving child care at the center or home or that the 59714
noncompliance alleged in the complaint involved, resulted in, or 59715
poses a substantial risk of physical harm to a child receiving 59716
child care at the center or home, the department shall inspect the 59717
center or home. 59718

(ii) If division (B)(1)(b)(i) of this section does not apply 59719
regarding the complaint, the department may inspect the center or 59720
home. 59721

(c) Division (B)(1)(b) of this section does not limit, 59722
restrict, or negate any duty of the department to inspect a 59723
center, type A home, or licensed type B home that otherwise is 59724
imposed under this section, or any authority of the department to 59725
inspect a center, type A home, or licensed type B home that 59726
otherwise is granted under this section when the department 59727
believes the inspection is necessary and it is permitted under the 59728
grant. 59729

(2) If the department implements an instrument-based program 59730
monitoring information system, it may use an indicator checklist 59731
to comply with division (B)(1) of this section. 59732

(3) The department shall contract with a third party by the 59733
first day of October in each even-numbered year to collect 59734
information concerning the amounts charged by the center or home 59735
for providing child care services for use in establishing 59736
reimbursement ceilings and payment pursuant to section 5104.30 of 59737
the Revised Code. The third party shall compile the information 59738
and report the results of the survey to the department not later 59739
than the first day of December in each even-numbered year. 59740

(C) The department may deny an application or revoke a 59741
license of a center, type A home, or licensed type B home, if the 59742

applicant knowingly makes a false statement on the application, 59743
the center or home does not comply with the requirements of this 59744
chapter or rules adopted pursuant to this chapter, or the 59745
applicant or owner has pleaded guilty to or been convicted of an 59746
offense described in division (A)(5) of section 5104.09 109.572 of 59747
the Revised Code. 59748

(D) If the department finds, after notice and hearing 59749
pursuant to Chapter 119. of the Revised Code, that any applicant, 59750
person, firm, organization, institution, or agency applying for 59751
licensure or licensed under section 5104.03 of the Revised Code is 59752
in violation of any provision of this chapter or rules adopted 59753
pursuant to this chapter, the department may issue an order of 59754
denial to the applicant or an order of revocation to the center, 59755
type A home, or licensed type B home revoking the license 59756
previously issued by the department. Upon the issuance of such an 59757
order, the person whose application is denied or whose license is 59758
revoked may appeal in accordance with section 119.12 of the 59759
Revised Code. 59760

(E) The surrender of a center, type A home, or licensed type 59761
B home license to the department or the withdrawal of an 59762
application for licensure by the owner or administrator of the 59763
center, type A home, or licensed type B home shall not prohibit 59764
the department from instituting any of the actions set forth in 59765
this section. 59766

(F) Whenever the department receives a complaint, is advised, 59767
or otherwise has any reason to believe that a center or type A 59768
home is providing child care without a license issued pursuant to 59769
section 5104.03 and is not exempt from licensing pursuant to 59770
section 5104.02 of the Revised Code, the department shall 59771
investigate the center or type A home and may inspect the areas 59772
children have access to or areas necessary for the care of 59773
children in the center or type A home during suspected hours of 59774

operation to determine whether the center or type A home is 59775
subject to the requirements of this chapter or rules adopted 59776
pursuant to this chapter. 59777

(G) The department, upon determining that the center or type 59778
A home is operating without a license, shall notify the attorney 59779
general, the prosecuting attorney of the county in which the 59780
center or type A home is located, or the city attorney, village 59781
solicitor, or other chief legal officer of the municipal 59782
corporation in which the center or type A home is located, that 59783
the center or type A home is operating without a license. Upon 59784
receipt of the notification, the attorney general, prosecuting 59785
attorney, city attorney, village solicitor, or other chief legal 59786
officer of a municipal corporation shall file a complaint in the 59787
court of common pleas of the county in which the center or type A 59788
home is located requesting that the court grant an order enjoining 59789
the owner from operating the center or type A home in violation of 59790
section 5104.02 of the Revised Code. The court shall grant such 59791
injunctive relief upon a showing that the respondent named in the 59792
complaint is operating a center or type A home and is doing so 59793
without a license. 59794

(H) The department shall prepare an annual report on 59795
inspections conducted under this section. The report shall include 59796
the number of inspections conducted, the number and types of 59797
violations found, and the steps taken to address the violations. 59798
The department shall file the report with the governor, the 59799
president and minority leader of the senate, and the speaker and 59800
minority leader of the house of representatives on or before the 59801
first day of January of each year, beginning in 1999. 59802

Sec. 5104.042. (A) The department of job and family services 59803
may suspend, without a prior hearing, the license of a child 59804
day-care center, type A family day-care home, or licensed type B 59805

<u>family day-care home if any of the following occur:</u>	59806
<u>(1) A child dies or suffers a serious injury while receiving</u>	59807
<u>child care in the center, type A home, or licensed type B home.</u>	59808
<u>(2) A public children services agency receives a report</u>	59809
<u>pursuant to section 2151.421 of the Revised Code, and the person</u>	59810
<u>alleged to have inflicted abuse or neglect on the child who is the</u>	59811
<u>subject of the report is any of the following:</u>	59812
<u>(a) The owner, licensee, or administrator of the center, type</u>	59813
<u>A home, or licensed type B home;</u>	59814
<u>(b) An employee of the center, type A home, or licensed type</u>	59815
<u>B home;</u>	59816
<u>(c) Any person who resides in the type A home or licensed</u>	59817
<u>type B home.</u>	59818
<u>(3) An owner, licensee, administrator, or employee of the</u>	59819
<u>center, type A home, or licensed type B home, or a resident of the</u>	59820
<u>type A home or licensed type B home is charged by an indictment,</u>	59821
<u>information, or complaint with an offense relating to the abuse or</u>	59822
<u>neglect of a child.</u>	59823
<u>(4) The department or a county department of job and family</u>	59824
<u>services determines that the center, type A home, or licensed type</u>	59825
<u>B home created a serious risk to the health or safety of a child</u>	59826
<u>receiving child care in the center, type A home, or licensed type</u>	59827
<u>B home that resulted in or could have resulted in a child's death</u>	59828
<u>or injury.</u>	59829
<u>(5) The owner, licensee, or administrator of the center, type</u>	59830
<u>A home, or licensed type B home is charged by indictment,</u>	59831
<u>information, or complaint with fraud.</u>	59832
<u>(B) The department shall issue a written order of suspension</u>	59833
<u>and furnish a copy to the licensee. The licensee may appeal the</u>	59834
<u>suspension in accordance with section 119.12 of the Revised Code.</u>	59835

(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 59836
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 59840
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 59843
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 59845
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 59847
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 59850
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(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 59856
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Sec. 5104.09. ~~(A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(5) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or~~ 59859
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~~ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in home aide or be employed in any capacity in or own or operate a child day care center, type A family day care home, type B family day care home, or licensed type B family day care home.~~ 59866
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~~(2) Each employee of a child day care center and type A home and every person eighteen years of age or older residing in a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day care home or type B family day care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~ 59874
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~~(3) Each in home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.~~ 59891
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~~(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.~~

~~(B) No in home aide, no administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.~~

~~(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.~~

~~(D) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the director.~~

Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under

section 5104.34 of the Revised Code;	59929
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;	59930 59931
(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	59932 59933 59934 59935 59936
(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;	59937 59938 59939
(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.	59940 59941 59942
The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.	59943 59944 59945 59946 59947 59948 59949 59950 59951 59952 59953
(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as	59954 59955 59956 59957 59958 59959

the state share required to match any federal funds appropriated 59960
for publicly funded child care. 59961

(C) In the use of federal funds available under the child 59962
care block grant act, all of the following apply: 59963

(1) The department may use the federal funds to hire staff to 59964
prepare any rules required under this chapter and to administer 59965
and coordinate federal and state funding for publicly funded child 59966
care. 59967

(2) Not more than five per cent of the aggregate amount of 59968
the federal funds received for a fiscal year may be expended for 59969
administrative costs. 59970

(3) The department shall allocate and use at least four per 59971
cent of the federal funds for the following: 59972

(a) Activities designed to provide comprehensive consumer 59973
education to parents and the public; 59974

(b) Activities that increase parental choice; 59975

(c) Activities, including child care resource and referral 59976
services, designed to improve the quality, and increase the 59977
supply, of child care; 59978

(d) Establishing a tiered quality rating and improvement 59979
system in which participation in the program may allow child 59980
day-care providers to be eligible for grants, technical 59981
assistance, training, or other assistance and become eligible for 59982
unrestricted monetary awards for maintaining a quality rating. 59983

(4) The department shall ensure that the federal funds will 59984
be used only to supplement, and will not be used to supplant, 59985
federal, state, and local funds available on the effective date of 59986
the child care block grant act for publicly funded child care and 59987
related programs. If authorized by rules adopted by the department 59988
pursuant to section 5104.42 of the Revised Code, county 59989

departments of job and family services may purchase child care 59990
from funds obtained through any other means. 59991

(D) The department shall encourage the development of 59992
suitable child care throughout the state, especially in areas with 59993
high concentrations of recipients of public assistance and 59994
families with low incomes. The department shall encourage the 59995
development of suitable child care designed to accommodate the 59996
special needs of migrant workers. On request, the department, 59997
through its employees or contracts with state or community child 59998
care resource and referral service organizations, shall provide 59999
consultation to groups and individuals interested in developing 60000
child care. The department of job and family services may enter 60001
into interagency agreements with the department of education, the 60002
~~board of regents~~ director of higher education, the department of 60003
development, and other state agencies and entities whenever the 60004
cooperative efforts of the other state agencies and entities are 60005
necessary for the department of job and family services to fulfill 60006
its duties and responsibilities under this chapter. 60007

The department shall develop and maintain a registry of 60008
persons providing child care. The director shall adopt rules in 60009
accordance with Chapter 119. of the Revised Code establishing 60010
procedures and requirements for the registry's administration. 60011

(E)(1) The director shall adopt rules in accordance with 60012
Chapter 119. of the Revised Code establishing both of the 60013
following: 60014

(a) Reimbursement ceilings for providers of publicly funded 60015
child care not later than the first day of July in each 60016
odd-numbered year; 60017

(b) A procedure for reimbursing and paying providers of 60018
publicly funded child care. 60019

(2) In establishing reimbursement ceilings under division 60020

(E)(1)(a) of this section, the director shall do all of the 60021
following: 60022

(a) Use the information obtained under division (B)(3) of 60023
section 5104.04 of the Revised Code; 60024

(b) Establish an enhanced reimbursement ceiling for providers 60025
who provide child care for caretaker parents who work 60026
nontraditional hours; 60027

(c) For an in-home aide, establish a an hourly reimbursement 60028
ceiling ~~that is seventy five per cent of the reimbursement ceiling~~ 60029
~~that applies to a licensed type B family day care home;~~ 60030

(d) With regard to the tiered quality rating and improvement 60031
system established pursuant to division (C)(3)(d) of this section, 60032
do both of the following: 60033

(i) Establish enhanced reimbursement ceilings for child 60034
day-care providers that participate in the system and maintain 60035
quality ratings under the system; 60036

(ii) In the case of child day-care providers that have been 60037
given access to the system by the department, weigh any reduction 60038
in reimbursement ceilings more heavily against those providers 60039
that do not participate in the system or do not maintain quality 60040
ratings under the system. 60041

(3) In establishing reimbursement ceilings under division 60042
(E)(1)(a) of this section, the director may establish different 60043
reimbursement ceilings based on any of the following: 60044

(a) Geographic location of the provider; 60045

(b) Type of care provided; 60046

(c) Age of the child served; 60047

(d) Special needs of the child served; 60048

(e) Whether the expanded hours of service are provided; 60049

(f) Whether weekend service is provided;	60050
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	60051 60052
(h) Any other factors the director considers appropriate.	60053
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the tiered quality rating and improvement system described in division (C)(3)(d) of this section.	60054 60055 60056 60057
Sec. 5104.37. (A) As used in this section, "eligible provider" means an individual or entity eligible to provide publicly funded child care pursuant to section 5104.31 of the Revised Code.	60058 60059 60060 60061
(B) The department of job and family services may withhold any money due under this chapter and recover through any appropriate method any money erroneously paid under this chapter if evidence exists of less than full compliance with this chapter and any rules adopted under it.	60062 60063 60064 60065 60066
(C) Notwithstanding any other provision of this chapter to the contrary, the department shall take action against an eligible provider as described in this section.	60067 60068 60069
(D) Subject to the notice and appeal provisions of divisions (G) and (H) of this section, the department may suspend a contract entered into under section 5104.32 of the Revised Code with an eligible provider if the department has initiated an investigation of the provider for either of the following reasons:	60070 60071 60072 60073 60074
(1) The department has evidence that the eligible provider received an improper child care payment as a result of the provider's intentional act.	60075 60076 60077
(2) The department receives notice and a copy of an indictment, information, or complaint charging the eligible	60078 60079

provider or the owner or operator of the provider with committing 60080
any of the following: 60081

(a) An act that is a felony or misdemeanor relating to 60082
providing or billing for publicly funded child care or providing 60083
management or administrative services relating to providing 60084
publicly funded child care; 60085

(b) An act that would constitute an offense described in 60086
division (A)(5) of section 5104.09 109.572 of the Revised Code. 60087

(E)(1) Except as provided in division (E)(2) of this section, 60088
the suspension of a contract under division (D) of this section 60089
shall continue until the department completes its investigation or 60090
all criminal charges are disposed of through dismissal, a finding 60091
of not guilty, conviction, or a plea of guilty. 60092

(2) If the department initiates the termination of a contract 60093
that has been suspended pursuant to division (D) of this section, 60094
the suspension shall continue until the termination process is 60095
completed. 60096

(F) An eligible provider shall not provide publicly funded 60097
child care while the provider's contract is under suspension 60098
pursuant to division (D) of this section. As of the date the 60099
eligible provider's contract is suspended, the department shall 60100
withhold payment to the eligible provider for publicly funded 60101
child care. 60102

(G) Before suspending an eligible provider's contract 60103
pursuant to division (D) of this section, the department shall 60104
notify the eligible provider. The notice shall include all of the 60105
following: 60106

(1) A description, which need not disclose specific 60107
information concerning any ongoing administrative or criminal 60108
investigation, of the reason that the department initiated its 60109
investigation of the provider; 60110

(2) A statement that the eligible provider will be prohibited 60111
from providing publicly funded child care while the contract is 60112
under suspension; 60113

(3) A statement that the suspension will continue until the 60114
department completes its investigation or all criminal charges are 60115
disposed of through dismissal, a finding of not guilty, 60116
conviction, or a plea of guilty, and that if the department 60117
initiates the termination of the contract, the suspension will 60118
continue until the termination process is completed. 60119

(H) An eligible provider may file an appeal with the 60120
department regarding any proposal by the department to suspend the 60121
provider's contract pursuant to division (D) of this section. The 60122
appeal must be received by the department not later than fifteen 60123
days after the date the provider receives the notification 60124
described in division (G) of this section. The department shall 60125
review the evidence and issue a decision not later than thirty 60126
days after receiving the appeal. The department shall not suspend 60127
a contract pursuant to division (D) of this section until the time 60128
for filing the appeal has passed or, if the provider files a 60129
timely appeal, the department has issued a decision on the appeal. 60130

Sec. 5104.38. In addition to any other rules adopted under 60131
this chapter, the director of job and family services shall adopt 60132
rules in accordance with Chapter 119. of the Revised Code 60133
governing financial and administrative requirements for publicly 60134
funded child care and establishing all of the following: 60135

(A) Procedures and criteria to be used in making 60136
determinations of eligibility for publicly funded child care that 60137
give priority to children of families with lower incomes and 60138
procedures and criteria for eligibility for publicly funded 60139
protective child care. The rules shall specify the maximum amount 60140
of income a family may have for initial and continued eligibility. 60141

The maximum amount shall not exceed ~~two~~ three hundred per cent of 60142
the federal poverty line. The rules may specify exceptions to the 60143
eligibility requirements in the case of a family that previously 60144
received publicly funded child care and is seeking to have the 60145
child care reinstated after the family's eligibility was 60146
terminated. 60147

(B) Procedures under which an applicant for publicly funded 60148
child care may receive publicly funded child care while the county 60149
department of job and family services determines eligibility and 60150
under which a licensed child care program may appeal a denial of 60151
payment under division (A)(2)(b) of section 5104.34 of the Revised 60152
Code; 60153

(C) A schedule of fees requiring all eligible caretaker 60154
parents to pay a fee for publicly funded child care according to 60155
income and family size, which shall be uniform for all types of 60156
publicly funded child care, except as authorized by rule, and, to 60157
the extent permitted by federal law, shall permit the use of state 60158
and federal funds to pay the customary deposits and other advance 60159
payments that a provider charges all children who receive child 60160
care from that provider. ~~The schedule of fees may not provide for~~ 60161
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 60162
~~parent's family income.~~ 60163

(D) A formula for determining the amount of state and federal 60164
funds appropriated for publicly funded child care that may be 60165
allocated to a county department to use for administrative 60166
purposes; 60167

(E) Procedures to be followed by the department and county 60168
departments in recruiting individuals and groups to become 60169
providers of child care; 60170

(F) Procedures to be followed in establishing state or local 60171
programs designed to assist individuals who are eligible for 60172

publicly funded child care in identifying the resources available 60173
to them and to refer the individuals to appropriate sources to 60174
obtain child care; 60175

(G) Procedures to deal with fraud and abuse committed by 60176
either recipients or providers of publicly funded child care; 60177

(H) Procedures for establishing a child care grant or loan 60178
program in accordance with the child care block grant act; 60179

(I) Standards and procedures for applicants to apply for 60180
grants and loans, and for the department to make grants and loans; 60181

(J) A definition of "person who stands in loco parentis" for 60182
the purposes of division (JJ)(1) of section 5104.01 of the Revised 60183
Code; 60184

(K) Procedures for a county department of job and family 60185
services to follow in making eligibility determinations and 60186
redeterminations for publicly funded child care available through 60187
telephone, computer, and other means at locations other than the 60188
county department; 60189

(L) If the director establishes a different reimbursement 60190
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 60191
Code, standards and procedures for determining the amount of the 60192
higher payment that is to be issued to a child care provider based 60193
on the special needs of the child being served; 60194

(M) To the extent permitted by federal law, procedures for 60195
paying for up to thirty days of child care for a child whose 60196
caretaker parent is seeking employment, taking part in employment 60197
orientation activities, or taking part in activities in 60198
anticipation of enrolling in or attending an education or training 60199
program or activity, if the employment or the education or 60200
training program or activity is expected to begin within the 60201
thirty-day period; 60202

(N) Any other rules necessary to carry out sections 5104.30 60203
to 5104.43 of the Revised Code. 60204

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 60205
Revised Code shall be punished as follows: 60206

(1) For each offense, the offender shall be fined not less 60207
than one hundred dollars nor more than five hundred dollars 60208
multiplied by the number of children receiving child care at the 60209
child day-care center or type A family day-care home that either 60210
exceeds the number of children to which a type B family day-care 60211
home may provide child care or, if the offender is a licensed type 60212
A family day-care home that is operating as a child day-care 60213
center without being licensed as a center, exceeds the license 60214
capacity of the type A home. 60215

(2) In addition to the fine specified in division (A)(1) of 60216
this section, all of the following apply: 60217

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 60218
of this section, the court shall order the offender to reduce the 60219
number of children to which it provides child care to a number 60220
that does not exceed either the number of children to which a type 60221
B family day-care home may provide child care or, if the offender 60222
is a licensed type A family day-care home that is operating as a 60223
child day-care center without being licensed as a center, the 60224
license capacity of the type A home. 60225

(b) If the offender previously has been convicted of or 60226
pleaded guilty to one violation of section 5104.02 of the Revised 60227
Code, the court shall order the offender to cease the provision of 60228
child care to any person until it obtains a child day-care center 60229
license or a type A family day-care home license, as appropriate, 60230
under section 5104.03 of the Revised Code. 60231

(c) If the offender previously has been convicted of or 60232

pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code.

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~5104.013 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender is a licensee of a center ~~or~~, type A home, or licensed type B home, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code. Except as otherwise provided in this division, the offense established under division (M)(4) of section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code

does not apply. If the offender is a person eighteen years of age 60265
or older residing in a ~~center or~~ type A home or licensed type B 60266
home or is an employee of a center ~~or a,~~ type A home, or licensed 60267
type B home and if the licensee had knowledge of, and acquiesced 60268
in, the commission of the offense, the conviction shall constitute 60269
grounds for denial or revocation of an application for licensure 60270
pursuant to section 5104.04 of the Revised Code. 60271

(C) Whoever violates ~~division (C) of~~ section 5104.09 of the 60272
Revised Code is guilty of a misdemeanor of the third degree. 60273

Sec. 5107.05. The director of job and family services shall 60274
adopt rules to implement this chapter. The rules shall be 60275
consistent with Title IV-A, Title IV-D, federal regulations, state 60276
law, the Title IV-A state plan submitted to the United States 60277
secretary of health and human services under section 5101.80 of 60278
the Revised Code, amendments to the plan, and waivers granted by 60279
the United States secretary. Rules governing eligibility, program 60280
participation, and other applicant and participant requirements 60281
shall be adopted in accordance with Chapter 119. of the Revised 60282
Code. Rules governing financial and other administrative 60283
requirements applicable to the department of job and family 60284
services and county departments of job and family services shall 60285
be adopted in accordance with section 111.15 of the Revised Code. 60286

(A) The rules shall specify, establish, or govern all of the 60287
following: 60288

(1) A payment standard for Ohio works first based on federal 60289
and state appropriations that is increased in accordance with 60290
section 5107.04 of the Revised Code; 60291

(2) For the purpose of section 5107.04 of the Revised Code, 60292
the method of determining the amount of cash assistance an 60293
assistance group receives under Ohio works first; 60294

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;	60295 60296 60297
(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;	60298 60299 60300
(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;	60301 60302 60303 60304
(6) For the purpose of section 5107.16 of the Revised Code, both of the following:	60305 60306
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	60307 60308 60309
(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.	60310 60311 60312 60313
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	60314 60315 60316
(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;	60317 60318 60319 60320 60321 60322 60323 60324 60325

- (9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code; 60326
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- (10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate; 60329
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- (11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program; 60333
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- (12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award; 60336
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- (13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. 60340
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- (14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code; 60345
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- (15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services; 60348
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- (16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code; 60350
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- (17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code; 60352
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(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants. 60356
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(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. 60359
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The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29). 60363
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The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation. 60365
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(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment under circumstances the rules specify. 60370
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Sec. 5107.64. County departments of job and family services shall establish and administer alternative work activities for minor heads of households and adults participating in Ohio works first. In establishing alternative work activities, county departments are not limited by the restrictions Title IV-A imposes on work activities. The following are examples of alternative work activities that a county department may establish: 60374
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(A) Parenting classes and life-skills training; 60381

(B) Participation in addiction services provided by a community addiction services provider certified by the department of mental health and addiction services under section 5119.36, as defined in section 5119.01 of the Revised Code; 60382
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(C) In the case of a homeless assistance group, finding a home; 60386
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(D) In the case of a minor head of household or adult with a disability, active work in an individual written rehabilitation plan with the opportunities for Ohioans with disabilities agency; 60388
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(E) In the case of a minor head of household or adult who has been the victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence, or participating in criminal justice activities against the domestic violence offender; 60391
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(F) An education program under which a participant who does not speak English attends English as a second language course. 60396
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Sec. 5108.01. As used in this chapter: 60398

(A) "Additional benefits and services" means the benefits and services that a county department of job and family services may include in its county prevention, retention, and contingency program plan. "Additional benefits and services" are in addition to required benefits and services. 60399
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(B) "County family services planning committee" means the county family services planning committee established under section 329.06 of the Revised Code or the board created by consolidation under division (C) of section 6301.06 of the Revised Code. 60404
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~~(B)~~(C) "County prevention, retention, and contingency program plan" and "county plan" mean the plan each county department of job and family services must adopt under section 5108.04 of the Revised Code. 60409
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(D) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 60413
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(E) "Prevention, retention, and contingency program" means 60415

the program established by this chapter and funded in part with federal funds provided under Title IV-A.

(C)(F) "Required benefits and services" means the benefits and services specified in rules adopted under section 5108.03 of the Revised Code that a county department of job and family services must include in its county prevention, retention, and contingency program plan.

(G) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5108.021. All of the following apply to all benefits and services provided under the prevention, retention, and contingency program, regardless of whether they are required benefits and services or additional benefits and services:

(A) The benefits and services must be allowable uses of federal Title IV-A funds under sections 401 and 404(a) of the "Social Security Act," 42 U.S.C. 601 and 604(a).

(B) The benefits and services must not be "assistance" as defined in 45 C.F.R. 260.31(a) and, except as provided in division (C) of this section, must be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance."

(C) The benefits and services must not include work subsidies specified in 45 C.F.R. 260.31(b)(2).

(D) The benefits and services must have the following primary purposes:

(1) Diverting families from participating in Ohio works first;

(2) Meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.

Sec. 5108.022. Required benefits and services provided under 60445
the prevention, retention, and contingency program shall not be 60446
suspended by a county department of job and family services unless 60447
funds allocated for the program by the director of job and family 60448
services have been exhausted and the county department of job and 60449
family services submits an amended prevention, retention, and 60450
contingency program plan in accordance with section 5108.04 of the 60451
Revised Code. 60452

Sec. 5108.03. (A) The director of job and family services 60453
shall adopt rules in accordance with Chapter 119. of the Revised 60454
Code to implement this chapter. The rules shall specify and 60455
establish all of the following: 60456

(1) The required benefits and services that each county 60457
department of job and family services must include in its county 60458
prevention, retention, and contingency program plan; 60459

(2) Income and other eligibility requirements for required 60460
benefits and services and maximum eligibility requirements for 60461
additional benefits and services; 60462

(3) The maximum amount of required benefits and services and 60463
additional benefits and services an eligible individual may 60464
receive in a year; 60465

(4) Other requirements for county prevention, retention, and 60466
contingency program plans, including requirements for adopting, 60467
updating, amending, and suspending county plans. 60468

(B) All of the following shall be specified as required 60469
benefits and services in the rules adopted under division (A)(1) 60470
of this section: 60471

(1) Short-term supportive services that address the specific 60472
crisis or episode of need, including assistance with employment, 60473
housing, utilities, transportation, or other employment-related 60474

needs; 60475

(2) Disaster assistance; 60476

(3) Any other benefits and services the director specifies. 60477

Sec. 5108.04. Each county department of job and family 60478
services shall adopt a written ~~statement of policies governing the~~ 60479
county prevention, retention, and contingency program plan for the 60480
county. The ~~statement of policies~~ initial county plan shall be 60481
adopted not later than ~~October 1~~ November 15, 2003, and 2015. The 60482
county plan shall be updated not later than October 1, 2017, and 60483
at least every two years thereafter. A county department may amend 60484
its ~~statement of policies to modify, terminate, and establish new~~ 60485
~~policies~~ county plan, except that required benefits and services 60486
may be suspended only as provided in section 5108.022 of the 60487
Revised Code. A ~~county department also may amend its statement of~~ 60488
~~policies to suspend operation of its prevention, retention, and~~ 60489
~~contingency program temporarily.~~ The county director of job and 60490
family services shall sign and date the ~~statement of policies~~ 60491
county plan and any amendment to it. Neither the ~~statement of~~ 60492
~~policies~~ county plan nor any amendment to it may have an effective 60493
date that is earlier than the date of the county director's 60494
signature. 60495

Each county department ~~of job and family services~~ shall 60496
provide the department of job and family services a written copy 60497
of the ~~statement of policies~~ county department's initial and 60498
updated county plans, and any amendments it adopts to ~~the~~ 60499
~~statement~~ a county plan, including any amendment concerning a 60500
suspension, not later than ten calendar days after the ~~statement~~ 60501
county plan's or amendment's effective date. 60502

Each county department shall comply with section 5108.022 of 60503
the Revised Code and rules adopted under section 5108.03 of the 60504
Revised Code when adopting, updating, amending, or suspending a 60505

county plan under this section. 60506

~~Sec. 5108.05 5108.041. In adopting a statement of policies~~ 60507
~~under section 5108.04 of the Revised Code for the county's (A)~~ 60508
~~Each county prevention, retention, and contingency program, each~~ 60509
~~county department of job and family services plan shall do all of~~ 60510
~~the following:~~ 60511

~~(A) Establish or specify all of the following:~~ 60512

~~(1) Benefits include all required benefits and services and~~ 60513
~~may include additional benefits and services to be provided under~~ 60514
~~the program that are allowable uses of federal Title IV A funds~~ 60515
~~under 42 U.S.C. 601 and 604(a), except that they may not be~~ 60516
~~"assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits~~ 60517
~~and services that 45 C.F.R. 260.31(b) excludes from the definition~~ 60518
~~of assistance;~~ 60519

~~(2). If a county plan includes additional benefits and~~ 60520
~~services, the county plan shall establish or specify all of the~~ 60521
~~following:~~ 60522

~~(1) Restrictions on the amount, duration, and frequency of~~ 60523
~~the additional benefits and services;~~ 60524

~~(3)(2) Eligibility requirements for the additional benefits~~ 60525
~~and services that do not exceed the maximum eligibility~~ 60526
~~requirements for additional benefits and services specified in~~ 60527
~~rules adopted under section 5108.03 of the Revised Code;~~ 60528

~~(4)(3) Fair and equitable procedures for both of the~~ 60529
~~following:~~ 60530

~~(a) The certification of eligibility for the additional~~ 60531
~~benefits and services that do not have a financial need~~ 60532
~~eligibility requirement;~~ 60533

~~(b) The determination and verification of eligibility for the~~ 60534
~~additional benefits and services that have a financial need~~ 60535

eligibility requirement. 60536

~~(5)~~(4) Objective criteria for the delivery of the additional 60537
benefits and services; 60538

~~(6)~~(5) Administrative requirements; 60539

~~(7)~~(6) Other matters the county department of job and family 60540
services determines are necessary. 60541

(B) ~~Provide for the statement of policies to be~~ Each county 60542
prevention, retention, and contingency program plan shall be 60543
consistent with all of the following: 60544

(1) The plan of cooperation the board of county commissioners 60545
develops under section 307.983 of the Revised Code; 60546

(2) The review and analysis of the county family services 60547
committee conducted in accordance with division (B)(2) of section 60548
329.06 of the Revised Code; 60549

(3) Title IV-A, federal regulations, state law, the Title 60550
IV-A state plan submitted to the United States secretary of health 60551
and human services under section 5101.80 of the Revised Code, ~~and~~ 60552
amendments to the plan, and rules adopted under section 5108.03 of 60553
the Revised Code. 60554

(C) ~~Either~~ Each county department of job and family services 60555
shall either provide the public and local government entities at 60556
least thirty days to submit comments on, or have the county family 60557
services planning committee review, the ~~statement of policies~~ 60558
county prevention, retention, and contingency program plan, 60559
including the design of the county's prevention, retention, and 60560
contingency program, before the county ~~director signs and dates~~ 60561
the statement of policies plan is submitted to the department of 60562
job and family services under section 5108.04 of the Revised Code. 60563

~~Sec. 5108.03~~ 5108.05. ~~Under the prevention, retention, and~~ 60564
~~contingency program, each~~ Each county department of job and family 60565

services shall do ~~both~~ all of the following in accordance with its 60566
county prevention, retention, and contingency program plan and the 60567
~~statement of policies the county department develops~~ rules adopted 60568
under section ~~5108.04~~ 5108.03 of the Revised Code: 60569

(A) ~~Provide~~ Make all required benefits and services ~~that~~ 60570
~~individuals need to overcome immediate barriers to achieving or~~ 60571
~~maintaining self sufficiency and personal responsibility~~ available 60572
in the county or counties the county department serves; 60573

(B) Make the additional benefits and services, if any, 60574
included in its county plan available in the county or counties 60575
the county department serves; 60576

~~(B)~~(C) Perform related administrative duties. 60577

Sec. 5108.06. In adopting a ~~statement of policies under~~ 60578
~~section 5108.04 of the Revised Code for the county's prevention,~~ 60579
~~retention, and contingency program~~ county prevention, retention, 60580
and contingency program plan, a county department of job and 60581
family services may specify both of the following: 60582

(A) Benefits and services to be provided under the program 60583
that prevent and reduce the incidence of out-of-wedlock 60584
pregnancies or encourage the formation and maintenance of 60585
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 60586

(B) How the county department will certify individuals' 60587
eligibility for such benefits and services. 60588

Sec. 5108.07. (A) Each ~~statement of policies adopted under~~ 60589
~~section 5108.04 of the Revised Code~~ county prevention, retention, 60590
and contingency program plan shall include the board of county 60591
commissioners' certification that the county department of job and 60592
family services complied with this chapter and rules adopted under 60593
section 5108.03 of the Revised Code in adopting the ~~statement of~~ 60594
~~policies~~ county plan. 60595

(B) The board of county commissioners shall revise its certification under division (A) of this section if the county department ~~adopts an amendment under section 5108.04 of the Revised Code~~ amends its county prevention, retention, and contingency program plan to suspend operation of its prevention, retention, and contingency program temporarily or to make any other ~~amendment under that section~~ change the board considers to be significant.

Sec. 5108.09. When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department of job and family services' ~~written statement of policies adopted under section 5108.04 of the Revised Code~~ county prevention, retention, and contingency program plan and any amendments ~~the county department adopted to the statement~~ county plan if the county department provides a written copy of the ~~statement of policies~~ county plan and all amendments to the hearing officer, director, or director's designee at the hearing or appeal.

Sec. 5108.11. (A) To the extent permitted by section 307.982 of the Revised Code, a board of county commissioners may enter into a written contract with a private or government entity for the entity to do either or both of the following for the county's prevention, retention, and contingency program:

(1) Certify eligibility for benefits and services that do not have a financial need eligibility requirement;

(2) Accept applications and determine and verify eligibility

for benefits and services that have a financial need eligibility requirement. 60626
60627

(B) If a board of county commissioners enters into a contract under division (A) of this section with a private or government entity, the county department of job and family services shall do all of the following: 60628
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60631

(1) Ensure that eligibility for benefits and services is certified or determined and verified in accordance with the ~~statement of policies adopted under section 5108.04~~ county prevention, retention, and contingency program plan and rules adopted under section 5108.03 of the Revised Code; 60632
60633
60634
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(2) Ensure that the private or government entity maintains all records that are necessary for audits; 60637
60638

(3) Monitor the private or government entity for compliance with Title IV-A, this chapter of the Revised Code, ~~and the statement of policies~~ county prevention, retention, and contingency program plan, and rules adopted under section 5108.03 of the Revised Code; 60639
60640
60641
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60643

(4) Take actions that are necessary to recover any funds that are not spent in accordance with Title IV-A ~~or~~, this chapter of the Revised Code, or rules adopted under section 5108.03 of the Revised Code. 60644
60645
60646
60647

Sec. 5115.04. ~~(A)~~ The department of job and family services shall supervise and administer the disability financial assistance program, ~~except that the~~ subject to the following exceptions: 60648
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The department may require county departments of job and family services to perform any administrative function for the program, as specified in rules adopted by the director of job and family services. 60651
60652
60653
60654

~~(B)~~ If the department requires county departments to perform 60655

administrative functions under this ~~section~~ division, the director 60656
shall adopt rules in accordance with section 111.15 of the Revised 60657
Code governing the performance of the functions ~~to be performed~~ by 60658
county departments. County departments shall perform the functions 60659
in accordance with the rules. The director shall conduct 60660
investigations to determine whether disability financial 60661
assistance is being administered in compliance with the Revised 60662
Code and rules adopted by the director. 60663

~~(C)~~ If disability financial assistance payments are made by 60664
the county department of job and family services, the department 60665
shall advance sufficient funds to provide the county treasurer 60666
with the amount estimated for the payments. Financial assistance 60667
payments shall be distributed in accordance with sections 126.35, 60668
319.16, and 329.03 of the Revised Code. 60669

The department may enter into an agreement with a state 60670
agency whereby the state agency agrees to make eligibility 60671
determinations for the program. If the department enters into such 60672
an agreement, the department shall cover the administrative costs 60673
incurred by the state agency to make the eligibility 60674
determinations. 60675

As used in this division, "state agency" has the same meaning 60676
as in section 117.01 of the Revised Code. 60677

Sec. 5119.01. (A) As used in this chapter: 60678

(1) "Addiction" means the chronic and habitual use of 60679
alcoholic beverages, the use of a drug of abuse as defined in 60680
section 3719.011 of the Revised Code, or the use of gambling by an 60681
individual to the extent that the individual no longer can control 60682
the individual's use of alcohol, the individual becomes physically 60683
or psychologically dependent on the drug, the individual's use of 60684
alcohol or drugs endangers the health, safety, or welfare of the 60685
individual or others, or the individual's gambling causes 60686

psychological, financial, emotional, marital, legal, or other 60687
difficulties endangering the health, safety, or welfare of the 60688
individual or others. 60689

(2) "Addiction services" means services, including 60690
intervention, for the treatment of persons with alcohol, drug, or 60691
gambling addictions, and for the prevention of such addictions. 60692

(3) "Alcohol and drug addiction services" means services, 60693
including intervention, for the treatment of alcoholics or persons 60694
who abuse drugs of abuse and for the prevention of alcoholism and 60695
drug addiction. 60696

(4) "Alcoholic" means a person suffering from alcoholism. 60697

(5) "Alcoholism" means the chronic and habitual use of 60698
alcoholic beverages by an individual to the extent that the 60699
individual no longer can control the individual's use of alcohol 60700
or endangers the health, safety, or welfare of the individual or 60701
others. 60702

(6) "Community addiction services provider" means an agency, 60703
association, corporation, individual, or program that provides 60704
~~community~~ alcohol, drug addiction, or gambling addiction services 60705
that are certified by the department of mental health and 60706
addiction services under section 5119.36 of the Revised Code. 60707

(7) "Community mental health services provider" means an 60708
agency, association, corporation, individual, or program that 60709
provides ~~community~~ mental health services that are certified by 60710
the department of mental health and addiction services under 60711
section 5119.36 of the Revised Code. 60712

(8) "Drug addiction" means the use of a drug of abuse, as 60713
defined in section 3719.011 of the Revised Code, by an individual 60714
to the extent that the individual becomes physically or 60715
psychologically dependent on the drug or endangers the health, 60716
safety, or welfare of the individual or others. 60717

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.10. (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and

mental health services plans, and certification and delivery of 60781
~~mental health and~~ addiction and mental health services. 60782

60783

(B) The director shall: 60784

(1) Adopt rules for the proper execution of the powers and 60785
duties of the department with respect to the institutions under 60786
its control, and require the performance of additional duties by 60787
the officers of the institutions as necessary to fully meet the 60788
requirements, intents, and purposes of this chapter. In case of an 60789
apparent conflict between the powers conferred upon any managing 60790
officer and those conferred by such sections upon the department, 60791
the presumption shall be conclusive in favor of the department. 60792

(2) Adopt rules for the nonpartisan management of the 60793
institutions under the department's control. An officer or 60794
employee of the department or any officer or employee of any 60795
institution under its control who, by solicitation or otherwise, 60796
exerts influence directly or indirectly to induce any other 60797
officer or employee of the department or any of its institutions 60798
to adopt the exerting officer's or employee's political views or 60799
to favor any particular person, issue, or candidate for office 60800
shall be removed from the exerting officer's or employee's office 60801
or position, by the department in case of an officer or employee, 60802
and by the governor in case of the director. 60803

(3) Appoint such employees, including the medical director, 60804
as are necessary for the efficient conduct of the department, and 60805
prescribe their titles and duties; 60806

(4) Prescribe the forms of affidavits, applications, medical 60807
certificates, orders of hospitalization and release, and all other 60808
forms, reports, and records that are required in the 60809
hospitalization or admission and release of all persons to the 60810
institutions under the control of the department, or are otherwise 60811

required under this chapter or Chapter 5122. of the Revised Code; 60812

(5) Exercise the powers and perform the duties relating to 60813
~~community~~ addiction and mental health facilities and services that 60814
are assigned to the director under this chapter and Chapter 340. 60815
of the Revised Code; 60816

(6) Develop and implement clinical evaluation and monitoring 60817
of services that are operated by the department; 60818

(7) Adopt rules establishing standards for the performance of 60819
evaluations by a forensic center or other psychiatric program or 60820
facility of the mental condition of defendants ordered by the 60821
court under section 2919.271, or 2945.371 of the Revised Code, and 60822
for the treatment of defendants who have been found incompetent to 60823
stand trial and ordered by the court under section 2945.38, 60824
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 60825
treatment in facilities; 60826

(8) On behalf of the department, have the authority and 60827
responsibility for entering into contracts and other agreements 60828
with providers, agencies, institutions, and other entities, both 60829
public and private, as necessary for the department to carry out 60830
its duties under this chapter and Chapters 340., 2919., 2945., and 60831
5122. of the Revised Code. Chapter 125. of the Revised Code does 60832
not apply to contracts the director enters into under this section 60833
for services provided to individuals with mental illness by 60834
providers, agencies, institutions, and other entities not owned or 60835
operated by the department. 60836

(9) Adopt rules in accordance with Chapter 119. of the 60837
Revised Code specifying the supplemental services that may be 60838
provided through a trust authorized by section 5815.28 of the 60839
Revised Code; 60840

(10) Adopt rules in accordance with Chapter 119. of the 60841
Revised Code establishing standards for the maintenance and 60842

distribution to a beneficiary of assets of a trust authorized by 60843
section 5815.28 of the Revised Code. 60844

(C) The director may contract with hospitals licensed by the 60845
department under section 5119.33 of the Revised Code for the care 60846
and treatment of mentally ill patients, or with persons, 60847
organizations, or agencies for the custody, evaluation, 60848
supervision, care, or treatment of mentally ill persons receiving 60849
services elsewhere than within the enclosure of a hospital 60850
operated under section 5119.14 of the Revised Code. 60851

Sec. 5119.11. (A) The director of mental health and addiction 60852
services shall appoint a medical director who is eligible or 60853
certified by the American board of psychiatry and neurology or the 60854
American osteopathic board of neurology and psychiatry, and has at 60855
least five years of clinical and two years of administrative 60856
experience. The medical director shall also have certification or 60857
substantial training and experience in the field of addiction 60858
medicine or addiction psychiatry. The medical director shall be 60859
responsible for decisions relating to medical diagnosis, 60860
treatment, prevention, rehabilitation, quality assurance, and the 60861
clinical aspects of ~~mental health and~~ addiction and mental health 60862
services involving all of the following: 60863

(1) Licensure of hospitals, residential facilities, and 60864
outpatient facilities; 60865

(2) Research; 60866

(3) Community addiction and mental health services plans; 60867

(4) Certification and delivery of ~~mental health and~~ addiction 60868
and mental health services. 60869

(B) The medical director shall also exercise clinical 60870
supervision of the chief clinical officers of hospitals and 60871
institutions under the jurisdiction of the department and shall 60872

review and approve decisions relating to the employment of the 60873
chief clinical officers. The medical director or the medical 60874
director's designee shall advise the director on matters relating 60875
to licensure, research, and the certification and delivery of 60876
~~mental health and addiction~~ and mental health services and 60877
community addiction and mental health plans. The medical director 60878
shall participate in the development of guidelines for community 60879
addiction and mental health services plans. The director of mental 60880
health and addiction services may establish other duties of the 60881
medical director. 60882

Sec. 5119.161. The department of mental health and addiction 60883
services, in conjunction with the department of job and family 60884
services, shall develop a joint state plan to improve the 60885
accessibility and timeliness of alcohol and drug addiction 60886
services for individuals identified by a public children services 60887
agency as in need of those services. The plan shall address the 60888
fact that Ohio works first participants may be among the persons 60889
receiving services under section 340.15 of the Revised Code and 60890
shall require the department of job and family services to seek 60891
federal funds available under Title IV-A of the "Social Security 60892
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the 60893
provision of the services to Ohio works first participants who are 60894
receiving services under section 340.15 of the Revised Code. 60895

~~The plan shall address the need and manner for sharing 60896
information and include a request for the general assembly to 60897
appropriate an amount of funds specified in the report to be used 60898
by the departments to pay for services under section 340.15 of the 60899
Revised Code. The departments shall review and amend the plan as 60900
necessary. 60901~~

~~Not later than the first day of July of each even numbered 60902
year, the departments shall submit a report on the progress made 60903~~

~~under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

Sec. 5119.186. (A) The director of mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving ~~mental health or~~ addiction or mental health services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of mental health and addiction services. Any such program shall be approved or accredited by its respective professional organization or state board having jurisdiction over the profession.

(1) The department shall require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Establishment of inter-disciplinary committees to advise persons responsible for training programs. Each committee shall have representation drawn from the geographical community the institution of higher education or hospital serves and shall include representatives of agencies, boards, targeted populations

as determined by the department, racial and ethnic minority groups, and publicly funded programs;	60935 60936
(b) Funding procedures;	60937
(c) Specific outcomes and accomplishments that are expected or required of a program under such agreement;	60938 60939
(d) The types of services to be provided under such agreement.	60940 60941
(2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:	60942 60943 60944 60945
(a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;	60946 60947 60948
(b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;	60949 60950 60951
(c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;	60952 60953 60954
(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs.	60955 60956
Subject to appropriations by the general assembly, the director of mental health and addiction services has final approval of the funding of these collaborative training efforts.	60957 60958 60959
Sec. 5119.21. (A) The department of mental health and addiction services shall:	60960 60961
(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental	60962 60963

health services, support a continuum of care in accordance with 60964
Chapter 340. of the Revised Code on a district or multi-district 60965
basis. The department shall define the essential elements of a 60966
continuum of care, shall assist in identifying resources, and may 60967
prioritize support for one or more of the elements. 60968

(2) Provide training, consultation, and technical assistance 60969
regarding ~~mental health and~~ addiction and mental health services 60970
and appropriate prevention, recovery, and mental health promotion 60971
activities, including those that are culturally competent, to 60972
employees of the department, community mental health and addiction 60973
services providers, boards of alcohol, drug addiction, and mental 60974
health services, and other agencies providing ~~mental health and~~ 60975
addiction and mental health services; 60976

(3) To the extent the department has available resources, 60977
promote and support a full range of ~~mental health and~~ addiction 60978
and mental health services that are available and accessible to 60979
all residents of this state, especially for severely ~~mentally~~ 60980
~~disabled~~ emotionally disturbed children, and adolescents, severely 60981
mentally disabled adults, pregnant women, parents, guardians or 60982
custodians of children at risk of abuse or neglect, and other 60983
special target populations, including racial and ethnic 60984
minorities, as determined by the department; 60985

(4) Develop standards and measures for evaluating the 60986
effectiveness of ~~mental health and~~ addiction and mental health 60987
services, including services that use methadone treatment, of 60988
gambling addiction services, and for increasing the accountability 60989
of community mental health and ~~alcohol and~~ addiction services 60990
providers ~~and of gambling addiction services providers;~~ 60991

(5) Design and set criteria for the determination of priority 60992
populations; 60993

(6) Promote, direct, conduct, and coordinate scientific 60994

research, taking ethnic and racial differences into consideration, 60995
concerning the causes and prevention of mental illness and 60996
addiction, methods of providing effective services and treatment, 60997
and means of enhancing the mental health of and recovery from 60998
addiction of all residents of this state; 60999

(7) Foster the establishment and availability of vocational 61000
rehabilitation services and the creation of employment 61001
opportunities for ~~consumers of mental health and~~ individuals with 61002
addiction ~~services~~ and mental health needs, including members of 61003
racial and ethnic minorities; 61004

(8) Establish a program to protect and promote the rights of 61005
persons receiving ~~mental health and~~ addiction and mental health 61006
services, including the issuance of guidelines on informed consent 61007
and other rights; 61008

(9) Promote the involvement of persons who are receiving or 61009
have received ~~mental health or~~ addiction or mental health 61010
services, including families and other persons having a close 61011
relationship to a person receiving those services, in the 61012
planning, evaluation, delivery, and operation of ~~mental health and~~ 61013
addiction and mental health services; 61014

(10) Notify and consult with the relevant constituencies that 61015
may be affected by rules, standards, and guidelines issued by the 61016
department of mental health and addiction services. These 61017
constituencies shall include consumers of ~~mental health and~~ 61018
addiction and mental health services and their families, and may 61019
include public and private providers, employee organizations, and 61020
others when appropriate. Whenever the department proposes the 61021
adoption, amendment, or rescission of rules under Chapter 119. of 61022
the Revised Code, the notification and consultation required by 61023
this division shall occur prior to the commencement of proceedings 61024
under Chapter 119. The department shall adopt rules under Chapter 61025
119. of the Revised Code that establish procedures for the 61026

notification and consultation required by this division. 61027

(11) Provide consultation to the department of rehabilitation 61028
and correction concerning the delivery of ~~mental health and~~ 61029
addiction and mental health services in state correctional 61030
institutions-; 61031

(12) Promote and coordinate efforts in the provision of 61032
alcohol and drug addiction services and of gambling addiction 61033
services by other state agencies, as defined in section 1.60 of 61034
the Revised Code; courts; hospitals; clinics; physicians in 61035
private practice; public health authorities; boards of alcohol, 61036
drug addiction, and mental health services; ~~alcohol and drug~~ 61037
community addiction services providers; law enforcement agencies; 61038
~~gambling addiction services providers;~~ and related groups; 61039

(13) Provide to each court of record, and biennially update, 61040
a list of the treatment and education programs within that court's 61041
jurisdiction that the court may require an offender, sentenced 61042
pursuant to section 4511.19 of the Revised Code, to attend; 61043

(14) Make the warning sign described in sections 3313.752, 61044
3345.41, and 3707.50 of the Revised Code available on the 61045
department's internet web site; 61046

(15) Provide a program of gambling addiction services on 61047
behalf of the state lottery commission, pursuant to an agreement 61048
entered into with the director of the commission under division 61049
(K) of section 3770.02 of the Revised Code, and provide a program 61050
of gambling addiction services on behalf of the Ohio casino 61051
control commission, under an agreement entered into with the 61052
executive director of the commission under section 3772.062 of the 61053
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 61054
Constitution, the department may enter into agreements with boards 61055
of alcohol, drug addiction, and mental health services, including 61056
boards with districts in which a casino facility is not located, 61057

and nonprofit organizations to provide gambling addiction services 61058
and ~~substance abuse~~ alcohol and drug addiction services, and with 61059
state institutions of higher education or private nonprofit 61060
institutions that possess a certificate of authorization issued 61061
under Chapter 1713. of the Revised Code to perform related 61062
research. 61063

(B) The department may accept and administer grants from 61064
public or private sources for carrying out any of the duties 61065
enumerated in this section. 61066

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 61067
~~department shall adopt a rule defining the term "intervention" as~~ 61068
~~it is used in this chapter in connection with alcohol and drug~~ 61069
~~addiction services and in connection with gambling addiction~~ 61070
~~services.~~ The department may adopt ~~other~~ rules in accordance with 61071
Chapter 119. of the Revised Code as necessary to implement the 61072
requirements of this chapter. 61073

Sec. 5119.23. (A) The department of mental health and 61074
addiction services shall establish a methodology for allocating to 61075
boards of alcohol, drug addiction, and mental health services the 61076
funds appropriated by the general assembly to the department for 61077
the purpose of ~~local mental health and addiction services~~ 61078
~~continuum~~ the continuum of care that each board establishes under 61079
section 340.03 of the Revised Code. The department shall establish 61080
the methodology after notifying and consulting with relevant 61081
constituencies as required by division (A)(10) of section 5119.21 61082
of the Revised Code. The methodology may provide for the funds to 61083
be allocated to boards on a district or multi-district basis. 61084

(B) Subject to section 5119.25 of the Revised Code, and to 61085
required submissions and approvals under section 340.08 of the 61086
Revised Code, the department shall allocate the funds to the 61087
boards in a manner consistent with the methodology, this section, 61088

other state and federal laws, rules, and regulations. 61089

(C) In consultation with boards, community addiction services 61090
providers, community mental health ~~and addiction~~ services 61091
providers, and persons receiving services, the department shall 61092
establish guidelines for the use of funds allocated ~~and~~ 61093
~~distributed~~ under this section. 61094

Sec. 5119.25. (A) The director of mental health and addiction 61095
services, in whole or in part, may withhold funds otherwise to be 61096
allocated to a board of alcohol, drug addiction, and mental health 61097
services under section 5119.23 of the Revised Code if the board 61098
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 61099
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 61100
department of mental health and addiction services. However, 61101
beginning September 15, 2016, the director shall withhold all such 61102
funds from the board when required to do so under division (A)(4) 61103
of section 340.08 of the Revised Code or division (G)(1) of 61104
section 5119.22 of the Revised Code. 61105

(B) The director of mental health and addiction services may 61106
withhold funds otherwise to be allocated to a board of alcohol, 61107
drug addiction, and mental health services under section 5119.23 61108
of the Revised Code if the board denies available service on the 61109
basis of race, color, religion, creed, sex, age, national origin, 61110
disability as defined in section 4112.01 of the Revised Code, or 61111
developmental disability. 61112

(C) The director shall issue a notice identifying the areas 61113
of noncompliance and the action necessary to achieve compliance. 61114
The director may offer technical assistance to the board to 61115
achieve compliance. The board shall have thirty days from receipt 61116
of the notice of noncompliance to present its position that it is 61117
in compliance or to submit to the director evidence of corrective 61118
action the board took to achieve compliance. Before withholding 61119

funds, the director or the director's designee shall hold a 61120
hearing within thirty days of receipt of the board's position or 61121
evidence to determine if there are continuing violations and that 61122
either assistance is rejected or the board is unable, or has 61123
failed, to achieve compliance. The director may appoint a 61124
representative from another board of alcohol, drug addiction, and 61125
mental health services to serve as a mentor for the board in 61126
developing and executing a plan of corrective action to achieve 61127
compliance. Any such representative shall be from a board that is 61128
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 61129
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 61130
chapter, and the department's rules. Subsequent to the hearing 61131
process, if it is determined that compliance has not been 61132
achieved, the director may allocate all or part of the withheld 61133
funds to one or more community mental health services providers or 61134
community addiction services providers to provide the ~~community~~ 61135
mental health ~~or community~~ service or addiction service for which 61136
the board is not in compliance until the time that there is 61137
compliance. The director shall adopt rules in accordance with 61138
Chapter 119. of the Revised Code to implement this section. 61139

Sec. 5119.28. (A) All records, and reports, other than court 61140
journal entries or court docket entries, identifying a person and 61141
pertaining to the person's mental health condition, assessment, 61142
provision of care or treatment, or payment for assessment, care or 61143
treatment that are maintained in connection with any services 61144
certified by the department of mental health and addiction 61145
services, or any hospitals or facilities licensed or operated by 61146
the department, shall be kept confidential and shall not be 61147
disclosed by any person except: 61148

(1) If the person identified, or the person's legal guardian, 61149
if any, or if the person is a minor, the person's parent or legal 61150
guardian, consents; 61151

(2) When disclosure is provided for in this chapter or Chapter 340. or 5122. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person;

(4) Pursuant to a court order signed by a judge;

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons;

(6) That the department of mental health and addiction services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(7) That the department of mental health and addiction services, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate

continuity of care for the person or for the emergency treatment 61183
of the person; 61184

(8) That the department of mental health and addiction 61185
services and community mental health services providers may 61186
exchange psychiatric records and other pertinent information with 61187
boards of alcohol, drug addiction, and mental health services for 61188
purposes of any board function set forth in Chapter 340. of the 61189
Revised Code. Boards of alcohol, drug addiction, and mental health 61190
services shall not access any personal information from the 61191
department or providers except as required or permitted by this 61192
section, or Chapter 340. or 5122. of the Revised Code for purposes 61193
related to payment, care coordination, health care operations, 61194
program and service evaluation, reporting activities, research, 61195
system administration, oversight, or other authorized purposes. 61196

(9) That a person's family member who is involved in the 61197
provision, planning, and monitoring of services to the person may 61198
receive medication information, a summary of the person's 61199
diagnosis and prognosis, and a list of the services and personnel 61200
available to assist the person and the person's family, if the 61201
person's treatment provider determines that the disclosure would 61202
be in the best interests of the person. No such disclosure shall 61203
be made unless the person is notified first and receives the 61204
information and does not object to the disclosure. 61205

(10) That community mental health services providers may 61206
exchange psychiatric records and certain other information with 61207
the board of alcohol, drug addiction, and mental health services 61208
and other providers in order to provide services to a person 61209
involuntarily committed to a board. Release of records under this 61210
division shall be limited to medication history, physical health 61211
status and history, financial status, summary of course of 61212
treatment, summary of treatment needs, and discharge summary, if 61213
any. 61214

(11) That information may be disclosed to the executor or the administrator of an estate of a deceased person when the information is necessary to administer the estate;

(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health and addiction services for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any person.

(13) That records pertaining to the person's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the person was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under Chapter 5122. of the Revised Code;

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records

regarding an inmate's or offender's medication history, physical 61247
health status and history, summary of course of treatment, summary 61248
of treatment needs, and a discharge summary, if any. 61249

(15) That a community mental health services provider that 61250
ceases to operate may transfer to either a community mental health 61251
services provider that assumes its caseload or to the board of 61252
alcohol, drug addiction, and mental health services of the service 61253
district in which the person resided at the time services were 61254
most recently provided any ~~treatment~~ records concerning treatment 61255
that have not been transferred elsewhere at the person's request; 61256

(16) That records and reports relating to a person who has 61257
been deceased for fifty years or more are no longer considered 61258
confidential. 61259

(B) Before records are disclosed pursuant to divisions 61260
(A)(3), (6), and (10) of this section, the custodian of the 61261
records shall attempt to obtain the person's consent for the 61262
disclosure. 61263

(C) No person shall reveal the content of a medical record of 61264
a person that is confidential pursuant to this section, except as 61265
authorized by law. 61266

Sec. 5119.31. The department of administrative services shall 61267
purchase all supplies needed for the proper support and 61268
maintenance of the institutions under the control of the 61269
department of mental health and addiction services in accordance 61270
with the competitive selection procedures of Chapter 125. of the 61271
Revised Code and such rules as the department of administrative 61272
services adopts. All bids shall be publicly opened on the day and 61273
hour and at the place specified in the advertisement. 61274

Preference shall be given to bidders in localities wherein 61275
the institution is located, if the price is fair and reasonable 61276

and not greater than the usual price; but bids not meeting the 61277
specifications shall be rejected. 61278

The department of administrative services may require such 61279
security as it considers proper to accompany the bids and shall 61280
fix the security to be given by the contractor. 61281

The department of administrative services may reject any or 61282
all bids and secure new bids, if for any reason it is deemed for 61283
the best interest of the state to do so, and it may authorize the 61284
managing officer of any institution to purchase perishable goods 61285
and supplies for use in cases of emergency, in which cases such 61286
managing officer shall certify such fact in writing and the 61287
department of administrative services shall record the reasons for 61288
such purchase. 61289

Sec. 5119.33. (A)(1) The department of mental health and 61290
addiction services shall inspect and license all hospitals that 61291
receive mentally ill persons, except those hospitals managed by 61292
the department. No hospital may receive for care or treatment, 61293
either at public or private expense, any person who is or appears 61294
to be mentally ill, whether or not so adjudicated, unless the 61295
hospital has received a license from the department authorizing it 61296
to receive for care or treatment persons who are mentally ill or 61297
the hospital is managed by the department. 61298

(2) No such license shall be granted to a hospital for the 61299
treatment of mentally ill persons unless the department is 61300
satisfied, after investigation, that the hospital is managed and 61301
operated by qualified persons and has on its staff one or more 61302
qualified physicians responsible for the medical care of the 61303
patients confined there. At least one such physician shall be a 61304
psychiatrist. 61305

(B) The department shall adopt rules under Chapter 119. of 61306
the Revised Code prescribing minimum standards for the operation 61307

of hospitals for the care and treatment of mentally ill persons 61308
and establishing standards and procedures for the issuance, 61309
renewal, or revocation of full, probationary, and interim 61310
licenses. No license shall be granted to any hospital established 61311
or used for the care of mentally ill persons unless such hospital 61312
is operating in accordance with this section and rules adopted 61313
pursuant to this section. A full license shall expire one year 61314
after the date of issuance, a probationary license shall expire at 61315
the time prescribed by rule adopted pursuant to Chapter 119. of 61316
the Revised Code by the director of mental health and addiction 61317
services, and an interim license shall expire ninety days after 61318
the date of issuance. A full, probationary, or interim license may 61319
be renewed, except that an interim license may be renewed only 61320
twice. The department may fix reasonable fees for licenses and for 61321
license renewals. Such hospitals are subject to inspection and 61322
on-site review by the department. 61323

(C) Except as otherwise provided in Chapter 5122. of the 61324
Revised Code, neither the director of mental health and addiction 61325
services; an employee of the department; a board of alcohol, drug 61326
addiction, and mental health services or employee of a community 61327
mental health services provider; nor any other public official 61328
shall hospitalize any mentally ill person for care or treatment in 61329
any hospital that is not licensed in accordance with this section. 61330

(D) The department may issue an order suspending the 61331
admission of patients who are mentally ill to a hospital for care 61332
or treatment if it finds either of the following: 61333

(1) The hospital is not in compliance with rules adopted by 61334
the director pursuant to this section. 61335

(2) The hospital has been cited for more than one violation 61336
of statutes or rules during any previous period of time during 61337
which the hospital is licensed pursuant to this section. 61338

(E) Any license issued by the department under this section 61339
may be revoked or not renewed by the department for any of the 61340
following reasons: 61341

~~(A)~~(1) The hospital is no longer a suitable place for the 61342
care or treatment of mentally ill persons. 61343

~~(B)~~(2) The hospital refuses to be subject to inspection or 61344
on-site review by the department. 61345

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 61346
adequate treatment and care. 61347

~~(D)~~(4) The hospital fails to comply with the licensure rules 61348
of the department. 61349

(F) The department may inspect, conduct an on-site review, 61350
and review the records of any hospital that the department has 61351
reason to believe is operating without a license. 61352

Sec. 5119.34. (A) As used in this section and sections 61353
5119.341 and 5119.342 of the Revised Code: 61354

(1) "Accommodations" means housing, daily meal preparation, 61355
laundry, housekeeping, arranging for transportation, social and 61356
recreational activities, maintenance, security, and other services 61357
that do not constitute personal care services or skilled nursing 61358
care. 61359

(2) "ADAMHS board" means a board of alcohol, drug addiction, 61360
and mental health services. 61361

(3) "Adult" means a person who is eighteen years of age or 61362
older, other than a person described in division (A)(4) of this 61363
section who is between eighteen and twenty-one years of age. 61364

(4) "Child" means a person who is under eighteen years of age 61365
or a person with a mental disability who is under twenty-one years 61366
of age. 61367

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or~~

~~more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(b) Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~

~~(iii) Three to sixteen unrelated adults.~~

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(10) "Residential facility" does not include any of the following:~~

~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~

~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~

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

~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~

(e) A nursing home, residential care facility, or home for	61428
the aging as defined in section 3721.02 of the Revised Code;	61429
(f) Alcohol or drug addiction services certified pursuant to	61430
section 5119.36 of the Revised Code;	61431
(g) A facility licensed to provide methadone treatment under	61432
section 5119.391 of the Revised Code;	61433
(h) Any facility that receives funding for operating costs	61434
from the development services agency under any program established	61435
to provide emergency shelter housing or transitional housing for	61436
the homeless;	61437
(i) A terminal care facility for the homeless that has	61438
entered into an agreement with a hospice care program under	61439
section 3712.07 of the Revised Code;	61440
(j) A facility approved by the veterans administration under	61441
section 104(a) of the "Veterans Health Care Amendments of 1983,"	61442
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for	61443
the placement and care of veterans.	61444
(11) "Room and board" means the provision of sleeping and	61445
living space, meals or meal preparation, laundry services,	61446
housekeeping services, or any combination thereof.	61447
(12) <u>(10)</u> "Residential state supplement" means the program	61448
administered under section 5119.41 of the Revised Code and related	61449
provisions of the Administrative Code under which the state	61450
supplements the supplemental security income payments received by	61451
aged, blind, or disabled adults under Title XVI of the Social	61452
Security Act. Residential state supplement payments are used for	61453
the provision of accommodations, supervision, and personal care	61454
services to supplemental security income recipients the department	61455
of mental health and addition services determines are at risk of	61456
needing institutional care.	61457

~~(13)~~(11) "Supervision" means any of the following: 61458

(a) Observing a resident to ensure the resident's health, 61459
safety, and welfare while the resident engages in activities of 61460
daily living or other activities; 61461

(b) Reminding a resident to perform or complete an activity, 61462
such as reminding a resident to engage in personal hygiene or 61463
other self-care activities; 61464

(c) Assisting a resident in making or keeping an appointment. 61465

~~(14)~~(12) "Unrelated" means that a resident is not related to 61466
the owner or operator of a residential facility or to the owner's 61467
or operator's spouse as a parent, grandparent, child, stepchild, 61468
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 61469
the child of an aunt or uncle. 61470

(B)(1) A "residential facility" is a publicly or privately 61471
operated home or facility that falls into one of the following 61472
categories: 61473

(a) Class one facilities provide accommodations, supervision, 61474
personal care services, and mental health services for one or more 61475
unrelated adults with mental illness or one or more unrelated 61476
children or adolescents with severe emotional disturbances; 61477

(b) Class two facilities provide accommodations, supervision, 61478
and personal care services to any of the following: 61479

(i) One or two unrelated persons with mental illness; 61480

(ii) One or two unrelated adults who are receiving 61481
residential state supplement payments; 61482

(iii) Three to sixteen unrelated adults. 61483

(c) Class three facilities provide room and board for five or 61484
more unrelated adults with mental illness. 61485

(2) "Residential facility" does not include any of the 61486

<u>following:</u>	61487
<u>(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;</u>	61488 61489 61490 61491 61492
<u>(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;</u>	61493 61494 61495
<u>(c) An institution or association subject to certification under section 5103.03 of the Revised Code;</u>	61496 61497
<u>(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;</u>	61498 61499 61500
<u>(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;</u>	61501 61502
<u>(f) A facility licensed to provide methadone treatment under section 5119.319 of the Revised Code;</u>	61503 61504
<u>(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;</u>	61505 61506 61507 61508
<u>(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;</u>	61509 61510 61511
<u>(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;</u>	61512 61513 61514 61515
<u>(j) The residence of a relative or guardian of a person with</u>	61516

mental illness. 61517

(C) Nothing in division ~~(A)(9)~~(B) of this section shall be 61518
construed to permit personal care services to be imposed on a 61519
resident who is capable of performing the activity in question 61520
without assistance. 61521

~~(C)~~(D) Except in the case of a residential facility described 61522
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 61523
staff of a residential facility shall not administer medication to 61524
the facility's residents, but may do any of the following: 61525

(1) Remind a resident when to take medication and watch to 61526
ensure that the resident follows the directions on the container; 61527

(2) Assist a resident in the self-administration of 61528
medication by taking the medication from the locked area where it 61529
is stored, in accordance with rules adopted pursuant to this 61530
section, and handing it to the resident. If the resident is 61531
physically unable to open the container, a staff member may open 61532
the container for the resident. 61533

(3) Assist a physically impaired but mentally alert resident, 61534
such as a resident with arthritis, cerebral palsy, or Parkinson's 61535
disease, in removing oral or topical medication from containers 61536
and in consuming or applying the medication, upon request by or 61537
with the consent of the resident. If a resident is physically 61538
unable to place a dose of medicine to the resident's mouth without 61539
spilling it, a staff member may place the dose in a container and 61540
place the container to the mouth of the resident. 61541

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 61542
section, a person operating or seeking to operate a residential 61543
facility shall apply for licensure of the facility to the 61544
department of mental health and addiction services. The 61545
application shall be submitted by the operator. When applying for 61546
the license, the applicant shall pay to the department the 61547

application fee specified in rules adopted under division ~~(K)~~(L) 61548
of this section. The fee is nonrefundable. 61549

The department shall send a copy of an application to the 61550
ADAMHS board serving the county in which the person operates or 61551
seeks to operate the facility. The ADAMHS board shall review the 61552
application and provide to the department any information about 61553
the applicant or the facility that the board would like the 61554
department to consider in reviewing the application. 61555

(2) A person may not apply for a license to operate a 61556
residential facility if the person is or has been the owner, 61557
operator, or manager of a residential facility for which a license 61558
to operate was revoked or for which renewal of a license was 61559
refused for any reason other than nonpayment of the license 61560
renewal fee, unless both of the following conditions are met: 61561

(a) A period of not less than two years has elapsed since the 61562
date the director of mental health and addiction services issued 61563
the order revoking or refusing to renew the facility's license. 61564

(b) The director's revocation or refusal to renew the license 61565
was not based on an act or omission at the facility that violated 61566
a resident's right to be free from abuse, neglect, or 61567
exploitation. 61568

~~(E)~~(F)(1) The department of mental health and addiction 61569
services shall inspect and license the operation of residential 61570
facilities. The department shall consider the past record of the 61571
facility and the applicant or licensee in arriving at its 61572
licensure decision. 61573

The department may issue full, probationary, and interim 61574
licenses. A full license shall expire up to three years after the 61575
date of issuance, a probationary license shall expire in a shorter 61576
period of time as specified in rules adopted by the director of 61577
~~mental health~~ mental health and addiction services under division 61578

~~(K)~~(L) of this section, and an interim license shall expire ninety 61579
days after the date of issuance. A license may be renewed in 61580
accordance with rules adopted by the director under division 61581
~~(K)~~(L) of this section. The renewal application shall be submitted 61582
by the operator. When applying for renewal of a license, the 61583
applicant shall pay to the department the renewal fee specified in 61584
rules adopted under division ~~(K)~~(L) of this section. The fee is 61585
nonrefundable. 61586

(2) The department may issue an order suspending the 61587
admission of residents to the facility or refuse to issue or renew 61588
and may revoke a license if it finds ~~the~~ any of the following: 61589

(a) The facility is not in compliance with rules adopted by 61590
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 61591
any; 61592

(b) Any facility operated by the applicant or licensee has 61593
been cited for a pattern of serious noncompliance or repeated 61594
violations of statutes or rules during the period of current or 61595
previous licenses. ~~Proceedings;~~ 61596

(c) The applicant or licensee submits false or misleading 61597
information as part of a license application, renewal, or 61598
investigation. 61599

Proceedings initiated to deny applications for full or 61600
probationary licenses or to revoke such licenses are governed by 61601
Chapter 119. of the Revised Code. An order issued pursuant to this 61602
division remains in effect during the pendency of those 61603
proceedings. 61604

~~(F)~~(G) The department may issue an interim license to operate 61605
a residential facility if both of the following conditions are 61606
met: 61607

(1) The department determines that the closing of or the need 61608
to remove residents from another residential facility has created 61609

an emergency situation requiring immediate removal of residents 61610
and an insufficient number of licensed beds are available. 61611

(2) The residential facility applying for an interim license 61612
meets standards established for interim licenses in rules adopted 61613
by the director under division ~~(K)~~(L) of this section. 61614

An interim license shall be valid for ninety days and may be 61615
renewed by the director no more than twice. Proceedings initiated 61616
to deny applications for or to revoke interim licenses under this 61617
division are not subject to Chapter 119. of the Revised Code. 61618

~~(G)~~(H)(1) The department of mental health and addiction 61619
services may conduct an inspection of a residential facility as 61620
follows: 61621

(a) Prior to issuance of a license for the facility; 61622

(b) Prior to renewal of the license; 61623

(c) To determine whether the facility has completed a plan of 61624
correction required pursuant to division ~~(G)~~(H)(2) of this section 61625
and corrected deficiencies to the satisfaction of the department 61626
and in compliance with this section and rules adopted pursuant to 61627
it; 61628

(d) Upon complaint by any individual or agency; 61629

(e) At any time the director considers an inspection to be 61630
necessary in order to determine whether the facility is in 61631
compliance with this section and rules adopted pursuant to this 61632
section. 61633

(2) In conducting inspections the department may conduct an 61634
on-site examination and evaluation of the residential facility and 61635
its personnel, activities, and services. The department shall have 61636
access to examine and copy all records, accounts, and any other 61637
documents relating to the operation of the residential facility, 61638
including records pertaining to residents, and shall have access 61639

to the facility in order to conduct interviews with the operator, 61640
staff, and residents. Following each inspection and review, the 61641
department shall complete a report listing any deficiencies, and 61642
including, when appropriate, a time table within which the 61643
operator shall correct the deficiencies. The department may 61644
require the operator to submit a plan of correction describing how 61645
the deficiencies will be corrected. 61646

~~(H)~~(I) No person shall do any of the following: 61647

(1) Operate a residential facility unless the facility holds 61648
a valid license; 61649

(2) Violate any of the conditions of licensure after having 61650
been granted a license; 61651

(3) Interfere with a state or local official's inspection or 61652
investigation of a residential facility; 61653

(4) Violate any of the provisions of this section or any 61654
rules adopted pursuant to this section. 61655

~~(I)~~(J) The following may enter a residential facility at any 61656
time: 61657

(1) Employees designated by the director of mental health and 61658
addiction services; 61659

(2) Employees of an ADAMHS board under either of the 61660
following circumstances: 61661

(a) When a resident of the facility is receiving services 61662
from a community mental health services provider under contract 61663
with that ADAMHS board or another ADAMHS board; 61664

(b) When authorized by section 340.05 of the Revised Code. 61665

(3) Employees of a community mental health services provider 61666
under either of the following circumstances: 61667

(a) When the ~~services~~ provider has a person receiving 61668

services residing in the facility; 61669

(b) When the ~~services~~ provider is acting as an agent of an 61670
ADAMHS board other than the board with which it is under contract. 61671

(4) Representatives of the state long-term care ombudsman 61672
program when the facility provides accommodations, supervision, 61673
and personal care services for three to sixteen unrelated adults 61674
or to one or two unrelated adults who are recipients under the 61675
residential state supplement program. 61676

The persons specified in division ~~(I)~~(J) of this section 61677
shall be afforded access to examine and copy all records, 61678
accounts, and any other documents relating to the operation of the 61679
residential facility, including records pertaining to residents. 61680

~~(J)~~(K) Employees of the department of mental health and 61681
addiction services may enter, for the purpose of investigation, 61682
any institution, residence, facility, or other structure which has 61683
been reported to the department as, or that the department has 61684
reasonable cause to believe is, operating as a residential 61685
facility without a valid license. 61686

~~(K)~~(L) The director shall adopt and may amend and rescind 61687
rules pursuant to Chapter 119. of the Revised Code governing the 61688
licensing and operation of residential facilities. The rules shall 61689
establish all of the following: 61690

(1) Minimum standards for the health, safety, adequacy, and 61691
cultural competency of treatment of and services for persons in 61692
residential facilities; 61693

(2) Procedures for the issuance, renewal, or revocation of 61694
the licenses of residential facilities; 61695

(3) Procedures for conducting ~~criminal records checks~~ 61696
background investigations for prospective or current operators, 61697
employees, ~~and~~ volunteers, and other non-resident occupants who 61698

may have direct access to facility residents;	61699
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	61700 61701
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	61702 61703 61704 61705 61706 61707
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	61708 61709
(7) Measures to be taken by residential facilities relative to residents' medication;	61710 61711
(8) Requirements relating to preparation of special diets;	61712
(9) The maximum number of residents who may be served in a residential facility;	61713 61714
(10) The rights of residents of residential facilities and procedures to protect such rights;	61715 61716
(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;	61717 61718 61719
(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	61720 61721
(L) <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent	61722 61723 61724 61725 61726 61727 61728

jurisdiction. 61729

(2) Any person who makes a complaint under division ~~(H)~~(M)(1) 61730
of this section, or any person who participates in an 61731
administrative or judicial proceeding resulting from such a 61732
complaint, is immune from civil liability and is not subject to 61733
criminal prosecution, other than for perjury, unless the person 61734
has acted in bad faith or with malicious purpose. 61735

~~(M)~~(N)(1) The director of mental health and addiction 61736
services may petition the court of common pleas of the county in 61737
which a residential facility is located for an order enjoining any 61738
person from operating a residential facility without a license or 61739
from operating a licensed facility when, in the director's 61740
judgment, there is a present danger to the health or safety of any 61741
of the occupants of the facility. The court shall have 61742
jurisdiction to grant such injunctive relief upon a showing that 61743
the respondent named in the petition is operating a facility 61744
without a license or there is a present danger to the health or 61745
safety of any residents of the facility. 61746

(2) When the court grants injunctive relief in the case of a 61747
facility operating without a license, the court shall issue, at a 61748
minimum, an order enjoining the facility from admitting new 61749
residents to the facility and an order requiring the facility to 61750
assist with the safe and orderly relocation of the facility's 61751
residents. 61752

(3) If injunctive relief is granted against a facility for 61753
operating without a license and the facility continues to operate 61754
without a license, the director shall refer the case to the 61755
attorney general for further action. 61756

~~(N)~~(O) The director may fine a person for violating division 61757
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 61758
a first offense; for each subsequent offense, the fine shall be 61759

one thousand dollars. The director's actions in imposing a fine 61760
shall be taken in accordance with Chapter 119. of the Revised 61761
Code. 61762

Sec. 5119.341. (A) Any person may operate a residential 61763
facility providing accommodations and personal care services for 61764
one to five unrelated persons and licensed as a residential 61765
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 61766
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 61767
use in any residential district or zone, including any 61768
single-family residential district or zone of any political 61769
subdivision. Such facilities may be required to comply with area, 61770
height, yard, and architectural compatibility requirements that 61771
are uniformly imposed upon all single-family residences within the 61772
district or zone. 61773

(B) Any person may operate a residential facility providing 61774
accommodations and personal care services for six to sixteen 61775
persons and licensed as a residential facility that meets the 61776
criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 61777
5119.34 of the Revised Code as a permitted use in any 61778
multiple-family residential district or zone of any political 61779
subdivision, except that a political subdivision that has enacted 61780
a zoning ordinance or resolution establishing planned-unit 61781
developments as defined in section 519.021 of the Revised Code may 61782
exclude such facilities from such districts, and a political 61783
subdivision that has enacted a zoning ordinance or resolution may 61784
regulate such facilities in multiple-family residential districts 61785
or zones as a conditionally permitted use or special exception, in 61786
either case, under reasonable and specific standards and 61787
conditions set out in the zoning ordinance or resolution to: 61788

(1) Require the architectural design and site layout of the 61789
home and the location, nature, and height of any walls, screens, 61790

and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation.

(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision.

(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code.

(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012.

Sec. 5119.36. (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its ~~community~~ mental health services or ~~community~~ addiction services shall submit an application to the director of mental health and addiction services. On receipt of

the application, the director may conduct an on-site review and 61822
shall evaluate the ~~provider~~ applicant to determine whether its 61823
services satisfy the standards established by rules adopted under 61824
division (E) of this section. The director shall make the 61825
evaluation, and, if the director conducts an on-site review of the 61826
~~provider~~ applicant, may make the review, in cooperation with the 61827
board of alcohol, drug addiction, and mental health services for 61828
treatment or prevention services with which the ~~provider~~ applicant 61829
seeks to contract under division (A)(8)(a) of section 340.03 of 61830
the Revised Code. 61831

(B) Subject to section 5119.371 of the Revised Code, the 61832
director shall determine whether the services of ~~an~~ a community 61833
mental health services provider applicant or community addiction 61834
services applicant satisfy the standards for certification of the 61835
services. If the director determines that ~~a community mental~~ 61836
~~health services provider's or a community addiction services~~ 61837
~~provider's~~ an applicant's services satisfy the standards for 61838
certification and the ~~provider~~ applicant has paid the fee required 61839
under division (D) of this section, the director shall certify the 61840
services. No community mental health services provider or 61841
community addiction services provider shall be eligible to receive 61842
state or federal funds, or funds administered by a board of 61843
alcohol, drug addiction, and mental health services for treatment 61844
or prevention services unless its services have been certified by 61845
the department. 61846

(C) If the director determines that a community mental health 61847
services ~~provider's~~ provider applicant's or a community addiction 61848
services ~~provider's~~ provider applicant's services do not satisfy 61849
the standards for certification, the director shall identify the 61850
areas of noncompliance, specify what action is necessary to 61851
satisfy the standards, and may offer technical assistance to the 61852
~~provider~~ applicant and to the board of alcohol, drug addiction, 61853

and mental health services so that the board may assist the 61854
~~provider~~ applicant in satisfying the standards. The director shall 61855
give the ~~provider~~ applicant a reasonable time within which to 61856
demonstrate that its services satisfy the standards or to bring 61857
the services into compliance with the standards. If the director 61858
concludes that the services continue to fail to satisfy the 61859
standards, the director may request that the board reallocate any 61860
funds for the mental health or addiction services the ~~provider~~ 61861
applicant was to provide to another community mental health or 61862
addiction services provider whose ~~community~~ mental health or 61863
~~community~~ addiction services satisfy the standards. If the board 61864
does not reallocate such funds in a reasonable period of time, the 61865
director may withhold state and federal funds for the services and 61866
allocate those funds directly to a community mental health or 61867
community addiction services provider whose services satisfy the 61868
standards. 61869

(D) Each community mental health services provider applicant 61870
or community addiction services provider applicant seeking 61871
certification of its ~~mental health or~~ addiction or mental health 61872
services under this section shall pay a fee for the certification 61873
required by this section, unless the ~~provider~~ applicant is exempt 61874
under rules adopted under division (E) of this section. Fees shall 61875
be paid into the state treasury to the credit of the sale of goods 61876
and services fund created pursuant to section 5119.45 of the 61877
Revised Code. 61878

(E) The director shall adopt rules in accordance with Chapter 61879
119. of the Revised Code to implement this section. The rules 61880
shall do all of the following: 61881

(1) Establish certification standards for mental health 61882
services and addiction services that are consistent with 61883
nationally recognized applicable standards and facilitate 61884
participation in federal assistance programs. The rules shall 61885

include as certification standards only requirements that improve 61886
the quality of services or the health and safety of persons 61887
receiving ~~community mental health and addiction~~ and mental health 61888
services. The standards shall address at a minimum all of the 61889
following: 61890

(a) Reporting major unusual incidents to the director; 61891

(b) Procedures for applicants for and persons receiving 61892
~~community mental health and addiction~~ and mental health services 61893
to file grievances and complaints; 61894

(c) Seclusion; 61895

(d) Restraint; 61896

(e) Requirements regarding physical facilities of service 61897
delivery sites; 61898

(f) Requirements with regard to health, safety, adequacy, and 61899
cultural specificity and sensitivity; 61900

(g) Standards for evaluating services; 61901

(h) Standards and procedures for granting full ~~or~~ 61902
conditional, probationary, and interim certification to a ~~service~~ 61903
community mental health services provider applicant or community 61904
addiction services applicant; 61905

(i) Standards and procedures for revoking the certification 61906
of a community mental health or addiction services provider's 61907
services that do not continue to meet the minimum standards 61908
established pursuant to this section; 61909

(j) The limitations to be placed on a provider that is 61910
granted ~~conditional~~ probationary or interim certification; 61911

(k) Development of written policies addressing the rights of 61912
persons receiving services, including all of the following: 61913

(i) The right to a copy of the written policies addressing 61914

the rights of persons receiving services;	61915
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	61916 61917
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	61918 61919 61920 61921
(iv) The right to have a client rights officer provided by the services provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	61922 61923 61924 61925 61926
(2) Establish the process for certification of community mental health and addiction <u>and mental health</u> services;	61927 61928
(3) Set the amount of certification review fees;	61929
(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	61930 61931
(F) <u>The department may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following:</u>	61932 61933 61934
(1) <u>The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section;</u>	61935 61936
(2) <u>The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.</u>	61937 61938 61939
(G) The department shall maintain a current list of <u>community addiction services</u> providers whose addiction services are certified by the department under division (B) of this section and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division	61940 61941 61942 61943 61944

(H) of section 2925.03 of the Revised Code. The list of ~~certified~~ 61945
~~addiction services~~ shall identify each provider by its name, its 61946
address, and the county in which it is located. 61947

~~(G)~~(H) No person shall represent in any manner that a 61948
provider is certified by the department if the provider is not 61949
certified at the time the representation is made. 61950

Sec. 5119.361. The director of mental health and addiction 61951
services shall require that each board of alcohol, drug addiction, 61952
and mental health services ensure that each community mental 61953
health services provider and community addiction services provider 61954
with which it contracts under division (A)(8)(a) of section 340.03 61955
of the Revised Code to provide ~~community mental health or~~ 61956
addiction or mental health services establish grievance procedures 61957
consistent with rules adopted under section 5119.36 of the Revised 61958
Code that are available to all persons seeking or receiving 61959
services from a community mental health or addiction services 61960
provider. 61961

Sec. 5119.365. The director of mental health and addiction 61962
services shall adopt rules in accordance with Chapter 119. of the 61963
Revised Code to do both of the following: 61964

(A) Streamline the intake procedures used by a community 61965
addiction services provider accepting and beginning to serve a new 61966
~~patient~~ individual, including procedures regarding intake forms 61967
and questionnaires; 61968

(B) Enable a community addiction services provider to retain 61969
~~a patient~~ an individual as an active patient even though the 61970
patient last received services from the provider more than thirty 61971
days before resumption of services so that the ~~patient~~ individual 61972
and provider do not have to repeat the intake procedures. 61973

Sec. 5119.41. (A) As used in this section and section	61974
5119.411 of the Revised Code:	61975
(1) "Nursing facility" has the same meaning as in section	61976
5165.01 of the Revised Code.	61977
(2) "Residential state supplement administrative agency"	61978
means the department of mental health and addiction services or,	61979
if the department designates an entity under division (C) of this	61980
section for a particular area, the designated entity.	61981
(3) "Residential state supplement program" means the program	61982
administered pursuant to this section.	61983
(B) The department of mental health and addiction services	61984
shall implement the residential state supplement program under	61985
which the state supplements the supplemental security income	61986
payments received by aged, blind, or disabled adults under Title	61987
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq.	61988
Residential state supplement payments shall be used for the	61989
provision of accommodations, supervision, and personal care	61990
services to social security, supplemental security income, and	61991
social security disability insurance recipients who the department	61992
determines are at risk of needing institutional care.	61993
(C) In implementing the program, the department may designate	61994
one or more entities to be responsible for providing	61995
administrative services regarding the program. The department may	61996
designate an entity to be a residential state supplement	61997
administrative agency under this division either by entering into	61998
a contract with the entity to serve in that capacity or by	61999
otherwise delegating to the entity the responsibility to serve in	62000
that capacity.	62001
(D) For an individual to be eligible for residential state	62002
supplement payments, all of the following must be the case:	62003

(1) Except as provided by division ~~(H)~~(G) of this section, 62004
the individual must reside in one of the following living 62005
arrangements: 62006

(a) A residential care facility licensed by the department of 62007
health under Chapter 3721. of the Revised Code or an assisted 62008
living program as defined in section 5111.89 of the Revised Code; 62009

~~(b) A residential facility as defined in division (A)(9)(b)~~ 62010
~~of licensed by the department of mental health and addiction~~ 62011
~~services under section 5119.34 of the Revised Code licensed by the~~ 62012
~~department of mental health and addiction services;~~ 62013

~~(c) An apartment or room used to provide community mental~~ 62014
~~health housing services certified by the department of mental~~ 62015
~~health and addiction services under section 5119.36 of the Revised~~ 62016
~~Code and approved by a board of alcohol, drug addiction, and~~ 62017
~~mental health services under division (A)(14) of section 340.03 of~~ 62018
~~the Revised Code.~~ 62019

~~(2) A residential state supplement administrative agency must~~ 62020
~~have determined that the environment in which the individual will~~ 62021
~~be living while receiving the payments is appropriate for the~~ 62022
~~individual's needs. If the individual is eligible for social~~ 62023
~~security payments, supplemental security income payments, or~~ 62024
~~social security disability insurance benefits because of a mental~~ 62025
~~disability, the If a residential state supplement administrative~~ 62026
~~agency is aware that an individual enrolled in the program has~~ 62027
~~mental health needs, the agency shall refer the individual to a~~ 62028
~~community mental health services provider for an assessment under~~ 62029
~~pursuant to division (A) of section 340.091 of the Revised Code.~~ 62030

(3) The individual satisfies all eligibility requirements 62031
established by rules adopted under division (E) of this section. 62032

(4) An individual residing in a living arrangement housing 62033
more than sixteen individuals shall not be eligible for inclusion 62034

in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.

(E) The director of mental health and addiction services and medicaid director shall adopt rules in accordance with ~~section 111.15~~ Chapter 119. of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security payments or social security disability insurance benefits provided under Title II of the "Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of mental health and addiction services may adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The

amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

(F) The county department of job and family services of the county in which an applicant for the residential state supplement program resides or the department of medicaid shall determine whether the applicant meets income and resource requirements for the program.

~~(G) The department of mental health and addiction services shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (D)(1) of this section at the time of application. The director of mental health and addiction services, by rules adopted in accordance with Chapter 119. of the Revised Code, may specify procedures and requirements for placing an individual on the waiting list and priorities for the order in which individuals placed on the waiting list are to begin to receive residential state supplement payments. The rules specifying priorities may give priority to individuals placed on the waiting list on or after July 1, 2006, who receive social security payments, social security disability insurance, or supplemental security income benefits under Title XVI of the "Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.~~

~~(H) An individual in a licensed or certified living~~

arrangement receiving state supplementation on November 15, 1990, 62099
under former section 5101.531 of the Revised Code shall not become 62100
ineligible for payments under this section solely by reason of the 62101
individual's living arrangement as long as the individual remains 62102
in the living arrangement in which the individual resided on 62103
November 15, 1990. 62104

~~(I)~~(H) The county department of job and family services from 62105
which the person is receiving benefits or the department of 62106
medicaid shall notify each person denied approval for payments 62107
under this section of the person's right to a hearing. On request, 62108
the hearing shall be provided in accordance with ~~Chapter 119.~~ 62109
section 5101.35 of the Revised Code. 62110

Sec. 5119.44. As used in this section, "free clinic" has the 62111
same meaning as in section 2305.2341 of the Revised Code. 62112

(A) The department of mental health and addiction services 62113
may provide certain goods and services for the department of 62114
mental health and addiction services, the department of 62115
developmental disabilities, the department of rehabilitation and 62116
correction, the department of youth services, and other state, 62117
county, or municipal agencies requesting such goods and services 62118
when the department of mental health and addiction services 62119
determines that it is in the public interest, and considers it 62120
advisable, to provide these goods and services. The department of 62121
mental health and addiction services also may provide goods and 62122
services to agencies operated by the United States government and 62123
to public or private nonprofit agencies, other than free clinics, 62124
that are funded in whole or in part by the state if the public or 62125
private nonprofit agencies are designated for participation in 62126
this program by the director of mental health and addiction 62127
services for community addiction services providers and community 62128
mental health services providers, the director of developmental 62129

disabilities for community mental retardation and developmental 62130
disabilities agencies, the director of rehabilitation and 62131
correction for community rehabilitation and correction agencies, 62132
or the director of youth services for community youth services 62133
agencies. 62134

Designated community agencies or services providers shall 62135
receive goods and services through the department of mental health 62136
and addiction services only in those cases where the designating 62137
state agency certifies that providing such goods and services to 62138
the agency or services provider will conserve public resources to 62139
the benefit of the public and where the provision of such goods 62140
and services is considered feasible by the department of mental 62141
health and addiction services. 62142

(B) The department of mental health and addiction services 62143
may permit free clinics to purchase certain goods and services to 62144
the extent the purchases fall within the exemption to the 62145
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 62146
institutions, in 15 U.S.C. 13c, as amended. 62147

(C) The goods and services that may be provided by the 62148
department of mental health and addiction services under divisions 62149
(A) and (B) of this section may include: 62150

(1) Procurement, storage, processing, and distribution of 62151
food and professional consultation on food operations; 62152

(2) Procurement, storage, and distribution of medical and 62153
laboratory supplies, dental supplies, medical records, forms, 62154
optical supplies, and sundries, subject to section 5120.135 of the 62155
Revised Code; 62156

(3) Procurement, storage, repackaging, distribution, and 62157
dispensing of drugs, the provision of professional pharmacy 62158
consultation, and drug information services; 62159

(4) Other goods and services. 62160

(D) The department of mental health and addiction services 62161
may provide the goods and services designated in division (C) of 62162
this section to its institutions and to state-operated 62163
community-based mental health or addiction services providers. 62164

(E) After consultation with and advice from the director of 62165
developmental disabilities, the director of rehabilitation and 62166
correction, and the director of youth services, the department of 62167
mental health and addiction services may provide the goods and 62168
services designated in division (C) of this section to the 62169
department of developmental disabilities, the department of 62170
rehabilitation and correction, and the department of youth 62171
services. 62172

(F) The cost of administration of this section shall be 62173
determined by the department of mental health and addiction 62174
services and paid by the agencies, services providers, or free 62175
clinics receiving the goods and services to the department for 62176
deposit in the state treasury to the credit of the ~~office of~~ 62177
~~support~~ Ohio pharmacy services fund, which is hereby created. The 62178
fund shall be used to pay the cost of administration of this 62179
section to the department. 62180

(G) Whenever a state agency fails to make a payment for goods 62181
and services provided under this section within thirty-one days 62182
after the date the payment was due, the office of budget and 62183
management may transfer moneys from the state agency to the 62184
department of mental health and addiction services. The amount 62185
transferred shall not exceed the amount of overdue payments. Prior 62186
to making a transfer under this division, the office of budget and 62187
management shall apply any credits the state agency has 62188
accumulated in payments for goods and services provided under this 62189
section. 62190

(H) Purchases of goods and services under this section are 62191
not subject to section 307.86 of the Revised Code. 62192

Sec. 5119.61. (A) The department of mental health and 62193
addiction services shall collect and compile statistics and other 62194
information on the care and treatment of mentally disabled 62195
persons, and the care, treatment, and rehabilitation of 62196
alcoholics, drug dependent persons, and persons in danger of drug 62197
dependence in this state, including, without limitation, 62198
information on the number of such persons, the type of drug 62199
involved, the type of care, treatment, or rehabilitation 62200
prescribed or undertaken, and the success or failure of the care, 62201
treatment, or rehabilitation. The department shall collect 62202
information about services delivered and persons served as 62203
required for reporting and evaluation relating to state and 62204
federal funds expended for such purposes. 62205

(B) No alcohol, drug addiction, or mental health services 62206
provider shall fail to supply statistics and other information 62207
within its knowledge and with respect to its services, upon 62208
request of the department. 62209

(C) Communications by a person seeking aid in good faith for 62210
alcoholism or drug dependence are confidential, and this section 62211
does not require the collection or permit the disclosure of 62212
information which reveals or comprises the identity of any person 62213
seeking aid. 62214

(D) Based on the information collected and compiled under 62215
division (A) of this section, the department shall develop a 62216
project to assess the outcomes of persons served by community 62217
alcohol and drug addiction services providers and community mental 62218
health services providers that receive funds distributed by the 62219
department. 62220

Sec. 5119.94. (A) Upon receipt of a petition filed under 62221
section 5119.93 of the Revised Code and the payment of the 62222

appropriate filing fee, if any, the probate court shall examine 62223
the petitioner under oath as to the contents of the petition. 62224

(B) If, after reviewing the allegations contained in the 62225
petition and examining the petitioner under oath, it appears to 62226
the probate court that there is probable cause to believe the 62227
respondent may reasonably benefit from treatment, the court shall 62228
do all of the following: 62229

(1) Schedule a hearing to be held within seven days to 62230
determine if there is clear and convincing evidence that the 62231
respondent may reasonably benefit from treatment for alcohol and 62232
other drug abuse; 62233

(2) Notify the respondent, the legal guardian, if any and if 62234
known, and the spouse, parents, or nearest relative or friend of 62235
the respondent concerning the allegations and contents of the 62236
petition and of the date and purpose of the hearing; 62237

(3) Notify the respondent that the respondent may retain 62238
counsel and, if the person is unable to obtain an attorney, that 62239
the respondent may be represented by court-appointed counsel at 62240
public expense if the person is indigent. Upon the appointment of 62241
an attorney to represent an indigent respondent, the court shall 62242
notify the respondent of the name, address, and telephone number 62243
of the attorney appointed to represent the respondent. 62244

(4) Notify the respondent that the court shall cause the 62245
respondent to be examined not later than twenty-four hours before 62246
the hearing date by a physician for the purpose of a physical 62247
examination and by a qualified health professional for the purpose 62248
of a drug and alcohol addiction assessment and diagnosis. In 62249
addition, the court shall notify the respondent that the 62250
respondent may have an independent expert evaluation of the 62251
person's physical and mental condition conducted at the 62252
respondent's own expense. 62253

(5) Cause the respondent to be examined not later than 62254
twenty-four hours before the hearing date by a physician for the 62255
purpose of a physical examination and by a qualified health 62256
professional for the purpose of a drug and alcohol addiction 62257
assessment and diagnosis; 62258

(6) Conduct the hearing. 62259

(C) The physician and qualified health professional who 62260
examine the respondent pursuant to division (B)(5) of this section 62261
or who are obtained by the respondent at the respondent's own 62262
expense shall certify their findings to the court within 62263
twenty-four hours of the examinations. The findings of each 62264
qualified health professional shall include a recommendation for 62265
treatment if the qualified health professional determines that 62266
treatment is necessary. 62267

(D)(1) If upon completion of the hearing held under this 62268
section the probate court finds by clear and convincing evidence 62269
that the respondent may reasonably benefit from treatment, the 62270
court may order the treatment after considering the qualified 62271
health professionals' recommendations for treatment that have been 62272
submitted to the court under division (C) of this section. If the 62273
court orders the treatment under this division, the court shall 62274
order the treatment to be provided through a community addiction 62275
services provider ~~certified under section 5119.36 of the Revised~~ 62276
~~Code~~ or by an individual licensed or certified by the state 62277
medical board under Chapter 4731. of the Revised Code, the 62278
chemical dependency professionals board under Chapter 4758. of the 62279
Revised Code, the counselor, social worker, and marriage and 62280
family therapist board under Chapter 4757. of the Revised Code, or 62281
a similar board of another state authorized to provide substance 62282
abuse treatment. 62283

(2) Failure of a respondent to undergo and complete any 62284
treatment ordered pursuant to this division is contempt of court. 62285

Any ~~alcohol and drug~~ community addiction ~~program~~ services provider 62286
or person providing treatment under this division shall notify the 62287
probate court of a respondent's failure to undergo or complete the 62288
ordered treatment. 62289

(E) If, at any time after a petition is filed under section 62290
5119.93 of the Revised Code, the probate court finds that there is 62291
not probable cause to continue treatment or if the petitioner 62292
withdraws the petition, then the court shall dismiss the 62293
proceedings against the respondent. 62294

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 62295
Revised Code is guilty of a misdemeanor of the first degree. 62296

(B) Whoever violates division (B) of section 5119.61 of the 62297
Revised Code is guilty of a misdemeanor of the fourth degree. 62298

(C) Whoever violates section 5119.27 or 5119.28 or division 62299
~~(G)~~(H) of section 5119.36 of the Revised Code is guilty of a 62300
felony of the fifth degree. 62301

Sec. 5120.112. (A) The division of parole and community 62302
services shall accept applications for state financial assistance 62303
for the renovation, maintenance, and operation of proposed and 62304
approved community-based correctional facilities and programs and 62305
district community-based correctional facilities and programs that 62306
are filed in accordance with section 2301.56 of the Revised Code. 62307
The division, upon receipt of an application for a particular 62308
facility and program, shall determine whether the application is 62309
in proper form, whether the applicant satisfies the standards of 62310
operation that are prescribed by the department of rehabilitation 62311
and correction under section 5120.111 of the Revised Code, whether 62312
the applicant has established the facility and program, and, if 62313
the applicant has not at that time established the facility and 62314
program, whether the proposal of the applicant sufficiently 62315

indicates that the standards will be satisfied upon the 62316
establishment of the facility and program. If the division 62317
determines that the application is in proper form and that the 62318
applicant has satisfied or will satisfy the standards of the 62319
department, the division shall notify the applicant that it is 62320
qualified to receive state financial assistance for the facility 62321
and program under this section from moneys made available to the 62322
division for purposes of providing assistance to community-based 62323
correctional facilities and programs and district community-based 62324
correctional facilities and programs. 62325

(B) The amount of state financial assistance that is awarded 62326
to a qualified applicant under this section shall be determined by 62327
the division of parole and community services in accordance with 62328
this division. In determining the amount of state financial 62329
assistance to be awarded to a qualified applicant under this 62330
section, the division shall not calculate the cost of an offender 62331
incarcerated in a community-based correctional facility and 62332
program or district community-based correctional facility program 62333
to be greater than the average yearly cost of incarceration per 62334
inmate in all state correctional institutions, as defined in 62335
section 2967.01 of the Revised Code, as determined by the 62336
department of rehabilitation and correction. 62337

The times and manner of distribution of state financial 62338
assistance to be awarded to a qualified applicant under this 62339
section shall be determined by the division of parole and 62340
community services. 62341

(C) Upon approval of a proposal for a community-based 62342
correctional facility and program or a district community-based 62343
correctional facility and program by the division of parole and 62344
community services, the facility governing board, upon the advice 62345
of the judicial advisory board, shall enter into an award 62346
agreement with the department of rehabilitation and correction 62347

that outlines terms and conditions of the agreement on an annual 62348
basis. In the award agreement, the facility governing board shall 62349
identify a fiscal agent responsible for the deposit of funds and 62350
compliance with sections 2301.55 and 2301.56 of the Revised Code. 62351

(D) No state financial assistance shall be distributed to a 62352
qualified applicant until an agreement concerning the assistance 62353
has been entered into by the director of rehabilitation and 62354
correction and the deputy director of the division of parole and 62355
community services on the part of the state, and by the 62356
chairperson of the facility governing board of the community-based 62357
correctional facility and program or district community-based 62358
correctional facility and program to receive the financial 62359
assistance, whichever is applicable. The agreement shall be 62360
effective for a period of one year from the date of the agreement 62361
and shall specify all terms and conditions that are applicable to 62362
the awarding of the assistance, including, but not limited to: 62363

(1) The total amount of assistance to be awarded for each 62364
community-based correctional facility and program or district 62365
community-based correctional facility and program, and the times 62366
and manner of the payment of the assistance; 62367

(2) How persons who will staff and operate the facility and 62368
program are to be utilized during the period for which the 62369
assistance is to be granted, including descriptions of their 62370
positions and duties, and their salaries and fringe benefits; 62371

(3) A statement that none of the persons who will staff and 62372
operate the facility and program, including those who are 62373
receiving some or all of their salaries out of funds received by 62374
the facility and program as state financial assistance, are 62375
employees or are to be considered as being employees of the 62376
department of rehabilitation and correction, and a statement that 62377
the employees who will staff and operate that facility and program 62378
are employees of the facility and program; 62379

(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code, including, but not limited to, sections 125.01 to 125.11 and Chapter 153. of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into

pursuant to division (D) of this section. 62411

(F) The division of parole and community services may expend 62412
up to one-half per cent of the annual appropriation made for 62413
community-based correctional facility programs, for goods or 62414
services that benefit those programs. 62415

Sec. 5120.135. (A) As used in this section, "laboratory 62416
services" includes the performance of medical laboratory analysis; 62417
professional laboratory and pathologist consultation; the 62418
procurement, storage, and distribution of laboratory supplies; and 62419
the performance of phlebotomy services. 62420

(B) The department of rehabilitation and correction may 62421
provide laboratory services to the departments of mental health 62422
and addiction services, developmental disabilities, youth 62423
services, and rehabilitation and correction. The department of 62424
rehabilitation and correction may also provide laboratory services 62425
to other state, county, or municipal agencies and to private 62426
persons that request laboratory services if the department of 62427
rehabilitation and correction determines that the provision of 62428
laboratory services is in the public interest and considers it 62429
advisable to provide such services. The department of 62430
rehabilitation and correction may also provide laboratory services 62431
to agencies operated by the United States government and to public 62432
and private entities funded in whole or in part by the state if 62433
the director of rehabilitation and correction designates them as 62434
eligible to receive such services. 62435

The department of rehabilitation and correction shall provide 62436
laboratory services from a laboratory that complies with the 62437
standards for certification set by the United States department of 62438
health and human services under the "Clinical Laboratory 62439
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 62440
In addition, the laboratory shall maintain accreditation or 62441

certification with an appropriate accrediting or certifying 62442
organization as considered necessary by the recipients of its 62443
laboratory services and as authorized by the director of 62444
rehabilitation and correction. 62445

~~(C) The cost of administering this section shall be 62446
determined by the department of rehabilitation and correction and 62447
shall be paid by entities that receive laboratory services to the 62448
department for deposit in the state treasury to the credit of the 62449
laboratory services fund, which is hereby created. The fund shall 62450
be used to pay the costs the department incurs in administering 62451
this section. 62452~~

~~(D) Whenever a state agency fails to make a payment for 62453
laboratory services provided to it by the department of 62454
rehabilitation and correction under this section within thirty one 62455
days after the date the payment was due, the office of budget and 62456
management may transfer moneys from that state agency to the 62457
department of rehabilitation and correction for deposit to the 62458
credit of the laboratory services fund. The amount transferred 62459
shall not exceed the amount of the overdue payments. Prior to 62460
making a transfer under this division, the office shall apply any 62461
credits the state agency has accumulated in payment for laboratory 62462
services provided under this section. 62463~~

Sec. 5120.28. (A) The department of rehabilitation and 62464
correction, ~~subject to the approval of the office of budget and 62465
management,~~ shall fix the prices at which all labor and services 62466
performed, all agricultural products produced, and all articles 62467
manufactured in correctional and penal institutions shall be 62468
furnished to the state, the political subdivisions of the state, 62469
and the public institutions of the state and the political 62470
subdivisions, and to private persons. The prices shall be uniform 62471
to all and not higher than the usual market price for like labor, 62472

products, services, and articles. 62473

(B) Any money received by the department of rehabilitation 62474
and correction for labor and services performed shall be deposited 62475
into the institutional services fund created pursuant to division 62476
(A) of section 5120.29 of the Revised Code and shall be used and 62477
accounted for as provided in that section and division (B) of 62478
section 5145.03 of the Revised Code. 62479

(C) Any money received by the department of rehabilitation 62480
and correction for articles manufactured and agricultural products 62481
produced in penal and correctional institutions shall be deposited 62482
into the Ohio penal industries manufacturing fund created pursuant 62483
to division (B) of section 5120.29 of the Revised Code and shall 62484
be used and accounted for as provided in that section and division 62485
(B) of section 5145.03 of the Revised Code. 62486

Sec. 5120.38. Subject to the rules of the department of 62487
rehabilitation and correction, each institution under the 62488
department's jurisdiction other than an institution operated 62489
pursuant to a contract entered into under section 9.06 of the 62490
Revised Code shall be under the control of a managing officer 62491
known as a warden or other appropriate title. The managing officer 62492
shall be appointed by the director of ~~the department of~~ 62493
rehabilitation and correction and shall be in the unclassified 62494
service and serve at the pleasure of the director. Appointment to 62495
the position of managing officer shall be made from persons who 62496
have criminal justice experience. 62497

A person who is appointed to the position of managing officer 62498
from a permanent, classified position ~~in the classified service~~ 62499
within the department shall retain the right to resume the 62500
position and status that the person held in the classified service 62501
immediately prior to the person's appointment to the position in 62502
the unclassified service, regardless of the number of positions 62503

~~the person held in the unclassified service. Upon being relieved~~ 62504
~~of the person's duties as managing officer, the person shall be~~ 62505
~~reinstated to the~~ An employee's right to resume a position in the 62506
~~classified service that the person held immediately prior may be~~ 62507
~~exercised only when an appointing authority demotes the employee~~ 62508
~~to a pay range lower than the employee's current pay range or~~ 62509
~~revokes the employee's appointment to the position of managing~~ 62510
~~officer or to another position that~~ in the unclassified service. 62511
An employee forfeits the right to resume a position in the 62512
classified service if the employee is removed from a position in 62513
the unclassified service due to incompetence, inefficiency, 62514
dishonesty, drunkenness, immoral conduct, insubordination, 62515
discourteous treatment of the public, neglect of duty, a violation 62516
of this chapter or the rules of the department or the director, 62517
~~with approval of the state department of administrative services,~~ 62518
~~certifies as being~~ any other failure of good behavior, any other 62519
acts of misfeasance, malfeasance, or nonfeasance in office, or 62520
conviction of or plea of guilty to a felony. An employee also 62521
forfeits the right to resume the prior position in the classified 62522
service upon transfer to a different agency. Reinstatement to a 62523
position in the classified service shall be to a position 62524
substantially equal to ~~that prior~~ the position in the classified 62525
service that the person previously held, as certified by the 62526
director of rehabilitation and correction and approved by the 62527
director of administrative services. If the position the person 62528
previously held in the classified service has been placed in the 62529
unclassified service or is otherwise unavailable, the person shall 62530
be appointed to a position in the classified service within the 62531
department that the director of administrative services certifies 62532
is comparable in compensation to the position the person 62533
previously held in the classified service. Service as a managing 62534
officer in a position in the unclassified service shall be counted 62535
as service in the position in the classified service held by the 62536

person immediately preceding the person's appointment ~~as managing~~ 62537
~~officer~~ to the position in the unclassified service. ~~A~~ When a 62538
person ~~who~~ is reinstated to a position in the classified service, 62539
as provided in this section, ~~shall be the person is~~ entitled to 62540
all rights and ~~emoluments~~ benefits and any status accruing to the 62541
position in the classified service during the time of the person's 62542
service ~~as managing officer in the position in the unclassified~~ 62543
service. 62544

The managing officer, under the director of rehabilitation 62545
and correction, shall have entire executive charge of the 62546
institution for which the managing officer is appointed. Subject 62547
to civil service rules and regulations, the managing officer shall 62548
appoint the necessary employees and the managing officer or the 62549
director may remove such employees for cause. ~~A report of all~~ 62550
~~appointments, resignations, and discharges shall be filed with the~~ 62551
~~director at the close of each month.~~ 62552

Sec. 5120.381. Subject to the rules of the department of 62553
rehabilitation and correction, the director of rehabilitation and 62554
correction may appoint a deputy warden for each institution under 62555
the jurisdiction of the department. A deputy warden shall be in 62556
the unclassified service and serve at the pleasure of the director 62557
of rehabilitation and correction. The director of rehabilitation 62558
and correction shall make an appointment to the position of deputy 62559
warden from persons having criminal justice experience. A person 62560
who is appointed to a position as deputy warden from a permanent, 62561
classified position in the classified service within the 62562
department shall retain the right to resume the position and 62563
status that the person held in the classified service immediately 62564
prior to the person's appointment to the position in the 62565
unclassified service, regardless of the number of positions the 62566
person held in the unclassified service. ~~If the person is relieved~~ 62567
~~of the person's duties as deputy warden, the director shall~~ 62568

~~reinstate the person to the~~ An employee's right to resume a 62569
~~position in the classified service that the person held~~ 62570
~~immediately prior to the appointment as deputy warden or to~~ 62571
~~another position that is certified by~~ may be exercised only when 62572
an appointing authority demotes the employee to a pay range lower 62573
than the employee's current pay range or revokes the employee's 62574
appointment to the unclassified service. An employee forfeits the 62575
right to resume a position in the classified service when the 62576
employee is removed from the position in the unclassified service 62577
due to incompetence, inefficiency, dishonesty, drunkenness, 62578
immoral conduct, insubordination, discourteous treatment of the 62579
public, neglect of duty, a violation of this chapter or the rules 62580
of the department or the director, with approval of the department 62581
of administrative services, as being any other failure of good 62582
behavior, any other acts of misfeasance, malfeasance, or 62583
nonfeasance in office, or conviction of or plea of guilty to a 62584
felony. An employee also forfeits the right to resume the prior 62585
position in the classified service upon transfer to a different 62586
agency. Reinstatement to a position in the classified service 62587
shall be to a position substantially equal to that prior the 62588
position in the classified service that the person previously 62589
held, as certified by the director of rehabilitation and 62590
correction and approved by the director of administrative 62591
services. If the position the person previously held in the 62592
classified service has been placed in the unclassified service or 62593
is otherwise unavailable, the person shall be appointed to a 62594
position in the classified service within the department that the 62595
director of administrative services certifies is comparable in 62596
compensation to the position the person previously held in the 62597
classified service. Service as deputy warden in the position in 62598
the unclassified service shall be counted as service in the 62599
position in the classified service that the person held 62600
immediately preceding the person's appointment as deputy warden to 62601

the position in the unclassified service. A When a person who is 62602
reinstated to a position in the classified service as provided in 62603
this section, the person is entitled to all rights and ~~emoluments~~ 62604
benefits and any status accruing to the position during the time 62605
of the person's service ~~as deputy warden~~ in the unclassified 62606
service. 62607

Sec. 5120.382. Except as otherwise provided in this chapter 62608
for appointments by division chiefs and managing officers, the 62609
director of rehabilitation and correction shall appoint employees 62610
who are necessary for the efficient conduct of the department of 62611
rehabilitation and correction and prescribe their titles and 62612
duties. A person who is appointed to an unclassified position from 62613
a permanent, classified position in the classified service within 62614
the department shall ~~serve at the pleasure of the director and~~ 62615
retain the right to resume the position and status that the person 62616
held in the classified service immediately prior to the person's 62617
appointment to the position in the unclassified service, 62618
regardless of the number of positions the person held in the 62619
unclassified service. ~~If the person is relieved of the person's~~ 62620
~~duties for the unclassified position, the director shall reinstate~~ 62621
~~the person to the~~ An employee's right to resume a position in the 62622
classified service ~~that the person held immediately prior to the~~ 62623
~~appointment or to another position that is certified by~~ may be 62624
exercised only when an appointing authority demotes the employee 62625
to a pay range lower than the employee's current pay range or 62626
revokes the employee's appointment to the unclassified service. An 62627
employee forfeits the right to resume a position in the classified 62628
service when the employee is removed from the position in the 62629
unclassified service due to incompetence, inefficiency, 62630
dishonesty, drunkenness, immoral conduct, insubordination, 62631
discourteous treatment of the public, neglect of duty, a violation 62632
of this chapter or the rules of the department or the director, 62633

with approval of the department of administrative services, as 62634
being any other failure of good behavior, any other acts of 62635
misfeasance, malfeasance, or nonfeasance in office, or conviction 62636
of or plea of guilty to a felony. An employee also forfeits the 62637
right to resume the prior position in the classified service upon 62638
transfer to a different agency. Reinstatement to a position in the 62639
classified service shall be to a position substantially equal to 62640
that prior classified the position in the classified service that 62641
the person previously held, as certified by the director of 62642
rehabilitation and correction and approved by the director of 62643
administrative services. If the position the person previously 62644
held in the classified service has been placed in the unclassified 62645
service or is otherwise unavailable, the person shall be appointed 62646
to a position in the classified service within the department that 62647
the director of administrative services certifies is comparable in 62648
compensation to the position the person previously held in the 62649
classified service. Service in the position in the unclassified 62650
service pursuant to the appointment shall be counted as service in 62651
the position in the classified service that the person held 62652
immediately preceding the person's appointment to the position in 62653
the unclassified service. A When a person who is reinstated to a 62654
position in the classified service as provided in this section, 62655
the person is entitled to all rights and ~~emoluments~~ benefits and 62656
any status accruing to the position in the classified service 62657
during the time of the person's service in the position in the 62658
unclassified service. 62659

Sec. 5122.31. (A) All certificates, applications, records, 62660
and reports made for the purpose of this chapter and sections 62661
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 62662
Code, other than court journal entries or court docket entries, 62663
and directly or indirectly identifying a patient or former patient 62664
or person whose hospitalization or commitment has been sought 62665

under this chapter, shall be kept confidential and shall not be 62666
disclosed by any person except: 62667

(1) If the person identified, or the person's legal guardian, 62668
if any, or if the person is a minor, the person's parent or legal 62669
guardian, consents, and if the disclosure is in the best interests 62670
of the person, as may be determined by the court for judicial 62671
records and by the chief clinical officer for medical records; 62672

(2) When disclosure is provided for in this chapter or 62673
Chapters 340. or 5119. of the Revised Code or in accordance with 62674
other provisions of state or federal law authorizing such 62675
disclosure; 62676

(3) That hospitals, boards of alcohol, drug addiction, and 62677
mental health services, and community mental health services 62678
providers may release necessary medical information to insurers 62679
and other third-party payers, including government entities 62680
responsible for processing and authorizing payment, to obtain 62681
payment for goods and services furnished to the patient; 62682

(4) Pursuant to a court order signed by a judge; 62683

(5) That a patient shall be granted access to the patient's 62684
own psychiatric and medical records, unless access specifically is 62685
restricted in a patient's treatment plan for clear treatment 62686
reasons; 62687

(6) That hospitals and other institutions and facilities 62688
within the department of mental health and addiction services may 62689
exchange psychiatric records and other pertinent information with 62690
other hospitals, institutions, and facilities of the department, 62691
and with community mental health services providers and boards of 62692
alcohol, drug addiction, and mental health services with which the 62693
department has a current agreement for patient care or services. 62694
Records and information that may be released pursuant to this 62695

division shall be limited to medication history, physical health 62696
status and history, financial status, summary of course of 62697
treatment in the hospital, summary of treatment needs, and a 62698
discharge summary, if any. 62699

(7) That hospitals within the department and other 62700
institutions and facilities within the department may exchange 62701
psychiatric records and other pertinent information with payers 62702
and other providers of treatment and health services if the 62703
purpose of the exchange is to facilitate continuity of care for a 62704
patient or for the emergency treatment of an individual; 62705

(8) That a patient's family member who is involved in the 62706
provision, planning, and monitoring of services to the patient may 62707
receive medication information, a summary of the patient's 62708
diagnosis and prognosis, and a list of the services and personnel 62709
available to assist the patient and the patient's family, if the 62710
patient's treating physician determines that the disclosure would 62711
be in the best interests of the patient. No such disclosure shall 62712
be made unless the patient is notified first and receives the 62713
information and does not object to the disclosure. 62714

(9) That community mental health services providers may 62715
exchange psychiatric records and certain other information with 62716
the board of alcohol, drug addiction, and mental health services 62717
and other services providers in order to provide services to a 62718
person involuntarily committed to a board. Release of records 62719
under this division shall be limited to medication history, 62720
physical health status and history, financial status, summary of 62721
course of treatment, summary of treatment needs, and discharge 62722
summary, if any. 62723

(10) That information may be disclosed to the executor or the 62724
administrator of an estate of a deceased patient when the 62725
information is necessary to administer the estate; 62726

(11) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

(12) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(13) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The department shall not disclose those records unless the inmate or offender is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

(14) That records and reports relating to a person who has

been deceased for fifty years or more are no longer considered 62759
confidential. 62760

(B) Before records are disclosed pursuant to divisions 62761
(A)(3), (6), and (9) of this section, the custodian of the records 62762
shall attempt to obtain the patient's consent for the disclosure. 62763
No person shall reveal the contents of a medical record of a 62764
patient except as authorized by law. 62765

(C) The managing officer of a hospital who releases necessary 62766
medical information under division (A)(3) of this section to allow 62767
an insurance carrier or other third party payor to comply with 62768
section 5121.43 of the Revised Code shall neither be subject to 62769
criminal nor civil liability. 62770

Sec. 5122.36. If the legal residence of a person suffering 62771
from mental illness is in another county of the state, the 62772
necessary expense of the person's return is a proper charge 62773
against the county of legal residence. If an adjudication and 62774
order of hospitalization by the probate court of the county of 62775
temporary residence are required, the regular probate court fees 62776
and expenses incident to the order of hospitalization under this 62777
chapter and any other expense incurred on the person's behalf 62778
shall be charged to and paid by the county of the person's legal 62779
residence upon the approval and certification of the probate judge 62780
of ~~that~~ the county of the person's legal residence. The ordering 62781
court shall send to the probate court of the person's county of 62782
legal residence a certified ~~transcript of all proceedings had in~~ 62783
copy of the commitment order from the ordering court. The 62784
receiving court shall enter and record the ~~transcript~~ commitment 62785
order. The certified ~~transcript~~ commitment order is prima facie 62786
evidence of the residence of the person. When the residence of the 62787
person cannot be established as represented by the ordering court, 62788
the matter of residence shall be referred to the department of 62789

mental health and addiction services for investigation and 62790
determination. 62791

Sec. 5123.032. (A) As used in this section, ~~"developmental:~~ 62792

(1) "Closed" or "closure" means a situation in which either 62793
of the following occurs: 62794

(a) A developmental center ceases operations; 62795

(b) Control of a developmental center is transferred from the 62796
department of developmental disabilities to another entity that is 62797
not a government entity. 62798

(2) "Developmental center" means any institution or facility 62799
of the department of developmental disabilities that, on or after 62800
January 30, 2004, is named, designated, or referred to as a 62801
developmental center. 62802

(B) Notwithstanding any other provision of law, any closure 62803
of a developmental center shall be subject to, and in accordance 62804
with, this section. 62805

~~(C) Notwithstanding any other provision of law, at least ten 62806
days prior to making any official, public announcement that the 62807
governor intends to close one or more developmental centers, the 62808
governor shall notify the general assembly in writing that the 62809
governor intends to close one or more developmental centers. The 62810
governor shall notify the general assembly in writing of the prior 62811
announcement and that the governor intends to close the center 62812
identified in the prior announcement, and the notification to the 62813
general assembly shall constitute, for purposes of this section, 62814
the governor's official, public announcement that the governor 62815
intends to close that center. 62816~~

~~The notice required by this division shall identify by name 62817
each developmental center that the governor intends to close or, 62818~~

~~if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following~~ If the governor determines that one or more developmental centers should be closed, all of the following apply:

(1) For each developmental center, the governor shall notify the general assembly and the department of developmental disabilities of that determination and the rationale for it. If the rationale is expenditure reductions or budget cuts, the notice shall specify the anticipated savings to be obtained through the closure.

(2) Not later than seven days after the governor provides notice under this section, the officials who are to appoint members of the commission under division (D) of this section, shall appoint the members. As soon as possible after the appointments, the commission shall meet and commence deliberations. Not later than thirty days after the governor provides the notice, the commission shall provide to the general assembly, the governor, and the department a report of its recommendation concerning the developmental center. The commission may recommend closure for expenditure reductions or budget cuts only if the anticipated savings to be obtained by the closure are approximately the same as the anticipated savings specified in the governor's notice. If the governor gave notice of the proposed closure of more than one developmental center, the report shall list them in order of the commission's preference for closure.

(3) On receipt of a report that recommends closure of a developmental center, the governor may close the developmental center. Except as otherwise provided in this division, the governor shall not close a developmental center that is not listed in the commission's recommendation, and shall not close multiple developmental centers in any order other than the order of the commission's preference as specified in the recommendation. If the governor determines that it is not feasible to implement the recommendation because there has been a significant change in circumstances, the governor may call for a new commission regarding the developmental center. The new commission shall be created and function in accordance with this section.

(D) Each developmental center closure commission shall consist of thirteen members. Three members shall be members of the house of representatives, two of whom are members of the majority political party in the house of representatives appointed by the speaker of the house of representatives and one of whom is a member of the minority political party in the house of representatives appointed by the minority leader of the house of representatives. Three members shall be members of the senate, two of whom are members of the majority political party in the senate appointed by the president of the senate and one of whom is a member of the minority political party in the senate appointed by the minority leader of the senate. One member shall be the director of budget and management. One member shall be the director of developmental disabilities. Four members shall be persons with experience in the work of the department of developmental disabilities, with one of these members appointed by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the president of the senate, and one by the minority leader of the senate. One member shall be a representative of the employees' association representing the largest number of employees of the department, as

certified by the director of developmental disabilities, with that member being appointed by the president of the association. At the commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson. The members shall serve without compensation.

(E) In making its determination of whether a developmental center should close, the commission shall consider the following factors and any other factors it considers appropriate:

~~(1) The manner in which the closure of developmental centers in general would affect the safety, health, well being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well being, and lifestyle of the center's residents and their family members and would affect public safety~~ Whether there is a need to reduce the number of developmental centers;

(2) The availability of alternate facilities;

~~(3) The cost effectiveness of the facilities identified for closure~~ developmental center;

~~(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements~~ The opportunities for, and barriers to, transitioning staff of the center to other appropriate employment;

(5) The geographic factors associated with each facility the center and its proximity to other similar facilities;

~~(6) The impact of collective bargaining on facility operations;~~

~~(7) The utilization and maximization of resources;~~

(8)(7) Continuity of the staff and ability to serve the facility center's population;	62914 62915
(9)(8) Continuing costs following closure of a facility the center;	62916 62917
(10)(9) The impact of the closure on the local economy;	62918
(11)(10) Alternatives and opportunities for consolidation with other centers or facilities;	62919 62920
(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;	62921 62922 62923
(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.	62924 62925 62926 62927 62928 62929
(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report and for collaboration with other state agencies and political subdivisions.	62930 62931 62932 62933 62934 62935 62936 62937 62938
<u>(F) The commission shall meet as often as necessary to make its determination and may take testimony and consider all relevant information.</u>	62939 62940 62941
<u>On providing its report, the commission shall cease to exist, provided that another commission shall be created if the governor</u>	62942 62943

calls for a new commission pursuant to division (D) of this 62944
section or the governor provides another notice of closure under 62945
division (C)(1) of this section. 62946

Sec. 5123.033. The program fee fund is hereby created in the 62947
state treasury. All fees collected pursuant to sections 5123.161, 62948
5123.164, and 5123.19 of the Revised Code shall be credited to the 62949
fund. Money credited to the fund shall be used solely for the 62950
department of developmental disabilities' duties under sections 62951
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 62952
and to provide continuing education and professional training to 62953
providers of services to individuals with mental retardation or a 62954
developmental disability. If the money credited to the fund is 62955
inadequate to pay all of the department's costs in performing 62956
those duties and providing the continuing education and 62957
professional training, the department may use other available 62958
funds appropriated to the department to pay the remaining costs of 62959
performing those duties and providing the continuing education and 62960
professional training. 62961

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1610~~ 62962
5123.1611 of the Revised Code: 62963

(1) "Applicant" means any of the following: 62964

(a) The chief executive officer of a business that applies 62965
under section 5123.161 of the Revised Code for a certificate to 62966
provide supported living; 62967

(b) The chief executive officer of a business that seeks 62968
renewal of the business's supported living certificate under 62969
section 5123.164 of the Revised Code; 62970

(c) An individual who applies under section 5123.161 of the 62971
Revised Code for a certificate to provide supported living as an 62972
independent provider; 62973

(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.	62974 62975 62976
(2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.	62977 62978 62979
(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	62980 62981
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	62982 62983 62984
(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.	62985 62986 62987 62988
(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.	62989 62990 62991 62992 62993
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	62994 62995
(8) "Related party" means any of the following:	62996
(a) In the case of a provider who is an individual, any of the following:	62997 62998
(i) The spouse of the provider;	62999
(ii) A parent or stepparent of the provider or provider's spouse;	63000 63001
(iii) A child of the provider or provider's spouse;	63002

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	63003 63004
(v) A grandparent of the provider or provider's spouse;	63005
(vi) A grandchild of the provider or provider's spouse.	63006
(b) In the case of a provider that is a person other than an individual, any of the following:	63007 63008
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	63009 63010 63011 63012 63013 63014 63015 63016
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	63017 63018 63019
(iii) A member of the provider's board of directors or trustees;	63020 63021
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	63022 63023 63024
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;	63025 63026 63027 63028
(vi) A person over which the provider has control of the day-to-day operation;	63029 63030
(vii) A corporation that has a subsidiary relationship with the provider.	63031 63032

(c) In the case of a provider that is a government entity, 63033
any of the following: 63034

(i) Any person or government entity that directly or 63035
indirectly controls the provider's day-to-day operations 63036
(including as a general manager, financial manager, administrator, 63037
or director), regardless of whether the person or government 63038
entity exercises the control pursuant to a contract or other 63039
arrangement; 63040

(ii) An officer of the provider; 63041

(iii) A member of the provider's governing board; 63042

(iv) A person or government entity over which the provider 63043
has control of the day-to-day operation. 63044

(B) No person or government entity may provide supported 63045
living without a valid supported living certificate issued by the 63046
director of developmental disabilities. 63047

(C) A county board of developmental disabilities may provide 63048
supported living only to the extent permitted by rules adopted 63049
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 63050

Sec. 5123.161. A person or government entity that seeks to 63051
provide supported living shall apply to the director of 63052
developmental disabilities for a supported living certificate. 63053

Except as provided in sections 5123.166 and 5123.169 of the 63054
Revised Code, the director shall issue to the person or government 63055
entity a supported living certificate if the person or government 63056
entity follows the application process established in rules 63057
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 63058
meets the applicable certification standards established in those 63059
rules, and pays the certification fee established in those rules. 63060

Sec. 5123.162. (A) The director of developmental disabilities 63061

may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director may assign to a county board of developmental disabilities the responsibility to conduct either type of survey. Each survey shall be conducted in accordance with rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code.

(B) Following each survey of a provider, the director shall issue a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(1) Specify a date by which the provider may appeal any of the citations;

(2) When appropriate, specify a timetable within which the provider must submit a plan of correction describing how the problems specified in the citations will be corrected and the date by which the provider anticipates the problems will be corrected.

(C) If the director initiates a proceeding to revoke a provider's certification, the director shall include the report required by division (B) of this section with the notice of the proposed revocation the director sends to the provider. In this circumstance, the provider may not submit a plan of correction.

(D) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity that requests it and made available on the

internet web site maintained by the department of developmental 63093
disabilities. If the plan of correction is not approved and the 63094
director initiates a proceeding to revoke the provider's 63095
certification, a copy of the survey report shall be provided to 63096
any person or government entity that requests it and shall be made 63097
available on the internet web site maintained by the department. 63098

(E) In addition to survey reports described in this section, 63099
all other records associated with surveys conducted under this 63100
section are public records for the purpose of section 149.43 of 63101
the Revised Code and shall be made available on the request of any 63102
person or government entity. 63103

Sec. 5123.163. A supported living certificate is valid for a 63104
period of time established in rules adopted under section 63105
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 63106
following occur before the end of that period of time: 63107

(A) The director of developmental disabilities issues an 63108
order requiring that action be taken against the certificate 63109
holder under section 5123.166 of the Revised Code. 63110

(B) The director issues an order terminating the certificate 63111
under section 5123.168 of the Revised Code. 63112

(C) The certificate holder voluntarily surrenders the 63113
certificate to the director. 63114

Sec. 5123.164. Except as provided in sections 5123.166 and 63115
5123.169 of the Revised Code, the director of developmental 63116
disabilities shall renew a supported living certificate if the 63117
certificate holder follows the renewal process established in 63118
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 63119
Code, continues to meet the applicable certification standards 63120
established in those rules, and pays the renewal fee established 63121
in those rules. 63122

Sec. 5123.166. (A) If good cause exists as specified in 63123
division (B) of this section and determined in accordance with 63124
procedures established in rules adopted under section ~~5123.1610~~ 63125
5123.1611 of the Revised Code, the director of developmental 63126
disabilities may issue an adjudication order requiring that one of 63127
the following actions be taken against a person or government 63128
entity seeking or holding a supported living certificate: 63129

(1) Refusal to issue or renew a supported living certificate; 63130

(2) Revocation of a supported living certificate; 63131

(3) Suspension of a supported living certificate holder's 63132
authority to do either or both of the following: 63133

(a) Continue to provide supported living to one or more 63134
individuals from one or more counties who receive supported living 63135
from the certificate holder at the time the director takes the 63136
action; 63137

(b) Begin to provide supported living to one or more 63138
individuals from one or more counties who do not receive supported 63139
living from the certificate holder at the time the director takes 63140
the action. 63141

(B) The following constitute good cause for taking action 63142
under division (A) of this section against a person or government 63143
entity seeking or holding a supported living certificate: 63144

(1) The person or government entity's failure to meet or 63145
continue to meet the applicable certification standards 63146
established in rules adopted under section ~~5123.1610~~ 5123.1611 of 63147
the Revised Code; 63148

(2) The person or government entity violates section 5123.165 63149
of the Revised Code; 63150

(3) The person or government entity's failure to satisfy the 63151
requirements of section 5123.081 or 5123.52 of the Revised Code; 63152

(4) Misfeasance;	63153
(5) Malfeasance;	63154
(6) Nonfeasance;	63155
(7) Confirmed abuse or neglect;	63156
(8) Financial irresponsibility;	63157
(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.	63158 63159 63160
(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.	63161 63162 63163
(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:	63164 63165 63166 63167
(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;	63168 63169 63170
(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;	63171 63172 63173 63174
(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case:	63175 63176 63177 63178
(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider.	63179 63180 63181 63182

(ii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code.

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing.

(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.

(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the

provider and director agree to. 63214

(ii) If the director appoints a referee or examiner to 63215
conduct the hearing, the referee or examiner, not later than ten 63216
days after the date the referee or examiner receives a transcript 63217
of the testimony and evidence presented at the hearing or, if the 63218
referee or examiner does not receive the transcript or no such 63219
transcript is made, the date that the referee or examiner closes 63220
the record of the hearing, shall submit to the director a written 63221
report setting forth the referee or examiner's findings of fact 63222
and conclusions of law and a recommendation of the action the 63223
director should take. 63224

(iii) The provider may, not later than five days after the 63225
date the director, in accordance with section 119.09 of the 63226
Revised Code, sends the provider or the provider's attorney or 63227
other representative of record a copy of the referee or examiner's 63228
report and recommendation, file with the director written 63229
objections to the report and recommendation. 63230

(iv) The director shall approve, modify, or disapprove the 63231
referee or examiner's report and recommendation not earlier than 63232
six days, and not later than fifteen days, after the date the 63233
director, in accordance with section 119.09 of the Revised Code, 63234
sends a copy of the report and recommendation to the provider or 63235
the provider's attorney or other representative of record. 63236

(3) The director may lift an order issued under division 63237
(D)(1) of this section even though a hearing regarding the order 63238
is occurring or pending if the director determines that the 63239
provider has taken action eliminating the good cause for issuing 63240
the order. The hearing shall proceed unless the provider withdraws 63241
the request for the hearing in a written letter to the director. 63242

(4) The director shall lift an order issued under division 63243
(D)(1) of this section if both of the following are the case: 63244

(a) The provider provides the director a plan of compliance 63245
the director determines is acceptable. 63246

(b) The director determines that the provider has implemented 63247
the plan of compliance correctly. 63248

Sec. 5123.167. If the director of developmental disabilities 63249
issues an adjudication order under section 5123.166 of the Revised 63250
Code refusing to issue a supported living certificate to a person 63251
or government entity ~~or, refusing~~ to renew a person or government 63252
entity's supported living certificate, or revoking the person or 63253
government entity's supported living certificate, neither the 63254
person or government entity nor a related party of the person or 63255
government entity may apply for another supported living 63256
certificate earlier than the date that is ~~one year~~ five years 63257
after the date the order is issued. If a person or government 63258
entity's authority to provide medicaid-funded supported living is 63259
revoked or renewal of the authority is refused pursuant to section 63260
5123.1610 of the Revised Code, neither the person or government 63261
entity nor a related party of the person or government entity may 63262
apply for authority to provide medicaid-funded supported living 63263
again earlier than the date this is five years after the date the 63264
authority is revoked or expired. 63265

~~If the director issues an adjudication order under that~~ 63266
~~section revoking a person or government entity's supported living~~ 63267
~~certificate, neither the person or government entity nor a related~~ 63268
~~party of the person or government entity may apply for another~~ 63269
~~supported living certificate earlier than the date that is five~~ 63270
~~years after the date the order is issued.~~ 63271

Sec. 5123.169. (A) The director of developmental disabilities 63272
shall not issue a supported living certificate to an applicant or 63273
renew an applicant's supported living certificate if either of the 63274

following applies: 63275

(1) The applicant fails to comply with division (C)(2) of 63276
this section; 63277

(2) Except as provided in rules adopted under section 63278
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 63279
a criminal records check required by this section to have been 63280
convicted of, pleaded guilty to, or been found eligible for 63281
intervention in lieu of conviction for a disqualifying offense. 63282

(B) Before issuing a supported living certificate to an 63283
applicant or renewing an applicant's supported living certificate, 63284
the director shall require the applicant to submit a statement 63285
with the applicant's signature attesting that the applicant has 63286
not been convicted of, pleaded guilty to, or been found eligible 63287
for intervention in lieu of conviction for a disqualifying 63288
offense. The director also shall require the applicant to sign an 63289
agreement under which the applicant agrees to notify the director 63290
within fourteen calendar days if, while holding a supported living 63291
certificate, the applicant is formally charged with, is convicted 63292
of, pleads guilty to, or is found eligible for intervention in 63293
lieu of conviction for a disqualifying offense. The agreement 63294
shall provide that the applicant's failure to provide the 63295
notification may result in action being taken by the director 63296
against the applicant under section 5123.166 of the Revised Code. 63297

(C)(1) As a condition of receiving a supported living 63298
certificate or having a supported living certificate renewed, an 63299
applicant shall request the superintendent of the bureau of 63300
criminal identification and investigation to conduct a criminal 63301
records check of the applicant. If an applicant does not present 63302
proof to the director that the applicant has been a resident of 63303
this state for the five-year period immediately prior to the date 63304
that the applicant applies for issuance or renewal of the 63305

supported living certificate, the director shall require the 63306
applicant to request that the superintendent obtain information 63307
from the federal bureau of investigation as a part of the criminal 63308
records check. If the applicant presents proof to the director 63309
that the applicant has been a resident of this state for that 63310
five-year period, the director may require the applicant to 63311
request that the superintendent include information from the 63312
federal bureau of investigation in the criminal records check. For 63313
purposes of this division, an applicant may provide proof of 63314
residency in this state by presenting, with a notarized statement 63315
asserting that the applicant has been a resident of this state for 63316
that five-year period, a valid driver's license, notification of 63317
registration as an elector, a copy of an officially filed federal 63318
or state tax form identifying the applicant's permanent residence, 63319
or any other document the director considers acceptable. 63320

(2) Each applicant shall do all of the following: 63321

(a) Obtain a copy of the form prescribed pursuant to division 63322
(C)(1) of section 109.572 of the Revised Code and a standard 63323
impression sheet prescribed pursuant to division (C)(2) of section 63324
109.572 of the Revised Code; 63325

(b) Complete the form and provide the applicant's fingerprint 63326
impressions on the standard impression sheet; 63327

(c) Forward the completed form and standard impression sheet 63328
to the superintendent at the time the criminal records check is 63329
requested; 63330

(d) Instruct the superintendent to submit the completed 63331
report of the criminal records check directly to the director; 63332

(e) Pay to the bureau of criminal identification and 63333
investigation the fee prescribed pursuant to division (C)(3) of 63334
section 109.572 of the Revised Code for each criminal records 63335
check of the applicant requested and conducted pursuant to this 63336

section. 63337

(D) The director may request any other state or federal 63338
agency to supply the director with a written report regarding the 63339
criminal record of an applicant. The director may consider the 63340
reports when determining whether to issue a supported living 63341
certificate to the applicant or to renew an applicant's supported 63342
living certificate. 63343

(E) An applicant who seeks to be an independent provider or 63344
is an independent provider seeking renewal of the applicant's 63345
supported living certificate shall obtain the applicant's driving 63346
record from the bureau of motor vehicles and provide a copy of the 63347
record to the director if the supported living that the applicant 63348
will provide involves transporting individuals with mental 63349
retardation or developmental disabilities. The director may 63350
consider the applicant's driving record when determining whether 63351
to issue the applicant a supported living certificate or to renew 63352
the applicant's supported living certificate. 63353

(F)(1) A report obtained pursuant to this section is not a 63354
public record for purposes of section 149.43 of the Revised Code 63355
and shall not be made available to any person, other than the 63356
following: 63357

(a) The applicant who is the subject of the report or the 63358
applicant's representative; 63359

(b) The director or the director's representative; 63360

(c) Any court, hearing officer, or other necessary individual 63361
involved in a case dealing with any of the following: 63362

(i) The denial of a supported living certificate or refusal 63363
to renew a supported living certificate; 63364

(ii) The denial, suspension, or revocation of a certificate 63365
under section 5123.45 of the Revised Code; 63366

(iii) A civil or criminal action regarding the medicaid program. 63367
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(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified. 63369
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(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report. 63376
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(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section. 63381
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Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program: 63383
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(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated. 63388
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(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically 63393
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revoked on the date that the provider agreement expires, unless 63397
the expiration date of the provider agreement is the same as the 63398
expiration date of the supported living certificate, in which case 63399
the director of developmental disabilities shall refuse to renew 63400
the person or government entity's authority to provide 63401
medicaid-funded supported living under the certificate. 63402

(B) The director of developmental disabilities is not 63403
required to issue an adjudication order in accordance with Chapter 63404
119. of the Revised Code to do either of the following pursuant to 63405
this section: 63406

(1) Revoke a person or government entity's authority to 63407
provide medicaid-funded supported living; 63408

(2) Refuse to renew a person or government entity's authority 63409
to provide medicaid-funded supported living. 63410

(C) This section does not affect a person or government 63411
entity's authority to provide nonmedicaid-funded supported living 63412
under a supported living certificate. 63413

Sec. ~~5123.1610~~ 5123.1611. The director of developmental 63414
disabilities shall adopt rules under Chapter 119. of the Revised 63415
Code establishing all of the following: 63416

(A) The extent to which a county board of developmental 63417
disabilities may provide supported living; 63418

(B) The application process for obtaining a supported living 63419
certificate under section 5123.161 of the Revised Code; 63420

(C) The certification standards a person or government entity 63421
must meet to obtain a supported living certificate to provide 63422
supported living; 63423

(D) The certification fee for a supported living certificate, 63424
which shall be deposited into the program fee fund created under 63425
section 5123.033 of the Revised Code; 63426

(E) The period of time a supported living certificate is valid;	63427 63428
(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;	63429 63430
(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	63431 63432 63433
(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;	63434 63435
(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate;	63436 63437 63438 63439
(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.	63440 63441 63442 63443 63444 63445 63446 63447
Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:	63448 63449
(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any	63450 63451 63452 63453 63454 63455 63456

governmental agency by a provider of residential services. 63457

(2) "Licensee" means the person or government agency that has 63458
applied for a license to operate a residential facility and to 63459
which the license was issued under this section. 63460

(3) "Political subdivision" means a municipal corporation, 63461
county, or township. 63462

(4) "Related party" has the same meaning as in section 63463
5123.16 of the Revised Code except that "provider" as used in the 63464
definition of "related party" means a person or government entity 63465
that held or applied for a license to operate a residential 63466
facility, rather than a person or government entity certified to 63467
provide supported living. 63468

(5)(a) Except as provided in division (A)(5)(b) of this 63469
section, "residential facility" means a home or facility, 63470
including an ICF/IID, in which an individual with mental 63471
retardation or a developmental disability resides. 63472

(b) "Residential facility" does not mean any of the 63473
following: 63474

(i) The home of a relative or legal guardian in which an 63475
individual with mental retardation or a developmental disability 63476
resides; 63477

(ii) A respite care home certified under section 5126.05 of 63478
the Revised Code; 63479

(iii) A county home or district home operated pursuant to 63480
Chapter 5155. of the Revised Code; 63481

(iv) A dwelling in which the only residents with mental 63482
retardation or developmental disabilities are in independent 63483
living arrangements or are being provided supported living. 63484

(B) Every person or government agency desiring to operate a 63485
residential facility shall apply for licensure of the facility to 63486

the director of developmental disabilities unless the residential 63487
facility is subject to section 3721.02, 5103.03, 5119.33, or 63488
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 63489
Code. 63490

(C) Subject to section 5123.196 of the Revised Code, the 63491
director of developmental disabilities shall license the operation 63492
of residential facilities. An initial license shall be issued for 63493
a period that does not exceed one year, unless the director denies 63494
the license under division (D) of this section. A license shall be 63495
renewed for a period that does not exceed three years, unless the 63496
director refuses to renew the license under division (D) of this 63497
section. The director, when issuing or renewing a license, shall 63498
specify the period for which the license is being issued or 63499
renewed. A license remains valid for the length of the licensing 63500
period specified by the director, unless the license is 63501
terminated, revoked, or voluntarily surrendered. 63502

(D) If it is determined that an applicant or licensee is not 63503
in compliance with a provision of this chapter that applies to 63504
residential facilities or the rules adopted under such a 63505
provision, the director may deny issuance of a license, refuse to 63506
renew a license, terminate a license, revoke a license, issue an 63507
order for the suspension of admissions to a facility, issue an 63508
order for the placement of a monitor at a facility, issue an order 63509
for the immediate removal of residents, or take any other action 63510
the director considers necessary consistent with the director's 63511
authority under this chapter regarding residential facilities. In 63512
the director's selection and administration of the sanction to be 63513
imposed, all of the following apply: 63514

(1) The director may deny, refuse to renew, or revoke a 63515
license, if the director determines that the applicant or licensee 63516
has demonstrated a pattern of serious noncompliance or that a 63517
violation creates a substantial risk to the health and safety of 63518

residents of a residential facility. 63519

(2) The director may terminate a license if more than twelve 63520
consecutive months have elapsed since the residential facility was 63521
last occupied by a resident or a notice required by division 63522
~~(K)~~(J) of this section is not given. 63523

(3) The director may issue an order for the suspension of 63524
admissions to a facility for any violation that may result in 63525
sanctions under division (D)(1) of this section and for any other 63526
violation specified in rules adopted under division ~~(H)~~(G)(2) of 63527
this section. If the suspension of admissions is imposed for a 63528
violation that may result in sanctions under division (D)(1) of 63529
this section, the director may impose the suspension before 63530
providing an opportunity for an adjudication under Chapter 119. of 63531
the Revised Code. The director shall lift an order for the 63532
suspension of admissions when the director determines that the 63533
violation that formed the basis for the order has been corrected. 63534

(4) The director may order the placement of a monitor at a 63535
residential facility for any violation specified in rules adopted 63536
under division ~~(H)~~(G)(2) of this section. The director shall lift 63537
the order when the director determines that the violation that 63538
formed the basis for the order has been corrected. 63539

~~(5) If the director determines that two or more residential 63540
facilities owned or operated by the same person or government 63541
entity are not being operated in compliance with a provision of 63542
this chapter that applies to residential facilities or the rules 63543
adopted under such a provision, and the director's findings are 63544
based on the same or a substantially similar action, practice, 63545
circumstance, or incident that creates a substantial risk to the 63546
health and safety of the residents, the director shall conduct a 63547
survey as soon as practicable at each residential facility owned 63548
or operated by that person or government entity. The director may 63549
take any action authorized by this section with respect to any 63550~~

~~facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.~~

~~(6)~~ When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

~~(8)~~(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

~~(9)(8)~~ In proceedings initiated to deny, refuse to renew, or 63582
revoke licenses, the director may deny, refuse to renew, or revoke 63583
a license regardless of whether some or all of the deficiencies 63584
that prompted the proceedings have been corrected at the time of 63585
the hearing. 63586

~~(E) The director shall establish a program under which public 63587
notification may be made when the director has initiated license 63588
revocation proceedings or has issued an order for the suspension 63589
of admissions, placement of a monitor, or removal of residents. 63590
The director shall adopt rules in accordance with Chapter 119. of 63591
the Revised Code to implement this division. The rules shall 63592
establish the procedures by which the public notification will be 63593
made and specify the circumstances for which the notification must 63594
be made. The rules shall require that public notification be made 63595
if the director has taken action against the facility in the 63596
eighteen month period immediately preceding the director's latest 63597
action against the facility and the latest action is being taken 63598
for the same or a substantially similar violation of a provision 63599
of this chapter that applies to residential facilities or the 63600
rules adopted under such a provision. The rules shall specify a 63601
method for removing or amending the public notification if the 63602
director's action is found to have been unjustified or the 63603
violation at the residential facility has been corrected. 63604~~

~~(F)(1) Except as provided in division ~~(F)(E)~~(2) of this 63605
section, appeals from proceedings initiated to impose a sanction 63606
under division (D) of this section shall be conducted in 63607
accordance with Chapter 119. of the Revised Code. 63608~~

(2) Appeals from proceedings initiated to order the 63609
suspension of admissions to a facility shall be conducted in 63610
accordance with Chapter 119. of the Revised Code, unless the order 63611
was issued before providing an opportunity for an adjudication, in 63612
which case all of the following apply: 63613

- (a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 63614
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- (b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 63617
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- (c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 63620
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- (d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following: 63624
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- (i) The close of the hearing; 63627
- (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 63628
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- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 63630
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- (e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 63632
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- (f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 63636
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- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 63639
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- (h) Notwithstanding the pendency of the hearing, the director 63643

shall lift the order for the suspension of admissions when the 63644
director determines that the violation that formed the basis for 63645
the order has been corrected. 63646

~~(G)~~(F) Neither a person or government agency whose 63647
application for a license to operate a residential facility is 63648
denied nor a related party of the person or government agency may 63649
apply for a license to operate a residential facility before the 63650
date that is ~~one year~~ five years after the date of the denial. 63651
Neither a licensee whose residential facility license is revoked 63652
nor a related party of the licensee may apply for a residential 63653
facility license before the date that is five years after the date 63654
of the revocation. 63655

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 63656
the director shall adopt and may amend and rescind rules for 63657
licensing and regulating the operation of residential facilities. 63658
The rules for residential facilities that are ICFs/IID may differ 63659
from those for other residential facilities. The rules shall 63660
establish and specify the following: 63661

(1) Procedures and criteria for issuing and renewing 63662
licenses, including procedures and criteria for determining the 63663
length of the licensing period that the director must specify for 63664
each license when it is issued or renewed; 63665

(2) Procedures and criteria for denying, refusing to renew, 63666
terminating, and revoking licenses and for ordering the suspension 63667
of admissions to a facility, placement of a monitor at a facility, 63668
and the immediate removal of residents from a facility; 63669

(3) Fees for issuing and renewing licenses, which shall be 63670
deposited into the program fee fund created under section 5123.033 63671
of the Revised Code; 63672

(4) Procedures for surveying residential facilities; 63673

~~(5) Requirements for the training of residential facility~~ 63674

personnel;	63675
(6) Classifications for the various types of residential facilities;	63676 63677
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	63678 63679 63680 63681
(8)(6) The maximum number of persons who may be served in a particular type of residential facility;	63682 63683
(9)(7) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	63684 63685
(10)(8) Other standards for the operation of residential facilities and the services provided at residential facilities;	63686 63687
(11)(9) Procedures for waiving any provision of any rule adopted under this section.	63688 63689
(I)(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities <u>or the department of health</u> the responsibility to conduct any survey or inspection under this section.	63690 63691 63692 63693 63694 63695 63696 63697 63698 63699 63700
(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf	63701 63702 63703 63704

of, under the control of, or in connection with the licensee. The 63705
licensee and all persons on behalf of, under the control of, or in 63706
connection with the licensee shall cooperate with the director in 63707
conducting the survey. 63708

(3) Following each survey, the director shall provide the 63709
licensee with a report listing the date of the survey, any 63710
citations issued as a result of the survey, and the statutes or 63711
rules that purportedly have been violated and are the bases of the 63712
citations. The director shall also do both of the following: 63713

(a) Specify a date by which the licensee may appeal any of 63714
the citations; 63715

(b) When appropriate, specify a timetable within which the 63716
licensee must submit a plan of correction describing how the 63717
problems specified in the citations will be corrected and, the 63718
date by which the licensee anticipates the problems will be 63719
corrected. 63720

(4) If the director initiates a proceeding to revoke a 63721
license, the director shall include the report required by 63722
division ~~(I)~~(H)(3) of this section with the notice of the proposed 63723
revocation the director sends to the licensee. In this 63724
circumstance, the licensee may not submit a plan of correction. 63725

(5) After a plan of correction is submitted, the director 63726
shall approve or disapprove the plan. If the plan of correction is 63727
approved, a copy of the approved plan shall be provided, not later 63728
than five business days after it is approved, to any person or 63729
government entity who requests it and made available on the 63730
internet web site maintained by the department of developmental 63731
disabilities. If the plan of correction is not approved and the 63732
director initiates a proceeding to revoke the license, a copy of 63733
the survey report shall be provided to any person or government 63734
entity that requests it and shall be made available on the 63735

internet web site maintained by the department. 63736

(6) The director shall initiate disciplinary action against 63737
any department employee who notifies or causes the notification to 63738
any unauthorized person of an unannounced survey of a residential 63739
facility by an authorized representative of the department. 63740

~~(J)~~(I) In addition to any other information which may be 63741
required of applicants for a license pursuant to this section, the 63742
director shall require each applicant to provide a copy of an 63743
approved plan for a proposed residential facility pursuant to 63744
section 5123.042 of the Revised Code. This division does not apply 63745
to renewal of a license or to an applicant for an initial or 63746
modified license who meets the requirements of section 5123.197 of 63747
the Revised Code. 63748

~~(K)~~(J)(1) A licensee shall notify the owner of the building 63749
in which the licensee's residential facility is located of any 63750
significant change in the identity of the licensee or management 63751
contractor before the effective date of the change if the licensee 63752
is not the owner of the building. 63753

(2) Pursuant to rules, which shall be adopted in accordance 63754
with Chapter 119. of the Revised Code, the director may require 63755
notification to the department of any significant change in the 63756
ownership of a residential facility or in the identity of the 63757
licensee or management contractor. If the director determines that 63758
a significant change of ownership is proposed, the director shall 63759
consider the proposed change to be an application for development 63760
by a new operator pursuant to section 5123.042 of the Revised Code 63761
and shall advise the applicant within sixty days of the 63762
notification that the current license shall continue in effect or 63763
a new license will be required pursuant to this section. If the 63764
director requires a new license, the director shall permit the 63765
facility to continue to operate under the current license until 63766
the new license is issued, unless the current license is revoked, 63767

refused to be renewed, or terminated in accordance with Chapter 63768
119. of the Revised Code. 63769

(3) A licensee shall transfer to the new licensee or 63770
management contractor all records related to the residents of the 63771
facility following any significant change in the identity of the 63772
licensee or management contractor. 63773

~~(L)(K)~~ A county board of developmental disabilities and any 63774
interested person may file complaints alleging violations of 63775
statute or department rule relating to residential facilities with 63776
the department. All complaints shall ~~be in writing and shall~~ state 63777
the facts constituting the basis of the allegation. The department 63778
shall not reveal the source of any complaint unless the 63779
complainant agrees in writing to waive the right to 63780
confidentiality or until so ordered by a court of competent 63781
jurisdiction. 63782

The department shall adopt rules in accordance with Chapter 63783
119. of the Revised Code establishing procedures for the receipt, 63784
referral, investigation, and disposition of complaints filed with 63785
the department under this division. 63786

~~(M) The department shall establish procedures for the 63787
notification of interested parties of the transfer or interim care 63788
of residents from residential facilities that are closing or are 63789
losing their license. 63790~~

~~(N)(L)~~ Before issuing a license under this section to a 63791
residential facility that will accommodate at any time more than 63792
one mentally retarded or developmentally disabled individual, the 63793
director shall, by first class mail, notify the following: 63794

(1) If the facility will be located in a municipal 63795
corporation, the clerk of the legislative authority of the 63796
municipal corporation; 63797

(2) If the facility will be located in unincorporated 63798

territory, the clerk of the appropriate board of county 63799
commissioners and the fiscal officer of the appropriate board of 63800
township trustees. 63801

The director shall not issue the license for ten days after 63802
mailing the notice, excluding Saturdays, Sundays, and legal 63803
holidays, in order to give the notified local officials time in 63804
which to comment on the proposed issuance. 63805

Any legislative authority of a municipal corporation, board 63806
of county commissioners, or board of township trustees that 63807
receives notice under this division of the proposed issuance of a 63808
license for a residential facility may comment on it in writing to 63809
the director within ten days after the director mailed the notice, 63810
excluding Saturdays, Sundays, and legal holidays. If the director 63811
receives written comments from any notified officials within the 63812
specified time, the director shall make written findings 63813
concerning the comments and the director's decision on the 63814
issuance of the license. If the director does not receive written 63815
comments from any notified local officials within the specified 63816
time, the director shall continue the process for issuance of the 63817
license. 63818

~~(O)~~(M) Any person may operate a licensed residential facility 63819
that provides room and board, personal care, habilitation 63820
services, and supervision in a family setting for at least six but 63821
not more than eight persons with mental retardation or a 63822
developmental disability as a permitted use in any residential 63823
district or zone, including any single-family residential district 63824
or zone, of any political subdivision. These residential 63825
facilities may be required to comply with area, height, yard, and 63826
architectural compatibility requirements that are uniformly 63827
imposed upon all single-family residences within the district or 63828
zone. 63829

~~(P)~~(N) Any person may operate a licensed residential facility 63830

that provides room and board, personal care, habilitation 63831
services, and supervision in a family setting for at least nine 63832
but not more than sixteen persons with mental retardation or a 63833
developmental disability as a permitted use in any multiple-family 63834
residential district or zone of any political subdivision, except 63835
that a political subdivision that has enacted a zoning ordinance 63836
or resolution establishing planned unit development districts may 63837
exclude these residential facilities from those districts, and a 63838
political subdivision that has enacted a zoning ordinance or 63839
resolution may regulate these residential facilities in 63840
multiple-family residential districts or zones as a conditionally 63841
permitted use or special exception, in either case, under 63842
reasonable and specific standards and conditions set out in the 63843
zoning ordinance or resolution to: 63844

(1) Require the architectural design and site layout of the 63845
residential facility and the location, nature, and height of any 63846
walls, screens, and fences to be compatible with adjoining land 63847
uses and the residential character of the neighborhood; 63848

(2) Require compliance with yard, parking, and sign 63849
regulation; 63850

(3) Limit excessive concentration of these residential 63851
facilities. 63852

~~(Q)~~(O) This section does not prohibit a political subdivision 63853
from applying to residential facilities nondiscriminatory 63854
regulations requiring compliance with health, fire, and safety 63855
regulations and building standards and regulations. 63856

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 63857
not applicable to municipal corporations that had in effect on 63858
June 15, 1977, an ordinance specifically permitting in residential 63859
zones licensed residential facilities by means of permitted uses, 63860
conditional uses, or special exception, so long as such ordinance 63861

remains in effect without any substantive modification. 63862

~~(S)~~(O)(1) The director may issue an interim license to 63863
operate a residential facility to an applicant for a license under 63864
this section if either of the following is the case: 63865

(a) The director determines that an emergency exists 63866
requiring immediate placement of persons in a residential 63867
facility, that insufficient licensed beds are available, and that 63868
the residential facility is likely to receive a permanent license 63869
under this section within thirty days after issuance of the 63870
interim license. 63871

(b) The director determines that the issuance of an interim 63872
license is necessary to meet a temporary need for a residential 63873
facility. 63874

(2) To be eligible to receive an interim license, an 63875
applicant must meet the same criteria that must be met to receive 63876
a permanent license under this section, except for any differing 63877
procedures and time frames that may apply to issuance of a 63878
permanent license. 63879

(3) An interim license shall be valid for thirty days and may 63880
be renewed by the director for a period not to exceed one hundred 63881
~~fifty~~ eighty days. 63882

(4) The director shall adopt rules in accordance with Chapter 63883
119. of the Revised Code as the director considers necessary to 63884
administer the issuance of interim licenses. 63885

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 63886
establishing the maximum number of persons who may be served in a 63887
particular type of residential facility, a residential facility 63888
shall be permitted to serve the same number of persons being 63889
served by the facility on the effective date of the rules or the 63890
number of persons for which the facility is authorized pursuant to 63891
a current application for a certificate of need with a letter of 63892

support from the department of developmental disabilities and 63893
which is in the review process prior to April 4, 1986. 63894

This division does not preclude the department from 63895
suspending new admissions to a residential facility pursuant to a 63896
written order issued under section 5124.70 of the Revised Code. 63897

~~(U)~~(S) The director may enter at any time, for purposes of 63898
investigation, any home, facility, or other structure that has 63899
been reported to the director or that the director has reasonable 63900
cause to believe is being operated as a residential facility 63901
without a license issued under this section. 63902

The director may petition the court of common pleas of the 63903
county in which an unlicensed residential facility is located for 63904
an order enjoining the person or governmental agency operating the 63905
facility from continuing to operate without a license. The court 63906
may grant the injunction on a showing that the person or 63907
governmental agency named in the petition is operating a 63908
residential facility without a license. The court may grant the 63909
injunction, regardless of whether the residential facility meets 63910
the requirements for receiving a license under this section. 63911

Sec. 5123.196. (A) Except as provided in division (E) of this 63912
section, the director of developmental disabilities shall not 63913
issue a license under section 5123.19 of the Revised Code on or 63914
after July 1, 2003, if issuance will result in there being more 63915
beds in all residential facilities licensed under that section 63916
than is permitted under division (B) of this section. 63917

(B) The maximum number of beds for the purpose of division 63918
(A) of this section shall not exceed ten thousand eight hundred 63919
thirty-eight minus, except as provided in division (C) of this 63920
section, both of the following: 63921

(1) The number of such beds that cease to be residential 63922

facility beds on or after July 1, 2003, because a residential 63923
facility license is revoked, terminated, or not renewed for any 63924
reason or is surrendered in accordance with section 5123.19 of the 63925
Revised Code; 63926

(2) The number of such beds for which a licensee voluntarily 63927
converts to use for supported living on or after July 1, 2003. 63928

(C) The director is not required to reduce the maximum number 63929
of beds pursuant to division (B) of this section by a bed that 63930
ceases to be a residential facility bed if the director determines 63931
that the bed is needed to provide services to an individual with 63932
mental retardation or a developmental disability who resided in 63933
the residential facility in which the bed was located. 63934

(D) The director shall maintain an up-to-date written record 63935
of the maximum number of residential facility beds provided for by 63936
division (B) of this section. 63937

(E) The director may issue an interim license under division 63938
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 63939
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 63940
waiver allowing a residential facility to admit more residents 63941
than the facility is licensed to admit regardless of whether the 63942
interim license or waiver will result in there being more beds in 63943
all residential facilities licensed under that section than is 63944
permitted under division (B) of this section. 63945

Sec. 5123.198. (A) As used in this section, "date of the 63946
commitment" means the date that an individual specified in 63947
division (B) of this section begins to reside in a state-operated 63948
ICF/IID after being committed to the ICF/IID pursuant to sections 63949
5123.71 to 5123.76 of the Revised Code. 63950

(B) Except as provided in division (C) of this section, 63951
whenever a resident of a residential facility is committed to a 63952

state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 63953
the Revised Code, the department of developmental disabilities, 63954
pursuant to an adjudication order issued in accordance with 63955
Chapter 119. of the Revised Code, shall reduce by one the number 63956
of residents for which the residential facility in which the 63957
resident resided is licensed. 63958

(C) The department shall not reduce under division (B) of 63959
this section the number of residents for which a residential 63960
facility is licensed if any of the following are the case: 63961

(1) The resident of the residential facility who is committed 63962
to a state-operated ICF/IID resided in the residential facility 63963
because of the closure, on or after June 26, 2003, of another 63964
state-operated ICF/IID; 63965

(2) The residential facility admits within ninety days of the 63966
date of the commitment an individual who resides on the date of 63967
the commitment in a state-operated ICF/IID or another residential 63968
facility; 63969

(3) The department fails to do either of the following within 63970
ninety days of the date of the commitment: 63971

(a) Identify an individual to whom all of the following 63972
applies: 63973

(i) Resides on the date of the commitment in a state-operated 63974
ICF/IID or another residential facility; 63975

(ii) Has indicated to the department an interest in 63976
relocating to the residential facility or has a parent or guardian 63977
who has indicated to the department an interest for the individual 63978
to relocate to the residential facility; 63979

(iii) The department determines the individual has needs that 63980
the residential facility can meet. 63981

(b) Provide the residential facility with information about 63982

the individual identified under division (C)(2)(a) of this section 63983
that the residential facility needs in order to determine whether 63984
the facility can meet the individual's needs. 63985

(4) If the department completes the actions specified in 63986
divisions (C)(3)(a) and (b) of this section not later than ninety 63987
days after the date of the commitment and except as provided in 63988
division (D) of this section, the residential facility does all of 63989
the following not later than ninety days after the date of the 63990
commitment: 63991

(a) Evaluates the information provided by the department; 63992

(b) Assesses the identified individual's needs; 63993

(c) Determines that the residential facility cannot meet the 63994
identified individual's needs. 63995

(5) If the department completes the actions specified in 63996
divisions (C)(3)(a) and (b) of this section not later than ninety 63997
days after the date of the commitment and the residential facility 63998
determines that the residential facility can meet the identified 63999
individual's needs, the individual, or a parent or guardian of the 64000
individual, refuses placement in the residential facility. 64001

(D) The department may reduce under division (B) of this 64002
section the number of residents for which a residential facility 64003
is licensed even though the residential facility completes the 64004
actions specified in division (C)(4) of this section not later 64005
than ninety days after the date of the commitment if all of the 64006
following are the case: 64007

(1) The department disagrees with the residential facility's 64008
determination that the residential facility cannot meet the 64009
identified individual's needs. 64010

(2) The department issues a written decision pursuant to the 64011
uniform procedures for admissions, transfers, and discharges 64012

established by rules adopted under division ~~(H)(9)(G)(7)~~ of 64013
section 5123.19 of the Revised Code that the residential facility 64014
should admit the identified individual. 64015

(3) After the department issues the written decision 64016
specified in division (D)(2) of this section, the residential 64017
facility refuses to admit the identified individual. 64018

(E) A residential facility that admits, refuses to admit, 64019
transfers, or discharges a resident under this section shall 64020
comply with the uniform procedures for admissions, transfers, and 64021
discharges established by rules adopted under division 64022
~~(H)(9)(G)(7)~~ of section 5123.19 of the Revised Code. 64023

Sec. 5123.376. (A) As used in this section: 64024

(1) "Medicaid-certified capacity" has the same meaning as in 64025
section 5124.01 of the Revised Code. 64026

(2) "Residential facility" has the same meaning as in section 64027
5123.19 of the Revised Code. 64028

(B)(1) The director of developmental disabilities may change 64029
the terms of an agreement entered into with a county board of 64030
developmental disabilities or private, nonprofit agency pursuant 64031
to section 5123.36 of the Revised Code or other statutory 64032
authority in effect before July 1, 1980, regarding the 64033
construction, acquisition, or renovation of a residential facility 64034
if all of the following apply: 64035

(a) The agreement was entered into during the period 64036
beginning January 1, 1975, and ending December 31, 1984. 64037

(b) The agreement requires the county board or private, 64038
nonprofit agency to use the residential facility as a residential 64039
facility for at least forty years. 64040

(c) The residential facility is an ICF/IID and, before the 64041
conversion specified in division (B)(1)(d) of this section, the 64042

ICF/IID had a medicaid-certified capacity of at least sixteen. 64043

(d) The residential facility's operator converted at least fifty per cent of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 64044
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(e) The county board or private, nonprofit agency applies to the director for the change in the agreement's terms. 64048
64049

(2) The terms of an agreement that may be changed pursuant to division (B)(1) of this section include terms regarding the length of time the residential facility must be used as a residential facility. 64050
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(C) The director may authorize a county board or nonprofit, private agency not to repay the amount of an outstanding balance otherwise owed pursuant to an agreement entered into pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a residential facility if all of the following apply: 64054
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(1) The agreement was entered into during the period beginning January 1, 1975, and ending December 31, 1984. 64061
64062

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 64063
64064
64065

(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 64066
64067
64068

(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 64069
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(5) The county board or private, nonprofit agency applies to the director for forgiveness of the outstanding balance. 64073
64074

Sec. 5123.62. The rights of persons with mental retardation or a developmental disability to exercise choices, by or with the aid of family members or other guardians, among residential or employment accommodations include, but are not limited to, the following: 64075
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(A) The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality; 64080
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64082

(B) The right to an appropriate, safe, and sanitary living environment that complies with local, state, and federal standards and recognizes the persons' need for privacy and independence, including the right to choose to live, or to decline to live, in a large or small intermediate care facility for individuals with intellectual disabilities, a home, or another facility or community setting; 64083
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(C) The right to food adequate to meet accepted standards of nutrition; 64090
64091

(D) The right to practice the religion of their choice or to abstain from the practice of religion and to have access to and participate in activities of a social, religious, or other nature in association with other persons who share their interests and in accordance with individual choice; 64092
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(E) The right of timely access to appropriate medical or dental treatment; 64097
64098

(F) The right of access to necessary ancillary services, including, but not limited to, occupational therapy, physical therapy, speech therapy, and behavior modification and other psychological services; 64099
64100
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(G) The right to receive appropriate care and treatment in the least intrusive manner <u>as appropriate to the person, including adequate health care, personal care, and other therapeutically necessary services;</u>	64103 64104 64105 64106
(H) The right to privacy, including both periods of privacy and places of privacy;	64107 64108
(I) The right to <u>associate and</u> communicate freely with persons of their choice in any reasonable manner they choose;	64109 64110
(J) The right to ownership and use of personal possessions so as to maintain individuality and personal dignity;	64111 64112
(K) The right to social interaction with members of either sex;	64113 64114
(L) The right of access to opportunities that enable individuals to develop their full human potential;	64115 64116
(M) The right to pursue vocational opportunities that will promote and enhance economic independence, <u>including the right, with their parents or guardians, to choose the settings in which they wish to work or engage in day programs and services, whether in disability-specific facility-based workshops and programs regardless of size or location or in community settings;</u>	64117 64118 64119 64120 64121 64122
(N) The right to be treated equally as citizens under the law;	64123 64124
(O) The right to be free from emotional, psychological, and physical abuse <u>and from neglect and indignity;</u>	64125 64126
(P) The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation;	64127 64128 64129
(Q) The right to participate <u>without government coercion</u> in decisions that affect their lives, <u>including the right, with their parents and guardians, to be informed in writing of rights and</u>	64130 64131 64132

<u>policies governing any residential, work, or other setting</u>	64133
<u>provided as an accommodation by the state or a local government</u>	64134
<u>entity;</u>	64135
(R) The right to select a parent or advocate to act on their	64136
behalf;	64137
(S) The right to manage their personal financial affairs,	64138
based on individual ability to do so;	64139
(T) The right to confidential treatment of all information in	64140
their personal and medical records, except to the extent that	64141
disclosure or release of records is permitted under sections	64142
5123.89 and 5126.044 of the Revised Code;	64143
(U) The right to voice grievances and recommend changes in	64144
policies and services without restraint, interference, coercion,	64145
discrimination, or reprisal;	64146
(V) The right to be free from unnecessary chemical or	64147
physical restraints, <u>including the right to have such restraints</u>	64148
<u>used only when ordered by a physician or as necessary to protect</u>	64149
<u>the lives and safety of themselves or others and never to have</u>	64150
<u>them used for discipline or the convenience of service providers</u>	64151
<u>or other caregivers;</u>	64152
(W) The right to participate in the political process, <u>including the right, with their parents or guardians, to speak on</u>	64153
<u>their own behalf before agencies of the state and local</u>	64154
<u>government;</u>	64155
(X) The right to refuse to participate in medical,	64157
psychological, or other research or experiments;	64158
(Y) <u>The right, with their consent or that of their parents or</u>	64159
<u>guardians, to be included or be free from being included as</u>	64160
<u>litigants or class members in threatened or actual litigation</u>	64161
<u>asserting claims on their behalf or affecting their rights</u>	64162

protected under this section. 64163

Sec. 5123.621. It is the intent of the general assembly that 64164
all individuals being served on the effective date of this section 64165
through the array of adult day services that exists on that date, 64166
including services delivered in a sheltered workshop, be fully 64167
informed of any new home and community-based services and their 64168
option to receive those services. It is also the intent of the 64169
general assembly that those individuals be permitted to continue 64170
receiving services in a variety of settings as long as those 64171
settings offer opportunities for community integration as 64172
described in their individual service plans. 64173

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 64174
and (E), and (F) of this section, the chief medical officer shall 64175
provide all information, including expected physical and medical 64176
consequences, necessary to enable any resident of an institution 64177
for the mentally retarded to give a fully informed, intelligent, 64178
and knowing consent if any of the following procedures are 64179
proposed: 64180

(1) Surgery; 64181

(2) ~~Convulsive therapy;~~ 64182

~~(3) Major aversive interventions;~~ 64183

~~(4) Sterilization;~~ 64184

~~(5)(3) Experimental procedures;~~ 64185

~~(6) Any unusual or hazardous treatment procedures.~~ 64186

(B) No resident shall be subjected to ~~any of the procedures~~ 64187
~~listed in division (A)(4), (5), or (6) of this section~~ 64188
sterilization without the resident's informed consent. 64189

(C) If a resident is physically or mentally unable to receive 64190
the information required for surgery or an experimental procedure 64191

under division (A)~~(1)~~ of this section, or has been adjudicated 64192
incompetent, the information may be provided to the resident's 64193
natural or court-appointed guardian, including an agency providing 64194
guardianship services under contract with the department of 64195
developmental disabilities under sections 5123.55 to 5123.59 of 64196
the Revised Code, ~~who. The guardian~~ may give the informed, 64197
intelligent, and knowing written consent for surgery or the 64198
experimental procedure. ~~Consent for surgery shall not be provided~~ 64199
~~by a guardian who is an officer or employee of the department of~~ 64200
~~mental health and addiction services or the department of~~ 64201
~~developmental disabilities.~~ 64202

If a resident is physically or mentally unable to receive the 64203
information required for surgery or an experimental procedure 64204
under division (A)~~(1)~~ of this section and has no guardian, then 64205
the information, the recommendation of the chief medical officer, 64206
and the concurring judgment of a licensed physician who is not a 64207
full-time employee of the state may be provided to the court in 64208
the county in which the institution is located, ~~which. The court~~ 64209
may approve the surgery or experimental procedure. Before 64210
approving the surgery or experimental procedure, the court shall 64211
notify the Ohio protection and advocacy system created by section 64212
5123.60 of the Revised Code, and shall notify the resident of the 64213
resident's rights to consult with counsel, to have counsel 64214
appointed by the court if the resident is indigent, and to contest 64215
the recommendation of the chief medical officer. 64216

(D) If, in the judgment of two licensed physicians, delay in 64217
obtaining consent for surgery would create a grave danger to the 64218
health of a resident, emergency surgery may be performed without 64219
the consent of the resident if the necessary information is 64220
provided to the resident's guardian, including an agency providing 64221
guardianship services under contract with the department of 64222
developmental disabilities under sections 5123.55 to 5123.59 of 64223

the Revised Code, or to the resident's spouse or next of kin to 64224
enable that person or agency to give an informed, intelligent, and 64225
knowing written consent. 64226

If the guardian, spouse, or next of kin cannot be contacted 64227
through exercise of reasonable diligence, or if the guardian, 64228
spouse, or next of kin is contacted, but refuses to consent, then 64229
the emergency surgery may be performed upon the written 64230
authorization of the chief medical officer and after court 64231
approval has been obtained. However, if delay in obtaining court 64232
approval would create a grave danger to the life of the resident, 64233
the chief medical officer may authorize surgery, in writing, 64234
without court approval. If the surgery is authorized without court 64235
approval, the chief medical officer who made the authorization and 64236
the physician who performed the surgery shall each execute an 64237
affidavit describing the circumstances constituting the emergency 64238
and warranting the surgery and the circumstances warranting their 64239
not obtaining prior court approval. The affidavit shall be filed 64240
with the court with which the request for prior approval would 64241
have been filed within five court days after the surgery, and a 64242
copy of the affidavit shall be placed in the resident's file and 64243
shall be given to the guardian, spouse, or next of kin of the 64244
resident, to the hospital at which the surgery was performed, and 64245
to the Ohio protection and advocacy system created by section 64246
5123.60 of the Revised Code. 64247

~~(E)(1) If it is the judgment of two licensed physicians, as 64248
described in division (E)(2) of this section, that a medical 64249
emergency exists and delay in obtaining convulsive therapy creates 64250
a grave danger to the life of a resident who is both mentally 64251
retarded and mentally ill, convulsive therapy may be administered 64252
without the consent of the resident if the resident is physically 64253
or mentally unable to receive the information required for 64254
convulsive therapy and if the necessary information is provided to 64255~~

~~the resident's natural or court appointed guardian, including an 64256
agency providing guardianship services under contract with the 64257
department of developmental disabilities under sections 5123.55 to 64258
5123.59 of the Revised Code, or to the resident's spouse or next 64259
of kin to enable that person or agency to give an informed, 64260
intelligent, and knowing written consent. If neither the 64261
resident's guardian, spouse, nor next of kin can be contacted 64262
through exercise of reasonable diligence, or if the guardian, 64263
spouse, or next of kin is contacted, but refuses to consent, then 64264
convulsive therapy may be performed upon the written authorization 64265
of the chief medical officer and after court approval has been 64266
obtained. 64267~~

~~(2) The two licensed physicians referred to in division 64268
(E)(1) of this section shall not be associated with each other in 64269
the practice of medicine or surgery by means of a partnership or 64270
corporate arrangement, other business arrangement, or employment. 64271
At least one of the physicians shall be a psychiatrist as defined 64272
in division (E) of section 5122.01 of the Revised Code. 64273~~

~~(F) Major aversive interventions shall not be used unless a 64274
resident continues to engage in behavior destructive to self or 64275
others after other forms of therapy have been attempted. Major 64276
aversive interventions shall not be applied to a voluntary 64277
resident without the informed, intelligent, and knowing written 64278
consent of the resident or the resident's guardian, including an 64279
agency providing guardianship services under contract with the 64280
department of developmental disabilities under sections 5123.55 to 64281
5123.59 of the Revised Code. 64282~~

~~(G)(1) This chapter does not authorize any form of compulsory 64283
medical or psychiatric treatment of any resident who is being 64284
treated by spiritual means through prayer alone in accordance with 64285
a recognized religious method of healing. 64286~~

~~(2) For purposes of this section, "convulsive therapy" does 64287~~

~~not include defibrillation.~~ 64288

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 64289
or peer group 2 that becomes a downsized ICF/IID or partially 64290
converted ICF/IID on or after July 1, 2013, or becomes a new 64291
ICF/IID on or after that date, may file with the department of 64292
developmental disabilities a cost report covering the period 64293
specified in division (B) of this section if the following applies 64294
to the ICF/IID: 64295

(1) In the case of an ICF/IID that becomes a downsized 64296
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 64297
the following on the day it becomes a downsized ICF/IID or 64298
partially converted ICF/IID: 64299

(a) A medicaid-certified capacity that is at least ten per 64300
cent less than its medicaid-certified capacity on the day 64301
immediately preceding the day it becomes a downsized ICF/IID or 64302
partially converted ICF/IID; 64303

(b) At least five fewer beds certified as ICF/IID beds than 64304
it has on the day immediately preceding the day it becomes a 64305
downsized ICF/IID or partially converted ICF/IID. 64306

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 64307
a downsized ICF/IID and the downsized ICF/IID has either of the 64308
following on the day it becomes a downsized ICF/IID: 64309

(a) A medicaid-certified capacity that is at least ten per 64310
cent less than its medicaid-certified capacity on the day 64311
immediately preceding the day it becomes a downsized ICF/IID; 64312

(b) At least five fewer beds certified as ICF/IID beds than 64313
it has on the day immediately preceding the day it becomes a 64314
downsized ICF/IID. 64315

(B) A cost report filed under division (A) of this section 64316
shall cover the period that begins and ends as follows: 64317

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	64318
(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.	64320
(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.	64322
(2) In the case of a new ICF/IID:	64325
(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.	64326
(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.	64328
(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply:	64330
(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;	64333
(2) The cost report is incomplete or inadequate.	64337
(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:	64338
(1) The period begins on the following:	64345
(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	64346

(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) The period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (E) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code.

(E)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect on or before that date, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the portion of that calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID or, in the case of a new ICF/IID, for the portion that the provider agreement was in effect.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect ~~on or~~ after that date, the provider is not required to file a cost report for that calendar

year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the immediately following calendar year.

(F) If the department accepts a cost report filed under division (A) of this section, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (D) of this section:

(1) In place of the annual average case mix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs.

(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code.

(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.

(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless

of whether the ICF/IID is in peer group 1 or peer group 2. 64410

Sec. 5124.15. (A) Except as otherwise provided by section 64411
5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 64412
5124.155 of the Revised Code, and divisions (B) and (C) of this 64413
section, the total per medicaid day payment rate that the 64414
department of developmental disabilities shall pay to an ICF/IID 64415
provider for ICF/IID services the provider's ICF/IID provides 64416
during a fiscal year shall equal the sum of all of the following: 64417

(1) The per medicaid day payment rate for capital costs 64418
determined for the ICF/IID under section 5124.17 of the Revised 64419
Code; 64420

(2) The per medicaid day payment rate for direct care costs 64421
determined for the ICF/IID under section 5124.19 of the Revised 64422
Code; 64423

(3) The per medicaid day payment rate for indirect care costs 64424
determined for the ICF/IID under section 5124.21 of the Revised 64425
Code; 64426

(4) The per medicaid day payment rate for other protected 64427
costs determined for the ICF/IID under section 5124.23 of the 64428
Revised Code. 64429

(B) The total per medicaid day payment rate for an ICF/IID in 64430
peer group 3 shall not exceed the average total per medicaid day 64431
payment rate in effect on July 1, 2013, for developmental centers. 64432

(C) The department shall adjust the total rate otherwise 64433
determined under division (A) of this section as directed by the 64434
general assembly through the enactment of law governing medicaid 64435
payments to ICF/IID providers. 64436

(D) In addition to paying an ICF/IID provider the total rate 64437
determined for the provider's ICF/IID under divisions (A), (B), 64438
and (C) of this section for a fiscal year, the department, in 64439

accordance with section 5124.25 of the Revised Code, may pay the 64440
provider a rate add-on for pediatric ventilator-dependent outlier 64441
ICF/IID services if the rate add-on is to be paid under that 64442
section and the department approves the provider's application for 64443
the rate add-on. The rate add-on is not to be part of the 64444
ICF/IID's total rate. 64445

Sec. 5124.155. The total per medicaid day payment rate for 64446
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 64447
recipient who is admitted as a resident to the ICF/IID on or after 64448
July 1, 2015, and is placed in the chronic behaviors and typical 64449
adaptive needs classification or the typical adaptive needs and 64450
non-significant behaviors classification established for the 64451
grouper methodology prescribed in rules authorized by section 64452
5124.192 of the Revised Code shall be the lesser of the following: 64453

(A) The rate determined for the ICF/IID under section 5124.15 64454
of the Revised Code; 64455

(B) The following rate: 64456

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 64457
medicaid recipient in the chronic behaviors and typical adaptive 64458
needs classification; 64459

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 64460
medicaid recipient in the typical adaptive needs and 64461
non-significant behaviors classification. 64462

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 64463
provider for the day a medicaid recipient is discharged from the 64464
ICF/IID, unless the recipient is discharged from the ICF/IID 64465
because all of the beds in the ICF/IID are converted from 64466
providing ICF/IID services to providing home and community-based 64467
services pursuant to section 5124.60 or 5124.61 of the Revised 64468
Code. 64469

Sec. 5124.60. (A) For the purpose of increasing the number of slots available for home and community-based services, the operator of an ICF/IID may convert some or all of the beds in the ICF/IID from providing ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion.

(2) The operator complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable.

(3) If the operator intends to convert all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services by transferring to another ICF/IID that is willing and able to accept the resident if the resident continues to qualify for ICF/IID services;

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the operator intends to convert some but not all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services from any ICF/IID that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/IID services;	64500 64501 64502
(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.	64503 64504 64505 64506 64507
(5) The operator meets the requirements for providing home and community-based services, including the following:	64508 64509
(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility;	64510 64511 64512
(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's license as a residential facility under section 5123.19 of the Revised Code.	64513 64514 64515 64516
(6) The director of developmental disabilities approves the conversion.	64517 64518
(B) A decision by the director of developmental disabilities to approve or refuse to approve a proposed conversion of beds is final. In making a decision, the director shall consider all of the following:	64519 64520 64521 64522
(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted;	64523 64524
(2) The fiscal impact on the medicaid program;	64525
(3) The availability of home and community-based services.	64526
(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the	64527 64528 64529

beds are to be converted, the notice shall specify how many of the 64530
ICF/IID's beds are to be converted and how many of the beds are to 64531
continue to provide ICF/IID services. The notice to the director 64532
of developmental disabilities shall specify whether the operator 64533
wishes to surrender the ICF/IID's license as a residential 64534
facility under section 5123.19 of the Revised Code. 64535

(D)(1) If the director of developmental disabilities approves 64536
a conversion under division (B) of this section, the director of 64537
health shall do the following: 64538

(a) Terminate the ICF/IID's medicaid certification if the 64539
notice specifies that all of the ICF/IID's beds are to be 64540
converted; 64541

(b) Reduce the ICF/IID's medicaid-certified capacity by the 64542
number of beds being converted if the notice specifies that some 64543
but not all of the beds are to be converted. 64544

(2) The director of health shall notify the medicaid director 64545
of the termination or reduction. On receipt of the notice, the 64546
medicaid director shall do the following: 64547

(a) Terminate the operator's medicaid provider agreement that 64548
authorizes the operator to provide ICF/IID services at the ICF/IID 64549
if the ICF/IID's certification was terminated; 64550

(b) Amend the operator's medicaid provider agreement to 64551
reflect the ICF/IID's reduced medicaid-certified capacity if the 64552
ICF/IID's medicaid-certified capacity is reduced. 64553

(3) ~~In the case of action taken under division (D)(2)(a) of~~ 64554
~~this section, the operator~~ The medicaid director is not entitled 64555
~~to notice or a hearing under~~ required to conduct an adjudication 64556
in accordance with Chapter 119. of the Revised Code ~~before the~~ 64557
~~medicaid director terminates the medicaid provider agreement when~~ 64558
taking action under division (D)(2) of this section. 64559

Sec. 5124.61. (A) For the purpose of increasing the number of slots available for home and community-based services, a person who acquires, through a request for proposals issued by the director of developmental disabilities, an ICF/IID for which a residential facility license was previously surrendered or revoked may convert some or all of the ICF/IID's beds from providing ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The person provides the directors of health and developmental disabilities and medicaid director at least ninety days' notice of the person's intent to make the conversion.

(2) The person complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable.

(3) If the person intends to convert all of the ICF/IID's beds, the person notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and informs each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services by transferring to another ICF/IID willing and able to accept the resident if the resident continues to qualify for ICF/IID services;

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the person intends to convert some but not all of the ICF/IID's beds, the person notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based

services and inform each resident that the resident may do either 64590
of the following: 64591

(a) Continue to receive ICF/IID services from any that is 64592
willing and able to provide the services to the resident if the 64593
resident continues to qualify for ICF/IID services; 64594

(b) Begin to receive home and community-based services 64595
instead of ICF/IID services from any provider of home and 64596
community-based services that is willing and able to provide the 64597
services to the resident if the resident is eligible for the 64598
services and a slot for the services is available to the resident. 64599

(5) The person meets the requirements for providing home and 64600
community-based services at a residential facility. 64601

(B) The notice provided to the directors under division 64602
(A)(1) of this section shall specify whether some or all of the 64603
ICF/IID's beds are to be converted. If some but not all of the 64604
beds are to be converted, the notice shall specify how many of the 64605
ICF/IID's beds are to be converted and how many of the beds are to 64606
continue to provide ICF/IID services. 64607

(C) On receipt of a notice under division (A)(1) of this 64608
section, the director of health shall do the following: 64609

(1) Terminate the ICF/IID's medicaid certification if the 64610
notice specifies that all of the facility's beds are to be 64611
converted; 64612

(2) Reduce the ICF/IID's medicaid-certified capacity by the 64613
number of beds being converted if the notice specifies that some 64614
but not all of the beds are to be converted. 64615

(D) The director of health shall notify the medicaid director 64616
of the termination or reduction under division (C) of this 64617
section. On receipt of the director of health's notice, the 64618
medicaid director shall do the following: 64619

(1) Terminate the person's medicaid provider agreement that 64620
authorizes the person to provide ICF/IID services at the ICF/IID 64621
if the ICF/IID's medicaid certification was terminated; 64622

(2) Amend the person's medicaid provider agreement to reflect 64623
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 64624
medicaid-certified capacity is reduced. 64625

The ~~person medicaid director~~ is not ~~entitled~~ required to 64626
~~notice or a hearing under~~ conduct an adjudication in accordance 64627
with Chapter 119. of the Revised Code ~~before the medicaid director~~ 64628
~~terminates or amends the medicaid provider agreement~~ when taking 64629
action under division (D)(1) or (2) of this section. 64630

Sec. 5124.67. (A)(1) The department of developmental 64631
disabilities shall strive to achieve, not later than July 1, 2018, 64632
the following statewide reductions in ICF/IID beds: 64633

(a) At least five hundred beds in ICFs/IID that, before 64634
becoming downsized ICFs/IID, have sixteen or more beds; 64635

(b) At least five hundred beds in ICFs/IID with any number of 64636
beds that convert some or all of their beds from providing ICF/IID 64637
services to providing home and community-based services pursuant 64638
to section 5124.60 or 5124.61 of the Revised Code. 64639

(2) The department shall strive to achieve a reduction of at 64640
least one thousand two hundred ICF/IID beds through a combination 64641
of the methods specified in divisions (A)(1)(a) and (b) of this 64642
section. 64643

(3) The department shall strive to achieve the reductions 64644
specified in division (A)(1)(b) of this section in accordance with 64645
the following interim time frames: 64646

(a) At least two hundred twenty-five ICF/IID beds converted 64647
by June 30, 2016; 64648

(b) At least one hundred twenty-five additional ICF/IID beds 64649

converted by June 30, 2017, for a total of at least three hundred 64650
fifty beds converted by that date. 64651

(B) In its efforts to achieve the reductions under division 64652
(A) of this section, the department shall collaborate with the 64653
Ohio association of county boards serving people with 64654
developmental disabilities, the Ohio provider resource 64655
association, the Ohio centers for intellectual disabilities formed 64656
by the Ohio health care association, and the values and faith 64657
alliance. The collaboration efforts may include the following: 64658

(1) Identifying ICFs/IID that may reduce the number of their 64659
beds to help achieve the reductions under division (A) of this 64660
section; 64661

(2) Encouraging ICF/IID providers to reduce the number of 64662
their ICFs/IID's beds; 64663

~~(3) Establishing interim time frames for making progress in~~ 64664
~~achieving the reductions;~~ 64665

~~(4) Creating incentives for, and removing impediments to, the~~ 64666
~~reductions;~~ 64667

~~(5)~~(4) In the case of ICF/IID beds that are converted to 64668
providing home and community-based services, developing a 64669
mechanism to compensate providers for beds that permanently cease 64670
to provide ICF/IID services. 64671

(C) The department shall meet not less than twice each year 64672
with the organizations specified in division (B) of this section 64673
to do all of the following: 64674

(1) Review the progress being made in achieving the 64675
reductions under division (A) of this section; 64676

(2) Prepare written reports on the progress; 64677

(3) Identify additional measures needed to achieve the 64678
reductions. 64679

Sec. 5124.68. (A)(1) Except as provided in division (D) of this section, an ICF/IID in peer group 1 shall not admit an individual as a resident unless all of the following apply: 64680
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(a) The provider of the ICF/IID provides written notice about the individual's potential admission, and all information about the individual in the provider's possession, to the county board of developmental disabilities serving the county in which the individual resides at the time the notice is provided. 64683
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64686
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(b) The county board has provided to the individual and department of developmental disabilities a copy of the findings the county board makes pursuant to division (B) of this section; 64688
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(c) Not later than seven business days after the provider provides the county board the notice required by division (A)(1)(a) of this section, the department determines that the individual chooses to receive ICF/IID services from the ICF/IID after being fully informed of all available alternatives. 64691
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(2) For the purpose of division (A)(1)(a) of this section, the provider of an ICF/IID in peer group 1 may provide a county board written notices about multiple individuals' potential admissions to the ICF/IID at the same time. 64696
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(B) Not later than five business days after a county board receives notice from the provider of an ICF/IID in peer group 1 about an individual seeking admission to the ICF/IID, the county board shall do both of the following: 64700
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(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 64704
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(a) The nature, extent, and timing of the services that the individual needs; 64708
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(b) The least restrictive environment in which the individual could receive the needed services. 64710
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(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 64712
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64714
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(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 64716
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(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 64721
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(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 64724
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(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code or during which the individual received rehabilitation services in another health care setting. 64727
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(3) The requirements of divisions (A)(1)(a) and (b) of this section are satisfied but the department fails to make the determination required by division (A)(1)(c) of this section before the deadline specified in that division. 64732
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Sec. 5124.69. (A) The department of developmental disabilities shall develop and make available to all ICFs/IID a written pamphlet that describes all of the items and services covered by medicaid as ICF/IID services and as home and 64736
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community-based services. The department shall develop the 64740
pamphlet in consultation with persons and organizations interested 64741
in matters pertaining to individuals eligible for ICF/IID services 64742
and home and community-based services. 64743

(B) Each ICF/IID provider shall provide the pamphlet to the 64744
residents of the ICF/IID who receive ICF/IID services, and the 64745
guardians of such residents, and shall discuss the items and 64746
services described in the pamphlet with those residents and their 64747
guardians, as follows: 64748

(1) At least annually; 64749

(2) Any time such a resident, or resident's guardian, 64750
requests to receive the pamphlet and to discuss the items and 64751
services described in the pamphlet; 64752

(3) Any time such a resident, or resident's guardian, 64753
expresses to the provider an interest in home and community-based 64754
services. 64755

(C) If a resident of an ICF/IID who receives ICF/IID 64756
services, or the resident's guardian, indicates to the ICF/IID 64757
provider an interest in enrolling the resident in a medicaid 64758
waiver component providing home and community-based services, the 64759
provider shall refer the resident or guardian to the county board 64760
of developmental disabilities serving the county in which the 64761
resident would reside while enrolled in a medicaid waiver 64762
component. 64763

(D) Not later than thirty days after a county board is 64764
contacted by an ICF/IID resident or resident's guardian who was 64765
referred to the county board pursuant to division (C) of this 64766
section, the county board, notwithstanding a waiting list for the 64767
component established pursuant to section 5126.042 of the Revised 64768
Code, shall enroll the resident in the component if all of the 64769

<u>following apply:</u>	64770
<u>(1) The resident is eligible and chooses to enroll in the component.</u>	64771 64772
<u>(2) The component has an available slot.</u>	64773
<u>(3) The director of developmental disabilities determines that the department has the funds necessary to pay the nonfederal share of the medicaid expenditures for the home and community-based services provided to the resident under the component.</u>	64774 64775 64776 64777 64778
<u>Sec. 5124.70.</u> (A) <u>This section does not apply to either of the following:</u>	64779 64780
<u>(1) An ICF/IID to which both of the following apply:</u>	64781
<u>(a) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID.</u>	64782 64783
<u>(b) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized ICF/IID or partially converted ICF/IID.</u>	64784 64785 64786 64787
<u>(2) An ICF/IID's sleeping room in which more than two residents reside if both of the following apply:</u>	64788 64789
<u>(a) All of the residents of the sleeping room are under eighteen years of age.</u>	64790 64791
<u>(b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents.</u>	64792 64793 64794
<u>(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room.</u>	64795 64796 64797
<u>(C)(1) If, on the effective date of this section, more than</u>	64798

two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015.

(2) The plan shall include all of the following:

(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025;

(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID;

(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section;

(d) A discharge planning process that includes providing information to residents regarding home and community-based services;

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section.

(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not

greater than eight. 64830

(D) The department shall review each plan submitted under 64831
division (C) of this section and decide whether to approve the 64832
plan. In making this decision, the department shall consider both 64833
of the following: 64834

(1) Whether the plan conforms to the requirements of division 64835
(C) of this section; 64836

(2) The feasibility of completing the implementation as 64837
described in the plan. 64838

(E) If the department approves an ICF/IID provider's plan 64839
under division (D) of this section, the provider shall submit to 64840
the department annual reports regarding the plan's implementation. 64841

(F) The department may issue a written order to an ICF/IID 64842
provider that suspends new admissions to the ICF/IID if both of 64843
the following apply: 64844

(1) The department has approved the provider's plan under 64845
division (D) of this section. 64846

(2) The provider fails to do either of the following: 64847

(a) Submit to the department an annual report required by 64848
division (E) of this section; 64849

(b) Meet, to the department's satisfaction, the projected 64850
medicaid-certified capacity for the ICF/IID for a year as 64851
specified in the plan and the failure is due to factors within the 64852
provider's control. 64853

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 64854
more than two residents to reside in the same sleeping room if 64855
more than two residents resided in the same sleeping room on the 64856
effective date of this section. 64857

(2) On and after January 1, 2016, an ICF/IID provider may 64858
permit more than two residents to reside in the same sleeping room 64859

<u>only if all of the following apply:</u>	64860
<u>(a) More than two residents resided in the same sleeping room on the effective date of this section.</u>	64861 64862
<u>(b) The provider has submitted a plan in accordance with division (C) of this section.</u>	64863 64864
<u>(c) Either of the following applies:</u>	64865
<u>(i) The department has approved and the provider complies with the plan.</u>	64866 64867
<u>(ii) The department has not decided whether to approve the plan.</u>	64868 64869
<u>(H) The department shall waive application of division (B) of this section for an ICF/IID's sleeping room in which more than two residents reside on June 30, 2025, if both of the following apply:</u>	64870 64871 64872
<u>(1) The same residents have continuously resided in the sleeping room since the effective date of this section;</u>	64873 64874
<u>(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.</u>	64875 64876 64877
Sec. 5126.042. (A) As used in this section, "emergency status" means a status that an individual with mental retardation or developmental disabilities has when the individual is at risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency status" may include a status resulting from one or more of the following situations:	64878 64879 64880 64881 64882 64883
(1) Loss of present residence for any reason, including legal action;	64884 64885
(2) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for	64886 64887 64888

the individual; 64889

(3) Abuse, neglect, or exploitation of the individual; 64890

(4) Health and safety conditions that pose a serious risk to 64891
the individual or others of immediate harm or death; 64892

(5) Change in the emotional or physical condition of the 64893
individual that necessitates substantial accommodation that cannot 64894
be reasonably provided by the individual's existing caretaker. 64895

(B) If a county board of developmental disabilities 64896
determines that available resources are not sufficient to meet the 64897
needs of all individuals who request non-medicaid programs or 64898
services, it shall establish one or more waiting lists for the 64899
non-medicaid programs or services in accordance with its plan 64900
developed under section 5126.04 of the Revised Code. The board may 64901
establish priorities for making placements on its waiting lists 64902
established under this division. Any such priorities shall be 64903
consistent with the board's plan and applicable law. 64904

(C) If a county board~~r~~ determines that available resources 64905
are insufficient to meet the needs of all individuals who request 64906
home and community-based services, it shall establish a waiting 64907
list for the services. An individual's date of placement on the 64908
waiting list shall be the date a request is made to the board for 64909
the individual to receive the home and community-based services. 64910
The board shall provide for an individual who has an emergency 64911
status to receive priority status on the waiting list. The board 64912
shall also provide for an individual to whom any of the following 64913
apply to receive priority status on the waiting list in accordance 64914
with rules adopted under division (E) of this section: 64915

(1) The individual is receiving supported living, family 64916
support services, or adult services for which no federal financial 64917
participation is received under the medicaid program; 64918

(2) The individual's primary caregiver is at least sixty 64919

years of age; 64920

(3) The individual has intensive needs as determined in 64921
accordance with rules adopted under division (E) of this section; 64922

(4) The individual resides in an ICF/IID, as defined in 64923
section 5124.01 of the Revised Code; 64924

(5) The individual resides in a nursing facility, as defined 64925
in section 5165.01 of the Revised Code. 64926

(D) If two or more individuals on a waiting list established 64927
under division (C) of this section ~~for home and community-based 64928~~
~~services~~ have priority for the services pursuant to that division 64929
~~(C)(1), (2), or (3) of this section~~, a county board shall use 64930
criteria specified in rules adopted under division (E) of this 64931
section in determining the order in which the individuals with 64932
priority will be offered the services. An individual who has 64933
priority for home and community-based services because the 64934
individual has an emergency status has priority for the services 64935
over all other individuals on the waiting list who do not have 64936
emergency status. 64937

(E) The department of developmental disabilities shall adopt 64938
rules in accordance with Chapter 119. of the Revised Code 64939
governing waiting lists established under division (C) of this 64940
section. The rules shall include procedures to be followed to 64941
ensure that the due process rights of individuals placed on 64942
waiting lists are not violated. As part of the rules adopted under 64943
this division, the department shall adopt rules establishing 64944
criteria a county board shall use under division (D) of this 64945
section in determining the order in which individuals with 64946
priority for home and community-based services pursuant to 64947
division (C)~~(1), (2), or (3)~~ of this section will be offered the 64948
services. 64949

(F) The following shall take precedence over the applicable 64950

provisions of this section: 64951

(1) Medicaid rules and regulations; 64952

(2) Any specific requirements that may be contained within a 64953
medicaid state plan amendment or waiver program that a county 64954
board has authority to administer or with respect to which it has 64955
authority to provide services, programs, or supports. 64956

Sec. 5126.0510. (A) Except as otherwise provided in an 64957
agreement entered into under section 5123.048 of the Revised Code 64958
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 64959
section, a county board of developmental disabilities shall pay 64960
the nonfederal share of medicaid expenditures for the following 64961
home and community-based services provided to an individual with 64962
mental retardation or other developmental disability who the 64963
county board determines under section 5126.041 of the Revised Code 64964
is eligible for county board services: 64965

(1) Home and community-based services provided by the county 64966
board to such an individual; 64967

(2) Home and community-based services provided by a provider 64968
other than the county board to such an individual who is enrolled 64969
as of June 30, 2007, in the medicaid waiver component under which 64970
the services are provided; 64971

(3) Home and community-based services provided by a provider 64972
other than the county board to such an individual who, pursuant to 64973
a request the county board makes, enrolls in the medicaid waiver 64974
component under which the services are provided after June 30, 64975
2007; 64976

(4) Home and community-based services provided by a provider 64977
other than the county board to such an individual for whom there 64978
is in effect an agreement entered into under division ~~(E)~~(F) of 64979
this section between the county board and director of 64980

developmental disabilities. 64981

(B) In the case of medicaid expenditures for home and 64982
community-based services for which division (A)(2) of this section 64983
requires a county board to pay the nonfederal share, the following 64984
shall apply to such services provided during fiscal year 2008 64985
under the individual options medicaid waiver component: 64986

(1) The county board shall pay no less than the total amount 64987
the county board paid as the nonfederal share for home and 64988
community-based services provided in fiscal year 2007 under the 64989
individual options medicaid waiver component; 64990

(2) The county board shall pay no more than the sum of the 64991
following: 64992

(a) The total amount the county board paid as the nonfederal 64993
share for home and community-based services provided in fiscal 64994
year 2007 under the individual options medicaid waiver component; 64995

(b) An amount equal to one per cent of the total amount the 64996
department of developmental disabilities and county board paid as 64997
the nonfederal share for home and community-based services 64998
provided in fiscal year 2007 under the individual options medicaid 64999
waiver component to individuals the county board determined under 65000
section 5126.041 of the Revised Code are eligible for county board 65001
services. 65002

(C) A county board is not required to pay the nonfederal 65003
share of home and community-based services provided after June 30, 65004
2008, that the county board is otherwise required by division 65005
(A)(2) of this section to pay if the department of developmental 65006
disabilities fails to comply with division (A) of section 65007
5123.0416 of the Revised Code. 65008

(D) A county board is not required to pay the nonfederal 65009
share of home and community-based services that the county board 65010
is otherwise required by division (A)(3) of this section to pay if 65011

both of the following apply: 65012

(1) The services are provided to an individual who enrolls in 65013
the medicaid waiver component under which the services are 65014
provided as the result of an order issued following ~~a state~~ 65015
~~hearing, administrative an appeal, made under section 5160.31 of~~ 65016
~~the Revised Code or an appeal of the order~~ to a court of common 65017
~~pleas made under section 5101.35 of the Revised Code;~~ 65018

(2) There are more individuals who are eligible for services 65019
from the county board enrolled in home and community-based 65020
services than is required by section 5126.0512 of the Revised 65021
Code. 65022

(E) A county board is not required to pay the nonfederal 65023
share of home and community-based services that the county board 65024
is otherwise required by division (A) of this section to pay if 65025
the services are provided to an individual who enrolls, pursuant 65026
to division (D) of section 5124.69 of the Revised Code, in the 65027
medicaid waiver component under which the services are provided. 65028

(F) A county board may enter into an agreement with the 65029
director of developmental disabilities under which the county 65030
board agrees to pay the nonfederal share of medicaid expenditures 65031
for one or more home and community-based services that the county 65032
board is not otherwise required by division (A)(1), (2), or (3) of 65033
this section to pay and that are provided to an individual the 65034
county board determines under section 5126.041 of the Revised Code 65035
is eligible for county board services. The agreement shall specify 65036
which home and community-based services the agreement covers. The 65037
county board shall pay the nonfederal share of medicaid 65038
expenditures for the home and community-based services that the 65039
agreement covers as long as the agreement is in effect. 65040

Sec. 5126.15. (A) A county board of developmental 65041
disabilities shall provide service and support administration to 65042

each individual three years of age or older who is eligible for 65043
service and support administration if the individual requests, or 65044
a person on the individual's behalf requests, service and support 65045
administration. A board shall provide service and support 65046
administration to each individual receiving home and 65047
community-based services. A board may provide, in accordance with 65048
the service coordination requirements of 34 C.F.R. 303.23, service 65049
and support administration to an individual under three years of 65050
age eligible for early intervention services under 34 C.F.R. part 65051
303. A board may provide service and support administration to an 65052
individual who is not eligible for other services of the board. 65053
Service and support administration shall be provided in accordance 65054
with rules adopted under section 5126.08 of the Revised Code. 65055

A board may provide service and support administration by 65056
directly employing service and support administrators or by 65057
contracting with entities for the performance of service and 65058
support administration. Individuals employed or under contract as 65059
service and support administrators shall not be in the same 65060
collective bargaining unit as employees who perform duties that 65061
are not administrative. 65062

~~Individuals employed by a board as service~~ A service and 65063
support ~~administrators~~ administrator shall ~~not be assigned~~ 65064
~~responsibilities for implementing other services for individuals~~ 65065
~~and perform only the duties specified in division (B) of this~~ 65066
~~section. While employed by or under contract with a board, a~~ 65067
service and support administrator shall ~~not~~ neither be employed by 65068
or serve in a decision-making or policy-making capacity for any 65069
other entity that provides programs or services to individuals 65070
with mental retardation or developmental disabilities nor provide 65071
programs or services to individuals with mental retardation or 65072
developmental disabilities through self-employment. ~~An individual~~ 65073
~~employed as a conditional status service and support administrator~~ 65074

~~shall perform the duties of service and support administration 65075
only under the supervision of a management employee who is a 65076
service and support administration supervisor. 65077~~

(B) ~~The individuals employed by or under contract with a 65078
board to provide service and support administration~~ A service and 65079
support administrator shall do all of the following: 65080

(1) Establish an individual's eligibility for the services of 65081
the county board of developmental disabilities; 65082

(2) Assess individual needs for services; 65083

(3) Develop individual service plans with the active 65084
participation of the individual to be served, other persons 65085
selected by the individual, and, when applicable, the provider 65086
selected by the individual, and recommend the plans for approval 65087
by the department of developmental disabilities when services 65088
included in the plans are funded through medicaid; 65089

(4) Establish budgets for services based on the individual's 65090
assessed needs and preferred ways of meeting those needs; 65091

(5) Assist individuals in making selections from among the 65092
providers they have chosen; 65093

(6) Ensure that services are effectively coordinated and 65094
provided by appropriate providers; 65095

(7) Establish and implement an ongoing system of monitoring 65096
the implementation of individual service plans to achieve 65097
consistent implementation and the desired outcomes for the 65098
individual; 65099

(8) Perform quality assurance reviews as a distinct function 65100
of service and support administration; 65101

(9) Incorporate the results of quality assurance reviews and 65102
identified trends and patterns of unusual incidents and major 65103
unusual incidents into amendments of an individual's service plan 65104

for the purpose of improving and enhancing the quality and 65105
appropriateness of services rendered to the individual. 65106

Sec. 5126.201. (A) A person may be employed by or under 65107
contract with a county board of developmental disabilities as a 65108
conditional status service and support administrator only if 65109
either of the following is true: 65110

~~(A)(1)~~ The person has at least an appropriate associate 65111
degree; 65112

~~(B)(2)~~ The person meets both of the following requirements: 65113

~~(1)(a)~~ The person was employed by the county board and 65114
performed service and support administration duties on June 30, 65115
2005; 65116

~~(2)(b)~~ The person holds a high school diploma or a general 65117
educational development certificate of high school equivalence. 65118

(B) A conditional status service and support administrator 65119
shall perform the duties of service and support administration, as 65120
specified in division (B) of section 5126.15 of the Revised Code, 65121
only under the supervision of a management employee who is a 65122
service and support administration supervisor. 65123

Sec. 5139.03. (A) The department of youth services shall 65124
control and manage all state institutions or facilities 65125
established or created for the training or rehabilitation of 65126
delinquent children committed to the department, except where the 65127
control and management of an institution or facility is vested by 65128
law in another agency. The department shall employ, in addition to 65129
other personnel authorized under Chapter 5139. of the Revised 65130
Code, sufficient personnel to maintain food service and buildings 65131
and grounds operations. 65132

(B) The department of youth services shall, insofar as 65133

practicable, purchase foods and other commodities incident to food 65134
service operations from the department of mental health and 65135
addiction services. The department of youth services may enter 65136
into agreements with the department of mental health and addiction 65137
services providing for assistance and consultation in the 65138
construction of, or major modifications to, capital facilities of 65139
the department of youth services. 65140

(C) The directors of mental health and addiction services and 65141
of youth services shall enter into written agreements to implement 65142
this section. Such directors may, from time to time, amend any 65143
agreements entered into under this section for the purposes of 65144
making more efficient use of personnel, taking advantage of 65145
economies in quantity purchasing, or for any other purpose which 65146
is mutually advantageous to both the department of youth services 65147
and the department of mental health and addiction services. 65148

~~The department of youth services may transfer any of its 65149
excess or surplus supplies to a community corrections facility. 65150
These supplies shall remain the property of the department for a 65151
period of five years from the date of the transfer. After the 65152
five year period, the supplies shall become the property of the 65153
facility. 65154~~

Sec. 5139.50. (A) The release authority of the department of 65155
youth services is hereby created as a bureau in the department. 65156
The release authority shall consist of a minimum of three, but not 65157
more than five, members who are appointed by the director of youth 65158
services and who have the qualifications specified in division (B) 65159
of this section. The members of the release authority shall devote 65160
their full time to the duties of the release authority and shall 65161
neither seek nor hold other public office. The members shall be in 65162
the unclassified civil service. 65163

(B) A person appointed as a member of the release authority 65164

shall have a bachelor's degree from an accredited college or 65165
university or equivalent relevant experience and shall have the 65166
skills, training, or experience necessary to analyze issues of 65167
law, administration, and public policy. The membership of the 65168
release authority shall represent, insofar as practicable, the 65169
diversity found in the children in the legal custody of the 65170
department of youth services. 65171

In appointing the ~~five~~ members, the director shall ensure 65172
that the appointments include all of the following: 65173

(1) At least ~~four members~~ one member who ~~have~~ has five or 65174
more years of experience in criminal justice, juvenile justice, or 65175
an equivalent relevant profession; 65176

(2) At least one member who has experience in victim services 65177
or advocacy or who has been a victim of a crime or is a family 65178
member of a victim; 65179

(3) At least one member who has experience in direct care 65180
services to delinquent children. 65181

(C) ~~The initial appointments of members of the release~~ 65182
~~authority shall be for a term of six years for the chairperson and~~ 65183
~~one member, a term of four years for two members, and a term of~~ 65184
~~two years for one member. Thereafter, members shall be appointed~~ 65185
~~for six year terms until the effective date of this amendment,~~ 65186
~~after which members~~ Members shall be appointed for four-year 65187
terms. At the conclusion of a term, a member shall hold office 65188
until the appointment and qualification of the member's successor. 65189
The director shall fill a vacancy occurring before the expiration 65190
of a term for the remainder of that term and, if a member is on 65191
extended leave or disability status for more than thirty work 65192
days, may appoint an interim member to fulfill the duties of that 65193
member. A member may be reappointed. A member may be removed for 65194
good cause by the director. 65195

(D) The director of youth services shall designate as chairperson of the release authority one of the members who has experience in criminal justice, juvenile justice, or an equivalent relevant profession. The chairperson shall be a managing officer of the department, shall supervise the members of the board and the other staff in the bureau, and shall perform all duties and functions necessary to ensure that the release authority discharges its responsibilities. The chairperson shall serve as the official spokesperson for the release authority.

(E) The release authority shall do all of the following:

(1) Serve as the final and sole authority for making decisions, in the interests of public safety and the children involved, regarding the release and discharge of all children committed to the legal custody of the department of youth services, except children placed by a juvenile court on judicial release to court supervision or on judicial release to department of youth services supervision, children who have not completed a prescribed minimum period of time or prescribed period of time in a secure facility, or children who are required to remain in a secure facility until they attain twenty-one years of age;

(2) Establish written policies and procedures for conducting reviews of the status for all youth in the custody of the department, setting or modifying dates of release and discharge, specifying the duration, terms, and conditions of release to be carried out in supervised release subject to the addition of additional consistent terms and conditions by a court in accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews;

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;	65228 65229 65230
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	65231 65232
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	65233 65234 65235 65236 65237
(F) The release authority may do any of the following:	65238
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	65239 65240 65241
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	65242 65243 65244 65245
(3) Administer oaths and receive testimony of persons under oath;	65246 65247
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	65248 65249 65250 65251
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.	65252 65253 65254 65255 65256 65257

(G) The release authority may delegate responsibilities to 65258
hearing officers or other designated staff under the release 65259
authority's auspices. However, the release authority shall not 65260
delegate its authority to make final decisions regarding policy or 65261
the release of a child. 65262

The release authority shall adopt a written policy and 65263
procedures governing appeals of its release and discharge 65264
decisions. 65265

(H) The legal staff of the department of youth services shall 65266
provide assistance to the release authority in the formulation of 65267
policy and in its handling of individual cases. 65268

Sec. 5147.07. No articles or supplies manufactured under 65269
~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 65270
5147.22 of the Revised Code by the labor of convicts of state 65271
correctional institutions shall be purchased from any other source 65272
for the state or its institutions unless the department of 65273
administrative services, in consultation with the department of 65274
rehabilitation and correction ~~first certifies, on requisition~~ 65275
~~made,~~ determines that the articles or supplies cannot be furnished 65276
and issues a waiver under section 125.035 of the Revised Code. 65277

Sec. 5160.37. (A) A medical assistance recipient's enrollment 65278
in a medical assistance program gives an automatic right of 65279
recovery to the department of medicaid and a county department of 65280
job and family services against the liability of a third party for 65281
the cost of medical assistance paid on behalf of the recipient. 65282
When an action or claim is brought against a third party by a 65283
medical assistance recipient, any payment, settlement or 65284
compromise of the action or claim, or any court award or judgment, 65285
is subject to the recovery right of the department of medicaid or 65286
county department. Except in the case of a medical assistance 65287

recipient who receives medical assistance through a medicaid 65288
managed care organization, the department's or county department's 65289
claim shall not exceed the amount of medical assistance paid by 65290
the department or county department on behalf of the recipient. A 65291
payment, settlement, compromise, judgment, or award that excludes 65292
the cost of medical assistance paid for by the department or 65293
county department shall not preclude a department from enforcing 65294
its rights under this section. 65295

(B) In the case of a medical assistance recipient who 65296
receives medical assistance through a medicaid managed care 65297
organization, the amount of the department's or county 65298
department's claim shall be the amount the medicaid managed care 65299
organization pays for medical assistance rendered to the 65300
recipient, even if that amount is more than the amount the 65301
department or county department pays to the medicaid managed care 65302
organization for the recipient's medical assistance. 65303

(C) A medical assistance recipient, and the recipient's 65304
attorney, if any, shall cooperate with the departments. In 65305
furtherance of this requirement, the medical assistance recipient, 65306
or the recipient's attorney, if any, shall, not later than thirty 65307
days after initiating informal recovery activity or filing a legal 65308
recovery action against a third party, provide written notice of 65309
the activity or action to the department of medicaid or county 65310
department if it has paid for medical assistance under a medical 65311
assistance program. 65312

(D) The written notice that must be given under division (C) 65313
of this section shall disclose the identity and address of any 65314
third party against whom the medical assistance recipient has or 65315
may have a right of recovery. 65316

(E) No settlement, compromise, judgment, or award or any 65317
recovery in any action or claim by a medical assistance recipient 65318
where the department or county department has a right of recovery 65319

shall be made final without first giving the department or county
department written notice as described in division (C) of this
section and a reasonable opportunity to perfect its rights of
recovery. If the department or county department is not given the
appropriate written notice, the medical assistance recipient and,
if there is one, the recipient's attorney, are liable to reimburse
the department or county department for the recovery received to
the extent of medical assistance payments made by the department
or county department.

(F) The department or county department shall be permitted to
enforce its recovery rights against the third party even though it
accepted prior payments in discharge of its rights under this
section if, at the time the department or county department
received such payments, it was not aware that additional medical
expenses had been incurred but had not yet been paid by the
department or county department. The third party becomes liable to
the department or county department as soon as the third party is
notified in writing of the valid claims for recovery under this
section.

(G)(1) Subject to division (G)(2) of this section, the right
of recovery of the department or county department does not apply
to that portion of any judgment, award, settlement, or compromise
of a claim, to the extent of attorneys' fees, costs, or other
expenses incurred by a medical assistance recipient in securing
the judgment, award, settlement, or compromise, or to the extent
of medical, surgical, and hospital expenses paid by such recipient
from the recipient's own resources.

(2) Reasonable attorneys' fees, not to exceed one-third of
the total judgment, award, settlement, or compromise, plus costs
and other expenses incurred by the medical assistance recipient in
securing the judgment, award, settlement, or compromise, shall
first be deducted from the total judgment, award, settlement, or

compromise. After fees, costs, and other expenses are deducted 65352
from the total judgment, award, settlement, or compromise, there 65353
shall be a rebuttable presumption that the department of medicaid 65354
or county department shall receive no less than one-half of the 65355
remaining amount, or the actual amount of medical assistance paid, 65356
whichever is less. Any party may rebut this presumption by a 65357
showing of clear and convincing evidence that a different 65358
allocation is warranted. The allocation of medical expenses 65359
pursuant to a settlement agreement between a medical assistance 65360
recipient and the third party may be considered by the department 65361
or county department but is not binding on either. 65362

(H) A right of recovery created by this section may be 65363
enforced separately or jointly by the department of medicaid or 65364
county department. To enforce its recovery rights, the department 65365
or county department may do any of the following: 65366

(1) Intervene or join in any action or proceeding brought by 65367
the medical assistance recipient or on the recipient's behalf 65368
against any third party who may be liable for the cost of medical 65369
assistance paid; 65370

(2) Institute and pursue legal proceedings against any third 65371
party who may be liable for the cost of medical assistance paid; 65372

(3) Initiate legal proceedings in conjunction with any 65373
injured, diseased, or disabled medical assistance recipient or the 65374
recipient's attorney or representative. 65375

(I) A medical assistance recipient shall not assess attorney 65376
fees, costs, or other expenses against the department of medicaid 65377
or a county department when the department or county department 65378
enforces its right of recovery created by this section. 65379

(J) The right of recovery given to the department under this 65380
section includes payments made by a third party under contract 65381
with a person having a duty to support. 65382

(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim.

Sec. 5160.401. (A) A payment made by a third party under division (A)(4) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

(1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;

(2) The date or dates on which the medical item or service was provided;

(3) The amount allegedly overpaid and the amount the third party seeks to recover;

<u>(4) The claim number and any other number the department or</u>	65413
<u>medicaid managed care organization has assigned to the claim;</u>	65414
<u>(5) The third party's rationale for seeking recovery;</u>	65415
<u>(6) The date the third party made the payment and the method</u>	65416
<u>of payment used;</u>	65417
<u>(7) If payment was made by check, the check number;</u>	65418
<u>(8) Whether the third party would prefer to receive the</u>	65419
<u>amount being sought by obtaining a payment from the department or</u>	65420
<u>medicaid managed care organization, either by check or electronic</u>	65421
<u>means, or by offsetting the amount from a future payment to be</u>	65422
<u>made to the department or medicaid managed care organization.</u>	65423
<u>(C) If the department or appropriate medicaid managed care</u>	65424
<u>organization determines that a notice of recovery was filed before</u>	65425
<u>the claim for payment is final and agrees to the amount sought by</u>	65426
<u>the third party, the department or medicaid managed care</u>	65427
<u>organization, as applicable, shall notify the third party in</u>	65428
<u>writing of its determination and agreement. Recovery of the amount</u>	65429
<u>shall proceed in accordance with the method specified by the third</u>	65430
<u>party pursuant to division (B)(8) of this section.</u>	65431
Sec. 5162.01. (A) As used in the Revised Code:	65432
(1) "Medicaid" and "medicaid program" mean the program of	65433
medical assistance established by Title XIX of the "Social	65434
Security Act," 42 U.S.C. 1396 et seq., including any medical	65435
assistance provided under the medicaid state plan or a federal	65436
medicaid waiver granted by the United States secretary of health	65437
and human services.	65438
(2) "Medicare" and "medicare program" mean the federal health	65439
insurance program established by Title XVIII of the "Social	65440
Security Act," 42 U.S.C. 1395 et seq.	65441
(B) As used in this chapter:	65442

- (1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 65443
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- (2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 65445
- (3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 65446
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- (4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 65448
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- (5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 65454
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- (6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 65458
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- (7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65461
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- (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65464
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- (9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 65466
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- (10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 65468
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- (11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 65470
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- (12) "Medicaid waiver component" has the same meaning as in 65472

<u>section 5166.01 of the Revised Code;</u>	65473
(13) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	65474 65475
(13) (14) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	65476 65477 65478 65479
(14) (15) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	65480 65481
(15) (16) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	65482 65483
(16) (17) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:	65484 65485 65486 65487 65488 65489
(a) It holds a valid provider agreement.	65490
(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.	65491 65492 65493
(17) (18) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.	65494 65495 65496 65497
(18) (19) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.	65498 65499 65500
Sec. 5162.11. (A) The department of medicaid shall enter into	65501

an agreement with the department of administrative services for 65502
the department of administrative services to contract through 65503
competitive selection pursuant to section 125.07 of the Revised 65504
Code with a vendor to perform an assessment of the data collection 65505
and data warehouse functions of the medicaid data warehouse 65506
system, including the ability to link the data sets of all 65507
agencies serving medicaid recipients. 65508

The assessment of the data system shall include functions 65509
related to fraud and abuse detection, program management and 65510
budgeting, and performance measurement capabilities of all 65511
agencies serving medicaid recipients, including the departments of 65512
aging, health, job and family services, medicaid, mental health 65513
and addiction services, and developmental disabilities. 65514

A qualified vendor with whom the department of administrative 65515
services contracts to assess the data system shall also assist the 65516
medicaid agencies in the definition of the requirements for an 65517
enhanced data system or a new data system and assist the 65518
department of administrative services in the preparation of a 65519
request for proposals to enhance or develop a data system. 65520

(B) Based on the assessment performed pursuant to division 65521
(A) of this section, the department of administrative services 65522
shall seek a qualified vendor through competitive selection 65523
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 65524
develop or enhance a data collection and data warehouse system for 65525
the department of medicaid and all agencies serving medicaid 65526
recipients. 65527

The department of medicaid shall seek enhanced federal 65528
financial participation for ninety per cent of the funds required 65529
to establish or enhance the data system. The department of 65530
administrative services shall not award a contract for 65531
establishing or enhancing the data system until the department of 65532

medicaid receives approval from the United States secretary of 65533
health and human services for the ninety per cent federal 65534
financial participation. 65535

Sec. 5162.36. ~~(A)~~ ~~(B)~~ The medicaid director shall create, in 65536
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 65537
Revised Code, the medicaid school component of the medicaid 65538
program. 65539

Sec. 5162.361. A qualified medicaid school provider 65540
participating in the medicaid school component of the medicaid 65541
program may submit a claim to the department of medicaid for 65542
federal financial participation for providing, in schools, 65543
services covered by the medicaid school component to medicaid 65544
recipients who are eligible for the services. No qualified 65545
medicaid school provider may submit such a claim before the 65546
provider incurs the cost of providing the service. 65547

The claim shall include certification of the qualified 65548
medicaid school provider's expenditures for the service. The 65549
certification shall show that the money the qualified medicaid 65550
school provider used for the expenditures was nonfederal money the 65551
provider may legally use for providing the service and that the 65552
amount of the expenditures was sufficient to pay the full cost of 65553
the service. 65554

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 65555
5162.365 of the Revised Code ~~and rules authorized by sections~~ 65556
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 65557
school provider is subject to all conditions of participation in 65558
the medicaid program that generally apply to providers of goods 65559
and services under the medicaid program, including conditions 65560
regarding claims, audits, and recovery of overpayments. 65561

Sec. 5162.363. The department of medicaid shall enter into an 65562

interagency agreement with the department of education under 65563
section 5162.35 of the Revised Code that provides for the 65564
department of education to administer the medicaid school 65565
component of the medicaid program other than the aspects of the 65566
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 65567
Revised Code require the department of medicaid to administer. The 65568
interagency agreement may include a provision that provides for 65569
the department of education to pay to the department of medicaid 65570
the nonfederal share of a portion of the administrative expenses 65571
the department of medicaid incurs in administering the aspects of 65572
the component that the department of medicaid administers. 65573

To the extent authorized by rules authorized by section 65574
5162.021 of the Revised Code, the department of education shall 65575
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 65576
~~Revised Code,~~ establishing a process by which qualified medicaid 65577
school providers participating in the medicaid school component 65578
pay to the department of education the nonfederal share of the 65579
department's expenses incurred in administering the component. The 65580
rules shall be adopted in accordance with Chapter 119. of the 65581
Revised Code. 65582

Sec. 5162.365. (A) A qualified medicaid school provider is 65583
solely responsible for timely repaying any overpayment that the 65584
provider receives under the medicaid school component of the 65585
medicaid program and that is discovered by a federal or state 65586
audit. This is the case regardless of whether the audit's finding 65587
identifies the provider, department of medicaid, or department of 65588
education as being responsible for the overpayment. 65589

(B) The department of medicaid shall not do any of the 65590
following regarding an overpayment for which a qualified medicaid 65591
school provider is responsible for repaying: 65592

(1) Make a payment to the federal government to meet or delay 65593
the provider's repayment obligation; 65594

(2) Assume the provider's repayment obligation; 65595

(3) Forgive the provider's repayment obligation. 65596

(C) Each qualified medicaid school provider shall indemnify 65597
and hold harmless the department of medicaid for any cost or 65598
penalty resulting from a federal or state audit finding that a 65599
claim submitted by the provider under section 5162.361 of the 65600
Revised Code did not comply with a federal or state requirement 65601
applicable to the claim, including a requirement of a medicaid 65602
waiver component. 65603

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised 65604
Code, the medicaid program shall cover all mandatory eligibility 65605
groups. 65606

(B) The medicaid program shall cover all of the optional 65607
eligibility groups that state statutes require the medicaid 65608
program to cover. 65609

(C) The medicaid program may cover any of the optional 65610
eligibility groups to which either of the following applies: 65611

(1) State statutes expressly permit the medicaid program to 65612
cover the optional eligibility group. 65613

(2) ~~State statutes do not address whether~~ Except as provided 65614
in division (D)(1) of this section, the medicaid program ~~may cover~~ 65615
covers the optional eligibility group on the effective date of 65616
this amendment. 65617

(D) The medicaid program shall not cover any optional 65618
eligibility group ~~that state~~ to which either of the following 65619
applies: 65620

(1) State statutes expressly prohibit the medicaid program 65621

from covering the optional eligibility group. 65622

(2) State statutes do not address whether the medicaid 65623

program may cover the optional eligibility group. 65624

Sec. 5163.04. The income eligibility threshold for an 65625

optional eligibility group shall be the following: 65626

(A) The percentage of the federal poverty line specified in 65627

state statute for the group; 65628

(B) If the income eligibility threshold for the group is not 65629

specified in state statute, a percentage of the federal poverty 65630

line not exceeding the percentage of the federal poverty line 65631

that, on the effective date of this section, is the group's income 65632

eligibility threshold. 65633

Sec. 5163.06. The medicaid program shall cover all of the 65634

following optional eligibility groups: 65635

(A) The group consisting of children placed with adoptive 65636

parents who are specified in the "Social Security Act," section 65637

1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 65638

(B) ~~Subject to section 5163.061 of the Revised Code, the~~ 65639

~~group consisting of women during pregnancy and the sixty day~~ 65640

~~period beginning on the last day of the pregnancy, infants, and~~ 65641

~~children who are specified in the "Social Security Act," section~~ 65642

~~1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);~~ 65643

~~(C)~~ Subject to sections 5163.09 to 5163.098 of the Revised 65644

Code, the group consisting of employed individuals with 65645

disabilities who are specified in the "Social Security Act," 65646

section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 65647

~~(D)~~(C) Subject to sections 5163.09 to 5163.098 of the Revised 65648

Code, the group consisting of employed individuals with medically 65649

improved disabilities who are specified in the "Social Security 65650

Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 65651

1396a(a)(10)(A)(ii)(XVI); 65652

~~(E)(D)~~ The group consisting of independent foster care 65653

adolescents who are specified in the "Social Security Act," 65654

section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 65655

1396a(a)(10)(A)(ii)(XVII); 65656

~~(F)~~ The group consisting of women in need of treatment for 65657

breast or cervical cancer who are specified in the "Social 65658

Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 65659

1396a(a)(10)(A)(ii)(XVIII); 65660

~~(G)~~ The group consisting of nonpregnant individuals who may 65661

receive family planning services and supplies and are specified in 65662

the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 65663

U.S.C. 1396a(a)(10)(A)(ii)(XXI). 65664

Sec. 5163.30. (A) As used in this section: 65665

(1) "Assets" include all of an individual's income and 65666

resources and those of the individual's spouse, including any 65667

income or resources the individual or spouse is entitled to but 65668

does not receive because of action by any of the following: 65669

(a) The individual or spouse; 65670

(b) A person or government entity, including a court or 65671

administrative agency, with legal authority to act in place of or 65672

on behalf of the individual or spouse; 65673

(c) A person or government entity, including a court or 65674

administrative agency, acting at the direction or on the request 65675

of the individual or spouse. 65676

(2) "Home and community-based services" means home and 65677

community-based services furnished under a medicaid waiver granted 65678

by the United States secretary of health and human services under 65679

the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 65680

1396n(c) or (d). 65681

(3) "Institutionalized individual" means a resident of a 65682
nursing facility, an inpatient in a medical institution for whom a 65683
payment is made based on a level of care provided in a nursing 65684
facility, or an individual described in the "Social Security Act," 65685
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 65686

(4) "Look-back date" means the date that is a number of 65687
months specified in rules adopted under section 5163.02 of the 65688
Revised Code immediately before either of the following: 65689

(a) The date an individual becomes an institutionalized 65690
individual if the individual is eligible for medicaid on that 65691
date; 65692

(b) The date an individual applies for medicaid while an 65693
institutionalized individual. 65694

(5) "Nursing facility equivalent services" means services 65695
that are covered by the medicaid program, equivalent to nursing 65696
facility services, provided by an institution that provides the 65697
same level of care as a nursing facility, and provided to an 65698
inpatient of the institution who is a medicaid recipient eligible 65699
for medicaid-covered nursing facility equivalent services. 65700

(6) "Undue hardship" means being deprived of either of the 65701
following: 65702

(a) Medical care such that an individual's health or life is 65703
endangered; 65704

(b) Food, clothing, shelter, or other necessities of life. 65705

(B) Except as provided in division (C) of this section and 65706
rules adopted under section 5163.02 of the Revised Code, an 65707
institutionalized individual is ineligible for nursing facility 65708
services, nursing facility equivalent services, and home and 65709
community-based services if the individual or individual's spouse 65710

disposes of assets for less than fair market value on or after the 65711
look-back date. The institutionalized individual's ineligibility 65712
shall begin on a date determined in accordance with rules adopted 65713
under section 5163.02 of the Revised Code and shall continue for a 65714
number of months determined in accordance with such rules. 65715

(C)(1) An institutionalized individual may be granted a 65716
waiver of all or a portion of the period of ineligibility to which 65717
the individual would otherwise be subjected under division (B) of 65718
this section if the ineligibility would cause an undue hardship 65719
for the individual. ~~An~~ 65720

(2) An institutionalized individual shall be granted a waiver 65721
of all or a portion of the period of ineligibility if the 65722
administrator of the nursing facility in which the individual 65723
resides has notified the individual of a proposed transfer or 65724
discharge under section 3721.16 of the Revised Code due to failure 65725
to pay for the care the nursing facility has provided to the 65726
individual, the individual or the individual's sponsor requests a 65727
hearing on the proposed transfer or discharge in accordance with 65728
section 3721.161 of the Revised Code, and the transfer or 65729
discharge is upheld by a final determination that is not subject 65730
to further appeal. ~~Waivers~~ 65731

(3) An institutionalized individual may be granted a waiver 65732
of all of the period of ineligibility if all of the assets that 65733
were disposed of for less than fair market value are returned to 65734
the individual or individual's spouse or if the individual or 65735
individual's spouse receives cash or other personal or real 65736
property that equals the difference between what the individual or 65737
individual's spouse received for the assets and the fair market 65738
value of the assets. Except as provided in division (C)(1) or (2) 65739
of this section, no waiver of any part of the period of 65740
ineligibility shall be granted if the amount the individual or 65741
individual's spouse receives is less than the difference between 65742

what the individual or individual's spouse received for the assets 65743
and the fair market value of the assets. 65744

(4) Waivers shall be granted in accordance with rules adopted 65745
under section 5163.02 of the Revised Code. 65746

(D) To secure compliance with this section, the medicaid 65747
director may require an individual, as a condition of initial or 65748
continued eligibility for medicaid, to provide documentation of 65749
the individual's assets up to five years before the date the 65750
individual becomes an institutionalized individual if the 65751
individual is eligible for medicaid on that date or the date the 65752
individual applies for medicaid while an institutionalized 65753
individual. Documentation may include tax returns, records from 65754
financial institutions, and real property records. 65755

Sec. 5163.33. (A) In determining the amount of income that a 65756
medicaid recipient must apply monthly toward payment of the cost 65757
of care in a nursing facility or ICF/IID, a county department of 65758
job and family services shall deduct from the recipient's monthly 65759
income a monthly personal needs allowance in accordance with the 65760
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 65761

(B) In the case of a resident of a nursing facility, the 65762
monthly personal needs allowance shall be ~~as follows:~~ 65763

~~(1) Prior to January 1, 2014, not less than forty dollars for~~ 65764
~~an individual resident and not less than eighty dollars for a~~ 65765
~~married couple if both spouses are residents of a nursing facility~~ 65766
~~and their incomes are considered available to each other in~~ 65767
~~determining eligibility;~~ 65768

~~(2) For calendar year 2014, not less than forty five dollars~~ 65769
~~for an individual resident and not less than ninety dollars for a~~ 65770
~~married couple if both spouses are residents of a nursing facility~~ 65771
~~and their incomes are considered available to each other in~~ 65772

~~determining eligibility;~~ 65773

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 65774
not less than fifty dollars for an individual resident and not 65775
less than one hundred dollars for a married couple if both spouses 65776
are residents of a nursing facility and their incomes are 65777
considered available to each other in determining eligibility. 65778

(C) In the case of a resident of an ICF/IID, the monthly 65779
personal needs allowance shall be as follows: 65780

(1) Prior to January 1, 2016, forty dollars unless the 65781
resident has earned income, in which case the monthly personal 65782
needs allowance shall be determined by the department of medicaid, 65783
or the department's designee, but shall not exceed one hundred 65784
five dollars; 65785

(2) For calendar year 2016 and each calendar year thereafter, 65786
not less than fifty dollars for an individual resident and not 65787
less than one hundred dollars for a married couple if both spouses 65788
are residents of an ICF/IID and their incomes are considered 65789
available to each other in determining eligibility. 65790

Sec. 5164.01. As used in this chapter: 65791

(A) "Adjudication" has the same meaning as in section 119.01 65792
of the Revised Code. 65793

(B) "Early and periodic screening, diagnostic, and treatment 65794
services" has the same meaning as in the "Social Security Act," 65795
section 1905(r), 42 U.S.C. 1396d(r). 65796

~~(B)~~(C) "Federal financial participation" has the same meaning 65797
as in section 5160.01 of the Revised Code. 65798

~~(C)~~(D) "Healthcheck" means the component of the medicaid 65799
program that provides early and periodic screening, diagnostic, 65800
and treatment services. 65801

~~(D)~~(E) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65802
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~~(E)~~(F) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 65805
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~~(F)~~(G) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 65807
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~~(G)~~(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65809
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~~(H)~~(I) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 65811
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~~(I)~~(J) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 65814
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~~(J)~~(K) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 65818
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~~(K)~~(L) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 65820
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~~(L)~~(M) "Medicaid services" means either or both of the following: 65826
65827

(1) Mandatory services; 65828

(2) Optional services that the medicaid program covers. 65829

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 65830
65831

~~(N)~~(O) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

~~(P)~~(Q) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

Sec. 5164.36. (A) As used in this section:

(1) ~~"Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid~~ means an allegation of fraud for which there is an indication of reliability and that derives from one or more sources, including any of the following:

(a) A fraud hotline complaint;

(b) Claims data mining;

(c) A pattern identified through medicaid provider audits, civil false claims cases, and law enforcement investigations;

(d) An indictment charging a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an act that would be a felony or misdemeanor under the

laws of this state or the laws in the jurisdiction in which the 65861
act is committed and relates to, or results from, one or more of 65862
the following: 65863

(i) Furnishing, ordering, prescribing, or certifying medicaid 65864
services; 65865

(ii) Billing for medicaid services; 65866

(iii) Referring a person to medicaid services; 65867

(iv) Participating in the performance of management or 65868
administrative services related to furnishing medicaid services. 65869

(e) Any other source. 65870

(2) "Owner" ~~has the same meaning as in section 5164.37 of the~~ 65871
~~Revised Code~~ means any person having at least five per cent 65872
ownership in a medicaid provider. 65873

(B)(1) Except as provided in division (C) of this section and 65874
in rules authorized by this section, ~~on determining there is a~~ 65875
~~credible allegation of fraud for which an investigation is pending~~ 65876
~~under the medicaid program against a medicaid provider,~~ the 65877
department of medicaid shall suspend ~~the~~ a medicaid provider's 65878
provider agreement held by the provider when the department, after 65879
carefully reviewing all allegations, facts, and evidence and 65880
acting judiciously on a case-by-case basis, determines that an 65881
allegation of fraud committed by the medicaid provider or its 65882
owner, officer, authorized agent, associate, manager, or employee 65883
is a credible allegation of fraud. Subject to division (C) of this 65884
section, when the department suspends a medicaid provider's 65885
provider agreement under this section, the department ~~shall:~~ 65886

(a) Shall also terminate suspend all medicaid payments to the 65887
provider for medicaid services rendered the provider provided 65888
before, or provides after, the provider agreement's suspension; 65889

(b) May also suspend the provider agreement of any other 65890

medicaid provider of which the medicaid provider is an owner, 65891
officer, authorized agent, associate, manager, or employee. 65892

(2)(a) The suspension shall continue in effect until either 65893
of the following is the case: 65894

(i) The department or a prosecuting authority determines that 65895
there is insufficient evidence of fraud by the medicaid provider+ 65896
or its owner, officer, authorized agent, associate, manager, or 65897
employee. 65898

(ii) The proceedings in any related criminal case are 65899
completed through dismissal of the indictment or through 65900
conviction, entry of a guilty plea, or finding of not guilty. 65901

(b) If the department commences a process to terminate the 65902
suspended provider agreement, the suspension shall also continue 65903
in effect until the termination process, including any judicial 65904
appeal, is concluded. 65905

(3) When a medicaid provider's provider agreement is subject 65906
to a suspension under this section, a neither the medicaid 65907
provider, nor any owner, officer, authorized agent, associate, 65908
manager, or employee of the provider whose actions resulted in the 65909
credible allegation of fraud, shall ~~not~~ own or provide services to 65910
any other medicaid provider or risk contractor or arrange for, 65911
render, refer, prescribe, certify, or order services to any other 65912
medicaid provider or risk contractor or arrange for, render, 65913
refer, prescribe, certify, or order services for medicaid 65914
recipients during the period of suspension. During the period of 65915
suspension, the provider, owner, officer, authorized agent, 65916
associate, manager, or employee shall not receive direct payments 65917
under the medicaid program or indirect payments of medicaid funds 65918
in the form of salary, shared fees, contracts, kickbacks, or 65919
rebates from or through any other medicaid provider or risk 65920
contractor. 65921

(C) The department shall not suspend a provider agreement or terminate medicaid payments under division (B) of this section if the medicaid provider or owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of fraud.

~~(D) The termination of medicaid payment under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for payment of medicaid services rendered by the medicaid provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete.~~

~~(E)~~ After suspending a provider agreement under division (B) of this section, the department shall, as specified in 42 C.F.R. 455.23(b), send notice of the suspension to the affected medicaid provider or owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a

law enforcement agency not more than two times except that under 65953
no circumstances shall the notice be issued more than ninety days 65954
after the suspension occurs. 65955

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 65956
shall do all of the following: 65957

(1) State that payments are being suspended in accordance 65958
with this section and 42 C.F.R. 455.23; 65959

(2) Set forth the general allegations related to the nature 65960
of the conduct leading to the suspension, except that it is not 65961
necessary to disclose any specific information concerning an 65962
ongoing investigation; 65963

(3) State that the suspension continues to be in effect until 65964
either of the following is the case: 65965

(a) The department or a prosecuting authority determines that 65966
there is insufficient evidence of fraud by the provider or its 65967
owner, officer, authorized agent, associate, manager, or employee. 65968

(b) The proceedings in any related criminal case are 65969
completed through dismissal of the indictment or through 65970
conviction, entry of a guilty plea, or finding of not guilty and, 65971
if the department commences a process to terminate the suspended 65972
provider agreement, until the termination process is concluded. 65973

(4) Specify, if applicable, the type or types of medicaid 65974
claims or business units of the medicaid provider that are 65975
affected by the suspension; 65976

(5) Inform the medicaid provider or owner of the opportunity 65977
to submit to the department, not later than thirty days after 65978
receiving the notice, a request for reconsideration of the 65979
suspension in accordance with division ~~(H)~~(G) of this section. 65980

~~(H)~~(G)(1) Pursuant to the procedure specified in division 65981
~~(H)~~(G)(2) of this section, a medicaid provider or owner subject to 65982

a suspension under this section may request a reconsideration of 65983
the suspension. The request shall be made not later than thirty 65984
days after receipt of a notice required by division ~~(E)~~(D) of this 65985
section. The reconsideration is not subject to an adjudication 65986
hearing pursuant to Chapter 119. of the Revised Code. 65987

(2) In requesting a reconsideration, the medicaid provider or 65988
owner shall submit written information and documents to the 65989
department. The information and documents may pertain to any of 65990
the following issues: 65991

(a) Whether the determination to suspend the provider 65992
agreement was based on ~~a mistake of fact, other than the validity~~ 65993
~~of an indictment in a related criminal case.~~ mistaken identity; 65994

(b) If there has been an indictment in a related criminal 65995
case, whether any offense charged in the indictment resulted from 65996
an ~~offense specified~~ act described in division ~~(E)~~(A)(1)(d) of 65997
this section 5164.37 of the Revised Code.; 65998

(c) Whether the provider or owner can demonstrate that the 65999
provider or owner did not directly or indirectly sanction the 66000
action of its authorized agent, associate, manager, or employee 66001
that resulted in the suspension under this section or an 66002
indictment in a related criminal case. 66003

~~(I)~~(H) The department shall review the information and 66004
documents submitted in a request made under division ~~(H)~~(G) of 66005
this section for reconsideration of a suspension. After the 66006
review, the suspension may be affirmed, reversed, or modified, in 66007
whole or in part. The department shall notify the affected 66008
provider or owner of the results of the review. The review and 66009
notification of its results shall be completed not later than 66010
forty-five days after receiving the information and documents 66011
submitted in a request for reconsideration. 66012

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 66013

Code may specify circumstances under which the department would 66014
not suspend a provider agreement pursuant to this section. 66015

Sec. 5164.37. (A) As used in this section, "owner" has the 66016
same meaning as in section 5164.36 of the Revised Code. 66017

(B) The department of medicaid may suspend a medicaid 66018
provider's provider agreement before conducting an adjudication 66019
under Chapter 119. of the Revised Code if the department 66020
determines that a credible allegation exists that the provider, by 66021
any act or omission, has negatively affected the health, safety, 66022
or welfare of one or more medicaid recipients. When the department 66023
suspends a medicaid provider's provider agreement under this 66024
section, the department: 66025

(1) Shall also suspend all medicaid payments to the provider 66026
for medicaid services the provider provided before, or provides 66027
after, the provider agreement's suspension; 66028

(2) May also suspend the provider agreement of any other 66029
medicaid provider of which the medicaid provider is an owner, 66030
officer, authorized agent, associate, manager, or employee. 66031

(C) Not later than five days after suspending a medicaid 66032
provider's provider agreement under this section, the department 66033
shall notify the provider of the suspension of the provider 66034
agreement and medicaid payments. 66035

(D) Not later than ten days after suspending a medicaid 66036
provider's provider agreement under this section, the department 66037
shall notify the provider of the department's intent to terminate 66038
the provider agreement. The notice shall be provided as part of 66039
the adjudication required by section 5164.38 of the Revised Code 66040
for the termination. The notice shall state that the provider 66041
agreement is to be terminated because of the allegation that the 66042
provider negatively affected the health, safety, or welfare of one 66043

or more medicaid recipients and may state additional reasons for 66044
the termination. 66045

(E) The suspension of a medicaid provider's provider 66046
agreement and medicaid payments to the provider under this section 66047
shall continue in effect until the process to terminate the 66048
suspended provider agreement, including any judicial appeal, is 66049
concluded. However, if the department fails to provide the 66050
provider a notice required by division (C) or (D) of this section 66051
by the deadline, the suspension shall be lifted on the day 66052
immediately following the deadline. 66053

(F) This section does not limit the department's authority 66054
under any other statute to suspend or terminate a provider 66055
agreement or medicaid payments to a medicaid provider. 66056

Sec. 5164.38. (A) As used in this section: 66057

~~(1) "Adjudication" has the same meaning as in division (D) of~~ 66058
~~section 119.01 of the Revised Code.~~ 66059

~~(2) "Party" has the same meaning as in division (G) of~~ 66060
~~section 119.01 of the Revised Code.~~ 66061

~~(3)~~(2) "Revalidate" means to approve a medicaid provider's 66062
continued enrollment as a medicaid provider in accordance with the 66063
revalidation process established in rules authorized by section 66064
5164.32 of the Revised Code. 66065

(B) This section does not apply to either of the following: 66066

(1) Any action taken or decision made by the department of 66067
medicaid with respect to entering into or refusing to enter into a 66068
contract with a managed care organization pursuant to section 66069
5167.10 of the Revised Code; 66070

(2) Any action taken by the department under division (D)(2) 66071
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 66072
sections 5165.60 to 5165.89 of the Revised Code. 66073

(C) Except as provided in division (E) of this section and 66074
section 5164.58 of the Revised Code, the department shall do any 66075
of the following by issuing an order pursuant to an adjudication 66076
conducted in accordance with Chapter 119. of the Revised Code: 66077

(1) Refuse to enter into a provider agreement with a medicaid 66078
provider; 66079

(2) Refuse to revalidate a medicaid provider's provider 66080
agreement; 66081

(3) Suspend or terminate a medicaid provider's provider 66082
agreement; 66083

(4) Take any action based upon a final fiscal audit of a 66084
medicaid provider. 66085

(D) Any party who is adversely affected by the issuance of an 66086
adjudication order under division (C) of this section may appeal 66087
to the court of common pleas of Franklin county in accordance with 66088
section 119.12 of the Revised Code. 66089

(E) The department is not required to comply with division 66090
(C)(1), (2), or (3) of this section whenever any of the following 66091
occur: 66092

(1) The terms of a provider agreement require the medicaid 66093
provider to hold a license, permit, or certificate or maintain a 66094
certification issued by an official, board, commission, 66095
department, division, bureau, or other agency of state or federal 66096
government other than the department of medicaid, and the license, 66097
permit, certificate, or certification has been denied, revoked, 66098
not renewed, suspended, or otherwise limited. 66099

(2) The terms of a provider agreement require the medicaid 66100
provider to hold a license, permit, or certificate or maintain 66101
certification issued by an official, board, commission, 66102
department, division, bureau, or other agency of state or federal 66103

government other than the department of medicaid, and the provider 66104
has not obtained the license, permit, certificate, or 66105
certification. 66106

(3) The medicaid provider's application for a provider 66107
agreement is denied, or the provider's provider agreement is 66108
terminated or not revalidated, because of or pursuant to any of 66109
the following: 66110

(a) The termination, refusal to renew, or denial of a 66111
license, permit, certificate, or certification by an official, 66112
board, commission, department, division, bureau, or other agency 66113
of this state other than the department of medicaid, 66114
notwithstanding the fact that the provider may hold a license, 66115
permit, certificate, or certification from an official, board, 66116
commission, department, division, bureau, or other agency of 66117
another state; 66118

(b) Division (D) or (E) of section 5164.35 of the Revised 66119
Code; 66120

(c) The provider's termination, suspension, or exclusion from 66121
the medicare program or from another state's medicaid program and, 66122
in either case, the termination, suspension, or exclusion is 66123
binding on the provider's participation in the medicaid program in 66124
this state; 66125

(d) The provider's pleading guilty to or being convicted of a 66126
criminal activity materially related to either the medicare or 66127
medicaid program; 66128

(e) The provider or its owner, officer, authorized agent, 66129
associate, manager, or employee having been convicted of one of 66130
the offenses that caused the provider's provider agreement to be 66131
suspended pursuant to section 5164.36 of the Revised Code; 66132

(f) The provider's failure to provide the department the 66133
national provider identifier assigned the provider by the national 66134

provider system pursuant to 45 C.F.R. 162.408. 66135

(4) The medicaid provider's application for a provider 66136
agreement is denied, or the provider's provider agreement is 66137
terminated or suspended, as a result of action by the United 66138
States department of health and human services and that action is 66139
binding on the provider's medicaid participation. 66140

(5) Pursuant to either section 5164.36 or 5164.37 of the 66141
Revised Code, the medicaid provider's provider agreement is 66142
suspended and payments to the provider are suspended pending 66143
indictment of the provider. 66144

(6) The medicaid provider's application for a provider 66145
agreement is denied because the provider's application was not 66146
complete; 66147

(7) The medicaid provider's provider agreement is converted 66148
under section 5164.32 of the Revised Code from a provider 66149
agreement that is not time-limited to a provider agreement that is 66150
time-limited. 66151

(8) Unless the medicaid provider is a nursing facility or 66152
ICF/IID, the provider's provider agreement is not revalidated 66153
pursuant to division (B)(1) of section 5164.32 of the Revised 66154
Code. 66155

(9) The medicaid provider's provider agreement is suspended, 66156
terminated, or not revalidated because of either of the following: 66157

(a) Any reason authorized or required by one or more of the 66158
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 66159
455.450; 66160

(b) The provider has not billed or otherwise submitted a 66161
medicaid claim for two years or longer. 66162

(F) In the case of a medicaid provider described in division 66163
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 66164

take its action by sending a notice explaining the action to the 66165
provider. The notice shall be sent to the medicaid provider's 66166
address on record with the department. The notice may be sent by 66167
regular mail. 66168

(G) The department may withhold payments for medicaid 66169
services rendered by a medicaid provider during the pendency of 66170
proceedings initiated under division (C)(1), (2), or (3) of this 66171
section. If the proceedings are initiated under division (C)(4) of 66172
this section, the department may withhold payments only to the 66173
extent that they equal amounts determined in a final fiscal audit 66174
as being due the state. This division does not apply if the 66175
department fails to comply with section 119.07 of the Revised 66176
Code, requests a continuance of the hearing, or does not issue a 66177
decision within thirty days after the hearing is completed. This 66178
division does not apply to nursing facilities and ICFs/IID. 66179

Sec. 5164.57. (A) ~~As used in this section, "adjudication" has 66180
the same meaning as in section 119.01 of the Revised Code.~~ 66181

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 66182
section, the department of medicaid may recover a medicaid payment 66183
or portion of a payment made to a medicaid provider to which the 66184
provider is not entitled if the department notifies the provider 66185
of the overpayment during the five-year period immediately 66186
following the end of the state fiscal year in which the 66187
overpayment was made. 66188

(2) In the case of a hospital medicaid provider, if the 66189
department determines as a result of a medicare or medicaid cost 66190
report settlement that the provider received an amount under the 66191
medicaid program to which the provider is not entitled, the 66192
department may recover the overpayment if the department notifies 66193
the provider of the overpayment during the later of the following: 66194

(a) The five-year period immediately following the end of the 66195

state fiscal year in which the overpayment was made; 66196

(b) The one-year period immediately following the date the 66197
department receives from the United States centers for medicare 66198
and medicaid services a completed, audited, medicare cost report 66199
for the provider that applies to the state fiscal year in which 66200
the overpayment was made. 66201

~~(C)~~(B) Among the overpayments that may be recovered under 66202
this section are the following: 66203

(1) Payment for a medicaid service, or a day of service, not 66204
rendered; 66205

(2) Payment for a day of service at a full per diem rate that 66206
should have been paid at a percentage of the full per diem rate; 66207

(3) Payment for a medicaid service, or day of service, that 66208
was paid by, or partially paid by, a third party, as defined in 66209
section 5160.35 of the Revised Code, and the third party's payment 66210
or partial payment was not offset against the amount paid by the 66211
medicaid program to reduce or eliminate the amount that was paid 66212
by the medicaid program; 66213

(4) Payment when a medicaid recipient's responsibility for 66214
payment was understated and resulted in an overpayment to the 66215
provider. 66216

~~(D)~~(C) The department may recover an overpayment under this 66217
section prior to or after any of the following: 66218

(1) Adjudication of a final fiscal audit that section 5164.38 66219
of the Revised Code requires to be conducted in accordance with 66220
Chapter 119. of the Revised Code; 66221

(2) Adjudication of a finding under any other provision of 66222
state statutes governing the medicaid program or the rules adopted 66223
under those statutes; 66224

(3) Expiration of the time to issue a final fiscal audit that 66225

section 5164.38 of the Revised Code requires to be conducted in 66226
accordance with Chapter 119. of the Revised Code; 66227

(4) Expiration of the time to issue a finding under any other 66228
provision of state statutes governing the medicaid program or the 66229
rules adopted under those statutes. 66230

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the 66231
recovery of an overpayment under this section does not preclude 66232
the department from subsequently doing the following: 66233

(a) Issuing a final fiscal audit in accordance with Chapter 66234
119. of the Revised Code, as required under section 5164.38 of the 66235
Revised Code; 66236

(b) Issuing a finding under any other provision of state 66237
statutes governing the medicaid program or the rules adopted under 66238
those statutes. 66239

(2) A final fiscal audit or finding issued subsequent to the 66240
recovery of an overpayment under this section shall be reduced by 66241
the amount of the prior recovery, as appropriate. 66242

~~(F)~~(E) Nothing in this section limits the department's 66243
authority to recover overpayments pursuant to any other provision 66244
of the Revised Code. 66245

Sec. 5164.912. A medical transportation provider may submit a 66246
claim to the medicaid program for a medical transportation service 66247
provided to an ICDS participant without the medicare program first 66248
denying the claim if the medicaid program is responsible for 66249
paying the claim instead of the medicare program. 66250

Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 66251
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 66252
per medicaid day payment rate that the department of medicaid 66253
shall pay a nursing facility provider for nursing facility 66254

services the provider's nursing facility provides during a fiscal year shall ~~equal~~ be determined as follows: 66255
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(A) Determine the sum of all of the following: 66257

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 66258
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(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 66261
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(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 66264
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(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 66267
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(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 66270
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~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 66273
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~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ From the sum determined under division (A) of this section, subtract one dollar and seventy-nine cents. 66276
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(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 66285
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Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 66289
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 66295
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code; 66298
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(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (D) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 66301
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(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section 5165.16 of the Revised Code. 66306
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(5) The quality ~~incentive~~ payment shall be the mean quality payment made to rate determined for nursing facilities under section 5165.25 of the Revised Code. 66310
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(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to 66313
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(5) of this section. 66315

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 66316
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(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 66318
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 66323
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(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter. 66331
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(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use 66335
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the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology ~~used on June 30, 1999,~~ designated by the United States department of health and human services ~~for prospective payment of skilled nursing facilities under the medicare program as the resource utilization group (RUG)-IV, 48 group model.~~

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review 66406
under section 5165.193 of the Revised Code for the immediately 66407
preceding calendar quarter; 66408

(c) The nursing facility was assigned a case-mix score for 66409
the immediately preceding calendar quarter. 66410

(2) Before assigning a case-mix score to a nursing facility 66411
due to the submission of incorrect resident assessment data, the 66412
department shall permit the provider to correct the data. The 66413
department may assign the case-mix score if the provider fails to 66414
submit the corrected resident assessment data not later than the 66415
earlier of the forty-fifth day after the end of the calendar 66416
quarter to which the data pertains or the deadline for submission 66417
of such corrections established by regulations adopted by the 66418
United States department of health and human services under Title 66419
XVIII and Title XIX. 66420

(3) If, for more than six months in a calendar year, a 66421
provider is paid a rate determined for a nursing facility using a 66422
case-mix score assigned to the nursing facility under division 66423
(B)(1) of this section, the department may assign the nursing 66424
facility a cost per case-mix unit that is five per cent less than 66425
the nursing facility's actual or assigned cost per case-mix unit 66426
for the immediately preceding calendar year. The department may 66427
use the assigned cost per case-mix unit, instead of determining 66428
the nursing facility's actual cost per case-mix unit in accordance 66429
with section 5165.19 of the Revised Code, to establish the nursing 66430
facility's rate for direct care costs for the fiscal year 66431
immediately following the calendar year for which the cost per 66432
case-mix unit is assigned. 66433

(4) The department shall take action under division (B)(1), 66434
(2), or (3) of this section only in accordance with rules 66435
authorized by this section. The department shall not take an 66436
action that affects rates for prior payment periods except in 66437

accordance with sections 5165.41 and 5165.42 of the Revised Code. 66438

(C) The medicaid director shall adopt rules under section 66439
5165.02 of the Revised Code as necessary to implement this 66440
section. 66441

(1) The rules shall do all of the following: 66442

(a) Specify the process for determining the semiannual and 66443
annual average case-mix scores for nursing facilities; 66444

(b) Adjust the case-mix values specified in division 66445
(A)(2)(b) of this section to reflect changes in relative wage 66446
differentials that are specific to this state; 66447

(c) Express all of those case-mix values in numeric terms 66448
that are different from the terms specified by the United States 66449
department of health and human services but that do not alter the 66450
relationship of the case-mix values to one another; 66451

(d) Modify the grouper methodology specified in division 66452
(A)(2)(c) of this section as follows: 66453

(i) Establish a different hierarchy for assigning residents 66454
to case-mix categories under the methodology; 66455

(ii) Prohibit the use of the index maximizer element of the 66456
methodology; 66457

(iii) Incorporate changes to the methodology the United 66458
States department of health and human services makes after June 66459
30, 1999; 66460

(iv) Make other changes the department determines are 66461
necessary. 66462

(e) Establish procedures under which resident assessment data 66463
shall be reviewed for accuracy and providers shall be notified of 66464
any data that requires correction; 66465

(f) Establish procedures for providers to correct resident 66466

assessment data and specify a reasonable period of time by which 66467
providers shall submit the corrections. The procedures may limit 66468
the content of corrections in the manner required by regulations 66469
adopted by the United States department of health and human 66470
services under Title XVIII and Title XIX. 66471

(g) Specify when and how the department will assign case-mix 66472
scores or costs per case-mix unit to a nursing facility under 66473
division (B) of this section if information necessary to calculate 66474
the nursing facility's case-mix score is not provided or corrected 66475
in accordance with the procedures established by the rules. 66476

(2) Notwithstanding any other provision of this chapter, the 66477
rules may provide for the exclusion of case-mix scores assigned to 66478
a nursing facility under division (B) of this section from the 66479
determination of the nursing facility's semiannual or annual 66480
average case-mix score and the cost per case-mix unit for the 66481
nursing facility's peer group. 66482

Sec. 5165.23. (A) Each fiscal year, the department of 66483
medicaid shall determine the critical access incentive payment for 66484
each nursing facility that qualifies as a critical access nursing 66485
facility. To qualify as a critical access nursing facility for a 66486
fiscal year, a nursing facility must meet all of the following 66487
requirements: 66488

(1) The nursing facility must be located in an area that, on 66489
December 31, 2011, was designated an empowerment zone under the 66490
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 66491

(2) The nursing facility must have an occupancy rate of at 66492
least eighty-five per cent as of the last day of the calendar year 66493
immediately preceding the fiscal year. 66494

(3) The nursing facility must have a medicaid utilization 66495
rate of at least sixty-five per cent as of the last day of the 66496

calendar year immediately preceding the fiscal year. 66497

~~(4) The nursing facility must have been awarded at least five 66498
points for meeting accountability measures under section 5165.25 66499
of the Revised Code for the fiscal year and at least one of the 66500
five points must have been awarded for meeting the accountability 66501
measures identified in divisions (C)(9), (10), (11), (12), and 66502
(14) of section 5165.25 of the Revised Code. 66503~~

(B) A critical access nursing facility's critical access 66504
incentive payment for a fiscal year shall equal five per cent of 66505
the portion of the nursing facility's total per medicaid day 66506
payment rate for the fiscal year that is the sum of the rates ~~and~~ 66507
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 66508
5165.15 of the Revised Code. 66509

Sec. 5165.25. (A) As used in this section: 66510

(1) "Long-stay resident" means an individual who has resided 66511
in a nursing facility for at least one hundred one days. 66512

(2) "Measurement period" means the following: 66513

(a) For fiscal year 2017, the period beginning July 1, 2015, 66514
and ending December 31, 2015; 66515

(b) For each subsequent fiscal year, the calendar year 66516
immediately preceding the fiscal year. 66517

(3) "Nurse aide" has the same meaning as in section 3721.21 66518
of the Revised Code. 66519

(4) "Short-stay resident" means a nursing facility resident 66520
who is not a long-stay resident. 66521

(B)(1) Using all of the funds made available for a fiscal 66522
year by the rate reductions under division (B) of section 5165.15 66523
of the Revised Code, the department of medicaid shall determine a 66524
per medicaid day quality payment rate to be paid for that fiscal 66525

year to each nursing facility that meets at least one of the 66526
quality indicators specified in division (B)(2) of this section 66527
for the measurement period. The largest quality payment rate for a 66528
fiscal year shall be paid to nursing facilities that meet all of 66529
the quality indicators for the measurement period. 66530

(2) The following are the quality indicators to be used for 66531
the purpose of division (B)(1) of this section: 66532

(a) Not more than the target percentage of the nursing 66533
facility's short-stay residents had new or worsened pressure 66534
ulcers and not more than the target percentage of long-stay 66535
residents at high risk for pressure ulcers had pressure ulcers. 66536

(b) Not more than the target percentage of the nursing 66537
facility's short-stay residents newly received an antipsychotic 66538
medication and not more than the target percentage of the nursing 66539
facility's long-stay residents received an antipsychotic 66540
medication. 66541

(c) The number of the nursing facility's residents who had 66542
avoidable inpatient hospital admissions did not exceed the target 66543
rate. 66544

(d) The nursing facility's employee retention rate is at 66545
least the target rate. 66546

(e) The nursing facility utilized the nursing home version of 66547
the preferences for everyday living inventory for all of its 66548
residents. 66549

(3) The department shall specify the target percentage for 66550
the purpose of divisions (B)(2)(a) and (b) of this section. The 66551
amount specified for division (B)(2)(a) of this section may differ 66552
from the amount specified for division (B)(2)(b) of this section 66553
and the amount specified for short-stay residents may differ from 66554
the amount specified for long-stay residents. The department also 66555
shall specify the target rate for the purpose of division 66556

(B)(2)(c) of this section and the target rate for the purpose of 66557
division (B)(2)(d) of this section. 66558

(C) If a nursing facility undergoes a change of operator 66559
during a fiscal year, the per medicaid day quality payment rate to 66560
be paid to the entering operator for nursing facility services 66561
that the nursing facility provides during the period beginning on 66562
the effective date of the change of operator and ending on the 66563
last day of the fiscal year shall be the same amount as the per 66564
medicaid day quality payment rate that was in effect on the day 66565
immediately preceding the effective date of the change of operator 66566
and paid to the nursing facility's exiting operator. For the 66567
immediately following fiscal year, the per medicaid day quality 66568
payment rate shall be the following: 66569

(1) If the effective date of the change of operator is on or 66570
before the first day of October of the calendar year immediately 66571
preceding the fiscal year, the amount determined for the nursing 66572
facility in accordance with division (B) of this section for the 66573
fiscal year; 66574

(2) If the effective date of the change of operator is after 66575
the first day of October of the calendar year immediately 66576
preceding the fiscal year, the mean per medicaid day quality 66577
payment rate for all nursing facilities for the fiscal year. 66578

Sec. 5166.16. (A) As used in this section and section 66579
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 66580
component" means all of the following: 66581

(1) The medicaid-funded component of the PASSPORT program, 66582
unless it is terminated pursuant to division (C) of section 173.52 66583
of the Revised Code; 66584

(2) The choices program, unless it is terminated pursuant to 66585
division (B) of section 173.53 of the Revised Code; 66586

(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code; 66587
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(4) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 66590
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(5) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code. 66592
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 66594
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(1) The department of medicaid shall administer it; 66598

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component. 66599
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(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 66604
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(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this 66615
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section shall be accomplished without a disruption in the 66618
participant's services under the components. 66619

Sec. 5166.161. The department of medicaid shall ensure that 66620
each ICDS participant who is a survivor of the Holocaust that 66621
occurred in Europe during World War II receives, while enrolled in 66622
the ICDS medicaid waiver component, home and community-based 66623
services of the type and in at least the amount, duration, and 66624
scope that the participant is assessed to need and would have 66625
received if the participant were enrolled in an ODA or MCD 66626
medicaid waiver component. 66627

Sec. 5166.24. A medicaid waiver component that the department 66628
of developmental disabilities administers under section 5166.21 of 66629
the Revised Code shall continue to cover adult day services 66630
provided by sheltered workshops if the component covers those 66631
services on the effective date of this section. 66632

A sheltered workshop with a provider agreement to provide 66633
adult day services available under a medicaid waiver component 66634
administered by the department of developmental disabilities shall 66635
not decrease the number of medicaid recipients it is willing and 66636
able to serve. 66637

Sec. 5166.52. (A) As used in sections 5166.52 to 5166.5210 of 66638
the Revised Code: 66639

(1) "Adult" means an individual who is at least eighteen 66640
years of age. 66641

(2) "Buckeye account" means a modified health savings account 66642
established under section 5166.522 of the Revised Code. 66643

(3) "Contribution" means the amounts that an individual 66644
contributes to the individual's buckeye account and are 66645
contributed to the account on the individual's behalf under 66646

<u>divisions (C) and (D) of section 5166.522 of the Revised Code.</u>	66647
<u>"Contribution" does not mean the portion of an individual's</u>	66648
<u>buckeye account that consists of medicaid funds deposited under</u>	66649
<u>division (B) of section 5166.522 of the Revised Code or section</u>	66650
<u>5166.524 of the Revised Code.</u>	66651
<u>(4) "Core portion" means the portion of a healthy Ohio</u>	66652
<u>program participant's buckeye account that consists of the</u>	66653
<u>following:</u>	66654
<u>(a) The amount of contributions to the account;</u>	66655
<u>(b) The amounts awarded to the account under divisions (C)</u>	66656
<u>and (D) of section 5166.524 of the Revised Code.</u>	66657
<u>(5) "Eligible employer-sponsored health plan" has the same</u>	66658
<u>meaning as in section 5000A(f)(2) of the "Internal Revenue Code of</u>	66659
<u>1986," 26 U.S.C. 5000A(f)(2).</u>	66660
<u>(6) "Healthy Ohio program" means the medicaid waiver</u>	66661
<u>component established under sections 5166.52 to 5166.5210 of the</u>	66662
<u>Revised Code under which medicaid recipients specified in division</u>	66663
<u>(B)(2) of this section enroll in comprehensive health plans and</u>	66664
<u>contribute to buckeye accounts.</u>	66665
<u>(7) "Healthy Ohio program debit swipe card" means a debit</u>	66666
<u>swipe card issued by a managed care organization to a healthy Ohio</u>	66667
<u>program participant under section 5166.523 of the Revised Code.</u>	66668
<u>(8) "Minor" means an individual who is less than eighteen</u>	66669
<u>years of age.</u>	66670
<u>(9) "Not-for-profit organization" means an organization that</u>	66671
<u>is exempt from federal income taxation under section 501(a) and</u>	66672
<u>(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a)</u>	66673
<u>and (c)(3).</u>	66674
<u>(10) "Ward of the state" means both of the following:</u>	66675
<u>(a) An individual who is a ward, as defined in section</u>	66676

2111.01 of the Revised Code; 66677

(b) A minor who is in the temporary or permanent custody of a public children services agency or private child placing agency. 66678
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(11) "Workforce development activity" and "workforce development agency" have the same meanings as in section 6301.01 of the Revised Code. 66680
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(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each individual, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program as a condition of medicaid eligibility: 66683
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(1) On the basis of being included in the category identified by the department of medicaid as covered families and children; 66689
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(2) On the basis of being included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 66691
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(C) A healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system. Notwithstanding any other state statute, only medicaid recipients not required to participate in the healthy Ohio program shall receive medicaid services under the fee-for- service component of medicaid or participate in the care management system. 66694
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Sec. 5166.521. A healthy Ohio program participant shall enroll in a comprehensive health plan offered by a managed care organization under contract with the department of medicaid. All of the following apply to the health plan: 66701
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(A) It shall cover physician, hospital inpatient, hospital outpatient, pregnancy-related, mental health, pharmaceutical, 66705
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laboratory, and other health care services the medicaid director determines necessary. 66707
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(B) In the case of a health professional service also covered by the medicare program, it shall have the same payment rate as the medicare payment rate for the health professional service. 66709
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(C) It shall not begin to pay for any services it covers until the amount of the noncore portion of the participant's buckeye account is zero. 66712
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(D) It shall require copayments for services covered by the health plan, except that a participant's copayments shall be waived whenever the amount of the core portion of the participant's buckeye account is zero. 66715
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(E) It shall have the following payout limits: 66719

(1) Three hundred thousand dollars per year; 66720

(2) One million dollars for a participant's lifetime. 66721

Sec. 5166.522. (A)(1) A buckeye account shall be established for each individual who is determined to be eligible for the healthy Ohio program. Subject to division (A)(2) of this section, an individual's buckeye account shall consist of both of the following: 66722
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(a) The medicaid funds deposited into the account under division (B) of this section and division (A) of section 5166.524 of the Revised Code; 66727
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(b) Contributions made by the individual and on the individual's behalf under divisions (C) and (D) of this section. 66730
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(2) A buckeye account shall not have more than ten thousand dollars in it at one time. 66732
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(B)(1) Subject to division (A)(2) of this section, the following amount of medicaid funds shall be deposited each year 66734
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into the buckeye account of an individual participating in the 66736
healthy Ohio program: 66737

(a) If the individual is an adult, one thousand dollars; 66738

(b) If the individual is a minor, five hundred dollars. 66739

(2) Except in the case of an individual who is not required 66740
to make contributions to the individual's buckeye account, the 66741
initial deposit of medicaid funds into an individual's buckeye 66742
account shall not occur until the initial contribution to the 66743
individual's account is made under division (C) or (D) of this 66744
section. 66745

(C) Subject to divisions (A)(2), (D), and (F) of this 66746
section, an individual who is seeking to participate, or is 66747
participating, in the healthy Ohio program shall contribute each 66748
month to the individual's buckeye account the greater of the 66749
following: 66750

(1) Two per cent of the individual's monthly countable family 66751
income; 66752

(2) One dollar. 66753

(D)(1) Subject to division (D)(2) of this section, the 66754
following may make contributions to an individual's buckeye 66755
account on the individual's behalf: 66756

(a) If the individual is a minor, the individual's parent or 66757
caretaker relative; 66758

(b) The individual's employer, but only up to fifty per cent 66759
of the contributions the individual is required to make; 66760

(c) A not-for-profit organization, but only up to seventy- 66761
five per cent of the contributions the individual is required to 66762
make; 66763

(d) The managed care organization that offers the health plan 66764
in which the individual enrolls under the healthy Ohio program, 66765

but both of the following apply to such contributions: 66766

(i) They shall be used only to pay the costs for the individual to participate in a health-related incentive available under the health plan, such as completion of a risk assessment or participation in a smoking cessation program. 66767
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(ii) They cannot reduce the amount the individual is required to contribute. 66771
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(2) Contributions made on an individual's behalf under divisions (D)(1)(b) and (c) of this section shall be coordinated in a manner so that the individual, or if the individual is a minor, the individual's parent or caretaker relative, makes at least twenty-five per cent of the contributions the individual is required to make. 66773
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(E) Except in the case of an individual who is not required to make contributions to the individual's buckeye account, an individual shall not begin to participate in the healthy Ohio program until the initial contribution to the individual's buckeye account is made under division (C) or (D) of this section. 66779
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(F)(1) The following portion of the amount that remains in a healthy Ohio program participant's buckeye account at the end of a year shall carry forward in the account for the next year: 66784
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(a) If the participant satisfies requirements regarding preventative health services established in rules authorized by section 5166.5210 of the Revised Code, the entire amount; 66787
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(b) If division (F)(1)(a) of this section does not apply, the amount representing the contributions to the account. 66790
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(2) The amount of contributions that must be made to a healthy Ohio program participant's buckeye account for a year shall be reduced by the amount that is carried forward under division (F)(1) of this section. If the amount carried forward is 66792
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at least the amount of contributions that division (C) of this section requires for that year, no contributions are required to be made for the participant that year. 66796
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(G) A buckeye account shall be used only for the following: 66799

(1) To pay for the expenses for which a healthy Ohio program debit swipe card may be used as specified in division (A) of section 5166.523 of the Revised Code; 66800
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(2) Other purposes authorized by rules adopted under section 5166.5210 of the Revised Code. 66803
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(H) The department of medicaid shall provide for a healthy Ohio program participant to receive monthly statements showing the current amount in the participant's buckeye account and the previous month's expenditures from the account. The statement shall specify how much of the amount in the participant's buckeye account is the core portion and how much is the noncore portion. The department may arrange for the statements to be provided in an electronic format. 66805
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Sec. 5166.523. (A) A managed care organization that offers the health plan in which a healthy Ohio program participant enrolls shall issue a debit swipe card to be used to pay only for the following: 66813
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(1) Until the amount of the noncore portion of the participant's buckeye account is zero, the costs of health care services that are covered by the health plan and provided to the participant by a provider participating in the health plan; 66817
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(2) The participant's copayments under division (A)(4) of section 5166.521 of the Revised Code; 66821
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(3) Subject to rules authorized by section 5166.5210 of the Revised Code, the costs of health care services that are medically necessary for the participant but not covered by the health plan. 66823
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<u>(B)(1) A healthy Ohio program participant's debit swipe card</u>	66826
<u>shall be credited with one point for each of the following:</u>	66827
<u>(a) Each dollar of medicaid funds deposited into the</u>	66828
<u>participant's buckeye account under division (B) of section</u>	66829
<u>5166.522 of the Revised Code;</u>	66830
<u>(b) Each dollar contributed to the participant's buckeye</u>	66831
<u>account under divisions (C) and (D) of section 5166.522 of the</u>	66832
<u>Revised Code;</u>	66833
<u>(c) Each point awarded to the participant under section</u>	66834
<u>5166.524 of the Revised Code.</u>	66835
<u>(2) Each time a healthy Ohio program participant uses the</u>	66836
<u>participant's debit swipe card, the amount for which the card is</u>	66837
<u>used shall be deducted from the number of points on the card as</u>	66838
<u>follows:</u>	66839
<u>(a) If the card is used for the purpose specified in division</u>	66840
<u>(A)(1) of this section, the deduction shall come from the points</u>	66841
<u>representing the noncore portion of the participant's buckeye</u>	66842
<u>account.</u>	66843
<u>(b) If the card is used for the purpose specified in division</u>	66844
<u>(A)(2) or (3) of this section, the deduction shall come from the</u>	66845
<u>points representing the core portion of the participant's buckeye</u>	66846
<u>account.</u>	66847
<u>(C) A healthy Ohio program participant's debit swipe card</u>	66848
<u>shall do all of the following:</u>	66849
<u>(1) Verify the participant's eligibility for the healthy Ohio</u>	66850
<u>program;</u>	66851
<u>(2) Determine whether the service the participant seeks is</u>	66852
<u>covered under the health plan;</u>	66853
<u>(3) Determine whether the provider from which the participant</u>	66854
<u>seeks the service is a participating provider under the health</u>	66855

plan; 66856

(4) Be linked to the participant's buckeye account in a 66857
manner that enables the participant to know at the point of 66858
service what will be deducted from the noncore portion and core 66859
portion of the participant's buckeye account for the service and 66860
how much will remain in each portion of the account after the 66861
deduction. 66862

Sec. 5166.524. (A) The medicaid director shall establish a 66863
system under which points are awarded in accordance with this 66864
section to healthy Ohio program debit swipe cards. One dollar of 66865
medicaid funds shall be deposited into a healthy Ohio program 66866
participant's buckeye account for each point awarded to the 66867
participant under this section. 66868

(B) The director shall provide a one-time award of twenty 66869
points to a healthy Ohio program participant who provides for the 66870
participant's contributions under division (C) of section 5166.522 66871
of the Revised Code to be made by electronic funds transfers from 66872
the participant's checking or savings account. Twenty points shall 66873
be deducted from the participant's card if the participant 66874
terminates the electronic funds transfers. 66875

(C) The director may award up to two hundred points annually 66876
to a healthy Ohio program participant who achieves health care 66877
goals. The points shall be awarded in accordance with the rules 66878
authorized by section 5166.5210 of the Revised Code. A participant 66879
shall not be awarded more than two hundred points per year under 66880
this division regardless of the number of health care goals the 66881
participant achieves that year. 66882

(D) Up to one hundred points may be awarded annually to a 66883
healthy Ohio program participant by one or more primary care 66884
physicians who verify that the participant has satisfied health 66885
care benchmarks set by the physicians. A participant shall not be 66886

awarded more than one hundred points per year under this division 66887
regardless of how many primary care physicians award points to the 66888
participant that year and the number of points the primary care 66889
physicians award the participant that year. 66890

Sec. 5166.525. An individual's participation in the healthy 66891
Ohio program shall be suspended if the individual exhausts the 66892
individual's annual payout limit specified in division (A)(5)(a) 66893
of section 5166.521 of the Revised Code. The suspension shall end 66894
on the first day of the following year. 66895

Sec. 5166.526. (A) An individual's participation in the 66896
healthy Ohio program shall cease if any of the following applies: 66897

(1) A monthly installment payment to the individual's buckeye 66898
account is sixty days late. 66899

(2) The individual, or if the individual is a minor, the 66900
individual's parent or caretaker relative, fails to submit 66901
documentation needed for a redetermination of the individual's 66902
eligibility for medicaid before the sixty-first day after the 66903
documentation is requested. 66904

(3) The individual becomes eligible for medicaid on a basis 66905
other than being included in the category identified by the 66906
department of medicaid as covered families and children or being 66907
included in the eligibility group described in section 66908
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 66909
1396a(a)(10)(A)(i)(VIII). 66910

(4) The individual becomes a ward of the state. 66911

(5) The individual ceases to be eligible for medicaid. 66912

(6) The individual exhausts the individual's lifetime payout 66913
limit specified in division (A)(5)(b) of section 5166.521 of the 66914
Revised Code. 66915

(7) The individual, or if the individual is a minor, the individual's parent or caretaker relative, requests that the individual's participation be terminated. 66916
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(B) An individual who ceases to participate in the healthy Ohio program under division (A)(1) or (2) of this section may not resume participation earlier than twelve months after the participation ceases. 66919
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(C) Except as provided in section 5166.528 of the Revised Code, an individual who ceases to participate in the healthy Ohio program shall be provided the contributions that are in the individual's buckeye account at the time the individual ceases participation. If the individual is a minor, the individual's contribution shall be provided to the individual's parent or caretaker relative. 66923
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Sec. 5166.527. If a healthy Ohio program participant exhausts the annual or lifetime payout limits specified in division (A)(5) of section 5166.521 of the Revised Code, the participant shall be transferred to a catastrophic health care plan established in rules authorized by section 5166.5210 of the Revised Code. A participant who exhausts the annual payout limit for a year may resume participation in the healthy Ohio program at the beginning of the immediately following year. 66930
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Sec. 5166.528. (A) If a healthy Ohio program participant ceases to qualify for medicaid due to increased family countable income and purchases a health insurance policy or obtains health care coverage under an eligible employer-sponsored health plan, the amount remaining in the former participant's buckeye account shall be transferred to an account to be known as a bridge account. The amount so transferred may be used only to pay for the following: 66938
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(1) If the former participant has purchased a health insurance policy, the former participant's costs in purchasing the policy and paying for the former participant's out-of-pocket expenses under the policy for health care services and prescription drugs covered by the policy; 66946
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(2) If the former participant has obtained health care coverage under an eligible employer-sponsored health plan, the former participant's out-of-pocket expenses under the plan for health care services and prescription drugs covered by the plan. 66951
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(B) Only the amount remaining in a former healthy Ohio program participant's buckeye account at the time the former participant ceased to participate in the healthy Ohio program shall be deposited into the bridge account. The bridge account shall be closed once the amount transferred to it under division (A) of this section is exhausted. 66955
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(C) The medicaid director shall notify a former healthy Ohio program participant when a bridge account is established for the former participant under this section. 66961
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Sec. 5166.529. Each county department of job and family services shall offer to refer to a workforce development agency each healthy Ohio program participant who resides in the county served by the county department, is an adult, and is either unemployed or employed for less than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the workforce development agency. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program. 66964
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Sec. 5166.5210. The medicaid director shall adopt rules under 66975

section 5166.02 of the Revised Code to do all of the following: 66976
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(A) For the purpose of division (F)(1)(a) of section 5166.522 66978
of the Revised Code, establish requirements regarding preventative 66979
health services for healthy Ohio program participants. The 66980
requirements may differ for participants of different ages and 66981
genders. 66982

(B) For the purpose of division (G)(2) of section 5166.522 of 66983
the Revised Code, authorize additional uses of a buckeye account 66984
and establish the means for using the account for those purposes. 66985

(C) For the purpose of division (A)(3) of section 5166.523 of 66986
the Revised Code, establish requirements for the use of a healthy 66987
Ohio program debit swipe card to pay for the costs of medically 66988
necessary health care services not covered by the health plan in 66989
which a healthy Ohio program participant enrolls. 66990

(D) For the purpose of division (C) of section 5166.524 of 66991
the Revised Code, establish a system under which the director may 66992
award points to healthy Ohio program participants who achieve 66993
health care goals. The rules shall specify the goals that qualify 66994
for points and the number of points each goal is worth. The number 66995
of points may vary for different goals. 66996

(E) For the purpose of section 5166.527 of the Revised Code, 66997
establish a catastrophic health care plan for healthy Ohio program 66998
participants who exhaust the annual or lifetime payout limit 66999
specified in division (A)(5) of section 5166.521 of the Revised 67000
Code. 67001

(F) For the purpose of section 5166.528 of the Revised Code, 67002
establish procedures and requirements for the transfer of the 67003
amounts remaining in former healthy Ohio program participants' 67004
buckeye accounts to bridge accounts. 67005

Sec. 5167.03. (A) As part of the medicaid program, the 67006
department of medicaid shall establish a care management system. 67007

(B) The department shall implement the care management system 67008
in some or all counties and shall designate the medicaid 67009
recipients who are required or permitted to participate in the 67010
system. In the department's implementation of the system and 67011
designation of participants, all of the following apply: 67012

(1) In the case of individuals who receive medicaid on the 67013
basis of being included in the category identified by the 67014
department as covered families and children, the department shall 67015
implement the care management system in all counties. All 67016
individuals included in the category shall be designated for 67017
participation, except for individuals included in one or more of 67018
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 67019
The department shall ensure that all participants are enrolled in 67020
medicaid managed care organizations that are health insuring 67021
corporations. 67022

(2) In the case of individuals who receive medicaid on the 67023
basis of being aged, blind, or disabled, the department shall 67024
implement the care management system in all counties. Except as 67025
provided in division (C) of this section, all individuals included 67026
in the category shall be designated for participation. The 67027
department shall ensure that all participants are enrolled in 67028
medicaid managed care organizations that are health insuring 67029
corporations. 67030

(3) Alcohol, drug addiction, and mental health services 67031
covered by medicaid shall not be included in any component of the 67032
care management system ~~when the nonfederal share of the cost of~~ 67033
~~those services is provided by a board of alcohol, drug addiction,~~ 67034
~~and mental health services or a state agency other than the~~ 67035
~~department of medicaid,~~ but the recipients of those services may 67036

otherwise be designated for participation in the system. 67037

(C)(1) In designating participants who receive medicaid on 67038
the basis of being aged, blind, or disabled, the department shall 67039
not include any of the following, except as provided under 67040
division (C)(2) of this section: 67041

(a) Individuals who are under twenty-one years of age; 67042

(b) Individuals who are institutionalized; 67043

(c) Individuals who become eligible for medicaid by spending 67044
down their income or resources to a level that meets the medicaid 67045
program's financial eligibility requirements; 67046

(d) Dual eligible individuals; 67047

(e) Individuals to the extent that they are receiving 67048
medicaid services through a medicaid waiver component. 67049

(2) The department may designate any of the following 67050
individuals who receive medicaid on the basis of being aged, 67051
blind, or disabled as individuals who are permitted or required to 67052
participate in the care management system: 67053

(a) Individuals who are under twenty-one years of age; 67054

(b) Individuals who reside in a nursing facility; 67055

(c) Individuals who, as an alternative to receiving nursing 67056
facility services, are participating in a home and community-based 67057
services medicaid waiver component; 67058

(d) Dual eligible individuals. 67059

(D) Subject to division (B) of this section, the department 67060
may do both of the following under the care management system: 67061

(1) Require or permit participants in the system to obtain 67062
health care services from providers designated by the department; 67063

(2) Require or permit participants in the system to obtain 67064
health care services through medicaid managed care organizations. 67065

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.

(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10;

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code.

(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised Code.

(I) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

(J) "Program year" means a period beginning the first day of October, or a later date designated in rules adopted under section 5168.02 of the Revised Code, and ending the thirtieth day of September, or an earlier date designated in rules adopted under

that section. 67127

(K) "Registered beds" means the total number of hospital beds 67128
registered with the department of health, as reported in the most 67129
recent "directory of registered hospitals" published by the 67130
department of health. 67131

(L) "Third-party payer" means any person or government entity 67132
that may be liable by law or contract to make payment to or on 67133
behalf of an individual for health care services. "Third-party 67134
payer" does not include a hospital. 67135

(M) "Total facility costs" means the total costs for all 67136
services rendered to all patients, including the direct, indirect, 67137
and overhead cost to the hospital of all services, supplies, 67138
equipment, and capital related to the care of patients, regardless 67139
of whether patients are enrolled in a health insuring corporation, 67140
excluding costs associated with providing skilled nursing services 67141
in distinct-part nursing facility units, as shown on the 67142
hospital's cost report filed under section 5168.05 of the Revised 67143
Code. Effective October 1, 1993, if rules adopted under section 67144
5168.02 of the Revised Code so provide, "total facility costs" may 67145
exclude costs associated with providing care to recipients of any 67146
of the governmental programs listed in division (B) of that 67147
section. 67148

(N) "Uncompensated care" means bad debt and charity care. 67149

Sec. 5168.06. (A) For the purpose of distributing funds to 67150
hospitals under the medicaid program pursuant to sections 5168.01 67151
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 67152
~~legislative budget services fund under section 5168.12 of the~~ 67153
~~Revised Code and~~ into the health care services administration fund 67154
created under section 5162.54 of the Revised Code, there is hereby 67155
imposed an assessment on all hospitals. Each hospital's assessment 67156
shall be based on total facility costs. All hospitals shall be 67157

assessed according to the rate or rates established each program 67158
year in rules adopted under section 5168.02 of the Revised Code. 67159
The department shall assess all hospitals uniformly and in a 67160
manner consistent with federal statutes and regulations. During 67161
any program year, the department shall not assess any hospital 67162
more than two per cent of the hospital's total facility costs. 67163

The department shall establish an assessment rate or rates 67164
each program year that will do both of the following: 67165

(1) Yield funds that, when combined with intergovernmental 67166
transfers and federal matching funds, will produce a program of 67167
sufficient size to pay a substantial portion of the indigent care 67168
provided by hospitals; 67169

(2) Yield funds that, when combined with intergovernmental 67170
transfers and federal matching funds, will produce amounts for 67171
distribution to disproportionate share hospitals that do not 67172
exceed, in the aggregate, the limits prescribed by the United 67173
States health care financing administration under the "Social 67174
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 67175

(B)(1) Except as provided in division (B)(3) of this section, 67176
each hospital shall pay its assessment in periodic installments in 67177
accordance with a schedule established in rules adopted under 67178
section 5168.02 of the Revised Code. 67179

(2) The installments shall be equal in amount, unless either 67180
of the following applies: 67181

(a) The department makes adjustments during a program year 67182
under division (D) of section 5168.08 of the Revised Code in the 67183
total amount of hospitals' assessments; 67184

(b) The medicaid director determines that adjustments in the 67185
amounts of installments are necessary for the administration of 67186
sections 5168.01 to 5168.14 of the Revised Code and that unequal 67187
installments will not create cash flow difficulties for hospitals. 67188

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.10. Except for moneys deposited into ~~the legislative budget services fund under section 5168.12 of the Revised Code and~~ the health care services administration fund created under section 5162.54 of the Revised Code, the department

of medicaid shall not use money paid to the department under 67220
sections 5168.06 and 5168.07 of the Revised Code or money that the 67221
department pays to hospitals under section 5168.09 of the Revised 67222
Code to replace any funds appropriated by the general assembly for 67223
the medicaid program. 67224

Sec. 5168.11. (A) Except as provided in section ~~5168.12~~ 67225
5162.54 of the Revised Code, all payments of assessments by 67226
hospitals under section 5168.06 of the Revised Code and all 67227
intergovernmental transfers under section 5168.07 of the Revised 67228
Code shall be deposited in the state treasury to the credit of the 67229
hospital care assurance program fund, hereby created. All 67230
investment earnings of the hospital care assurance program fund 67231
shall be credited to the fund. The department of medicaid shall 67232
maintain records that show the amount of money in the hospital 67233
care assurance program fund at any time that has been paid by each 67234
hospital and the amount of any investment earnings on that amount. 67235
All moneys credited to the hospital care assurance program fund 67236
shall be used solely to make payments to hospitals under division 67237
(D) of this section and section 5168.09 of the Revised Code. 67238

(B) All federal matching funds received as a result of the 67239
department distributing funds from the hospital care assurance 67240
program fund to hospitals under section 5168.09 of the Revised 67241
Code shall be credited to the health care - federal fund created 67242
under section 5162.50 of the Revised Code. 67243

(C) All distributions of funds to hospitals under section 67244
5168.09 of the Revised Code are conditional on: 67245

(1) Expiration of the time for appeals under section 5168.08 67246
of the Revised Code without the filing of an appeal, or on court 67247
determinations, in the event of appeals, that the hospital is 67248
entitled to the funds; 67249

(2) The sum of the following being sufficient to distribute 67250

the funds after the final determination of any appeals: 67251

(a) The available money in the hospital care assurance 67252
program fund; 67253

(b) The available portion of the money in the health care - 67254
federal fund that is credited to that fund pursuant to division 67255
(B) of this section. 67256

(3) The hospital's compliance with section 5168.14 of the 67257
Revised Code. 67258

(D) If an audit conducted by the department of the amounts of 67259
payments made and funds received by hospitals under sections 67260
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 67261
amounts that, due to errors by the department, a hospital should 67262
not have been required to pay but did pay, should have been 67263
required to pay but did not pay, should not have received but did 67264
receive, or should have received but did not receive, the 67265
department shall: 67266

(1) Make payments to any hospital that the audit reveals paid 67267
amounts it should not have been required to pay or did not receive 67268
amounts it should have received; 67269

(2) Take action to recover from a hospital any amounts that 67270
the audit reveals it should have been required to pay but did not 67271
pay or that it should not have received but did receive. 67272

Payments made under division (D)(1) of this section shall be 67273
made from the hospital care assurance program fund. Amounts 67274
recovered under division (D)(2) of this section shall be deposited 67275
to the credit of that fund. Any hospital may appeal the amount the 67276
hospital is to be paid under division (D)(1) or the amount that is 67277
to be recovered from the hospital under division (D)(2) of this 67278
section to the court of common pleas of Franklin county. 67279

Sec. 5168.40. As used in sections 5168.40 to 5168.56 of the 67280

Revised Code: 67281

(A) "Bed surrender" means the following: 67282

(1) In the case of a nursing home, the removal of a bed from 67283
a nursing home's licensed capacity in a manner that reduces the 67284
total licensed capacity of all nursing homes and makes it 67285
impossible for the bed to ever be a part of any nursing home's 67286
licensed capacity; 67287

(2) In the case of a hospital, the removal of a hospital bed 67288
from registration under section 3701.07 of the Revised Code as a 67289
skilled nursing facility bed or long-term care bed in a manner 67290
that reduces the total number of hospital beds registered under 67291
that section as skilled nursing facility beds or long-term care 67292
beds and makes it impossible for the bed to ever be registered as 67293
a skilled nursing facility bed or long-term care bed. 67294

(B) "Change of operator" means an entering operator becoming 67295
the operator of a nursing home or hospital in the place of the 67296
exiting operator. 67297

(1) Actions that constitute a change of operator include the 67298
following: 67299

(a) A change in an exiting operator's form of legal 67300
organization, including the formation of a partnership or 67301
corporation from a sole proprietorship; 67302

(b) A transfer of all the exiting operator's ownership 67303
interest in the operation of the nursing home or hospital to the 67304
entering operator, regardless of whether ownership of any or all 67305
of the real property or personal property associated with the 67306
nursing home or hospital is also transferred; 67307

(c) A lease of the nursing home or hospital to the entering 67308
operator or the exiting operator's termination of the exiting 67309
operator's lease; 67310

- (d) If the exiting operator is a partnership, dissolution of the partnership; 67311
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- (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 67313
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- (i) The change in composition does not cause the partnership's dissolution under state law. 67315
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- (ii) The partners agree that the change in composition does not constitute a change in operator. 67317
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- (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 67319
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- (2) The following, alone, do not constitute a change of operator: 67323
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- (a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions; 67325
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- (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator; 67328
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- (c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 67332
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- (C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital. 67336
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- (D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the 67339
67340

effective date of a change of operator. 67341

(E) "Exiting operator" means an operator that will cease to 67342
be the operator of a nursing home or hospital on the effective 67343
date of a change of operator. 67344

(F) "Franchise permit fee rate" means the rate determined in 67345
accordance with section 5168.41 of the Revised Code. 67346

(G) "Hospital" has the same meaning as in section 3727.01 of 67347
the Revised Code. 67348

(H) "Hospital long-term care unit" means any distinct part of 67349
a hospital in which any of the following beds are located: 67350

(1) Beds registered pursuant to section 3701.07 of the 67351
Revised Code as skilled nursing facility beds or long-term care 67352
beds; 67353

(2) Beds licensed as nursing home beds under section 3721.02 67354
or 3721.09 of the Revised Code. 67355

(I) "Indirect guarantee percentage" means the percentage 67356
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 67357
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 67358
whether a class of providers is indirectly held harmless for any 67359
portion of the costs of a broad-based health-care-related tax. If 67360
the indirect guarantee percentage changes during a fiscal year, 67361
the indirect guarantee percentage is the following: 67362

(1) For the part of the fiscal year before the change takes 67363
effect, the percentage in effect before the change; 67364

(2) For the part of the fiscal year beginning with the date 67365
the indirect guarantee percentage changes, the new percentage. 67366

(J) "Medicaid days" and "nursing facility" have the same 67367
meanings as in section 5165.01 of the Revised Code. 67368

(K)(1) "Nursing home" means all of the following: 67369

(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include either of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code.

(L) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing home or hospital.

(M) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

(N) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

Sec. 5168.44. If the United States secretary of health and human services approves the waiver sought under section 5168.43 of the Revised Code, the department of medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of

the quarter that begins after the United States secretary approves 67400
the waiver. For purposes of subsequent fiscal years, the 67401
department shall make such determinations and ~~mail such notices~~ 67402
notify the nursing homes and hospitals in accordance with section 67403
5168.47 of the Revised Code. 67404

Sec. 5168.45. (A) If the United States secretary of health 67405
and human services approves the waiver sought under section 67406
5168.43 of the Revised Code, the department of medicaid may do 67407
both of the following regarding the franchise permit fee assessed 67408
under section 5168.42 of the Revised Code: 67409

(1) Determine how much money the franchise permit fee would 67410
have raised in a fiscal year if not for the waiver; 67411

(2) For each nursing home and hospital subject to the 67412
franchise permit fee, other than a nursing home or hospital that 67413
has its franchise permit fee rate reduced under section 5168.44 of 67414
the Revised Code, uniformly increase the amount of the franchise 67415
permit fee rate for a fiscal year to an amount that will have the 67416
franchise permit fee raise an amount of money that does not exceed 67417
the amount determined under division (A)(1) of this section for 67418
that fiscal year. 67419

(B) If the department increases the franchise permit fee rate 67420
in accordance with division (A) of this section for the first 67421
fiscal year during which the waiver takes effect, the department 67422
shall determine the amount of the increase not later than the 67423
effective date of the waiver and shall mail to each nursing home 67424
and hospital subject to the increase notice of the increase not 67425
later than the last day of the first month of the quarter that 67426
begins after the United States secretary approves the waiver. If 67427
the department increases the franchise permit fee rate in 67428
accordance with division (A) of this section for a subsequent 67429

fiscal year, the department shall make such determinations and 67430
~~mail such notices~~ notify the nursing homes and hospitals in 67431
accordance with section 5168.47 of the Revised Code. 67432

Sec. 5168.47. (A) Not later than the fifteenth day of 67433
September of each year, the department of medicaid shall determine 67434
the annual franchise permit fee for each nursing home and hospital 67435
in accordance with section 5168.42 of the Revised Code and any 67436
adjustments made in accordance with sections 5168.44 and 5168.45 67437
of the Revised Code. 67438

(B) Not later than the first day of October of each year, the 67439
department shall ~~mail to~~ notify, electronically or by United 67440
States postal service, each nursing home and hospital ~~notice~~ of 67441
the amount of the franchise permit fee that has been determined 67442
for the nursing home or hospital. 67443

(C) Subject to section 5168.48 of the Revised Code, each 67444
nursing home and hospital shall pay its fee under section 5168.42 67445
of the Revised Code, as adjusted in accordance with sections 67446
5168.44 and 5168.45 of the Revised Code, to the department in four 67447
installment payments not later than forty-five days after the last 67448
day of each October, December, March, and June. 67449

Sec. 5168.48. (A) Not later than the last day of February of 67450
each year, the department of medicaid shall redetermine each 67451
nursing home's and hospital's franchise permit fee if one or more 67452
bed surrenders occur during the period beginning on the first day 67453
of May of the preceding calendar year and ending on the first day 67454
of January of the calendar year in which the redetermination is 67455
made. 67456

(B) In redetermining nursing homes' and hospitals' franchise 67457
permit fees under this section, the department shall do both of 67458
the following: 67459

(1) Provide for the redetermination to be conducted in a 67460
manner consistent with the terms of the waiver sought under 67461
section 5168.43 of the Revised Code; 67462

(2) Recalculate each nursing home's and hospital's franchise 67463
permit fee in accordance with division (A) or (B) of section 67464
5168.42 of the Revised Code with the following changes: 67465

(a) In the case of a nursing home or hospital for which one 67466
or more bed surrenders occurred during the period beginning on the 67467
first day of May of the preceding calendar year and ending on the 67468
first day of January of the calendar year in which the 67469
redetermination is made, the number of beds included in the 67470
calculation for the purpose of division (A)(1) or (B)(1) of 67471
section 5168.42 of the Revised Code shall exclude the beds for 67472
which bed surrenders occurred during that period. 67473

(b) The number of days used in the calculation under division 67474
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 67475
the number of days in the first half of the calendar year in which 67476
the redetermination is made. 67477

(c) The franchise permit fee rate shall reflect adjustments 67478
made under sections 5168.44 and 5168.45 of the Revised Code. 67479

(C) Not later than the first day of March of each year, the 67480
department shall ~~mail to~~ notify, electronically or by United 67481
States postal service, each nursing home and hospital ~~notice~~ of 67482
the amount of its redetermined franchise permit fee. 67483

(D) Each nursing home and hospital shall pay its redetermined 67484
fee to the department in two installment payments not later than 67485
forty-five days after the last day of March and June of the 67486
calendar year in which the redetermination is made. 67487

Sec. 5168.49. If a nursing home or hospital undergoes a 67488
change of operator during a fiscal year, the responsibility for 67489

paying the franchise permit fee that was determined for the 67490
nursing home or hospital under section 5168.47 of the Revised 67491
Code, or redetermined for the nursing home or hospital under 67492
section 5168.48 of the Revised Code, for that fiscal year shall be 67493
divided proportionally. The exiting operator shall be responsible 67494
for paying the amount of the fee that is for the part of the 67495
fiscal year that ends on the day before the effective date of the 67496
change of operator. The entering operator shall be responsible for 67497
paying the amount of the fee that is for the part of the fiscal 67498
year that begins on the effective date of the change of operator. 67499
The department of medicaid is not required to ~~mail a notice to~~ 67500
notify the entering operator regarding the amount of that fiscal 67501
year's fee for which the entering operator is responsible. 67502

Sec. 5168.53. (A) A nursing home or hospital may appeal the 67503
fee assessed under section 5168.42 of the Revised Code, as 67504
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 67505
redetermined under section 5168.48 of the Revised Code solely on 67506
the grounds that the department of medicaid committed a material 67507
error in determining or redetermining the amount of the fee. A 67508
request for an appeal must be received by the department not later 67509
than fifteen days after the date the department ~~mails~~ notifies the 67510
~~notice~~ nursing home or hospital of the fee and must include 67511
written materials setting forth the basis for the appeal. 67512

(B) If a nursing home or hospital submits a request for an 67513
appeal within the time required under division (A) of this 67514
section, the department shall hold a public hearing in Columbus 67515
not later than thirty days after the date the department receives 67516
the request for an appeal. The department shall, not later than 67517
ten days before the date of the hearing, ~~mail a notice~~ notify, 67518
electronically or by United States postal service, the nursing 67519
home or hospital of the date, time, and place of the hearing ~~to~~ 67520

~~the nursing home or hospital.~~ The department may hear all the 67521
requested appeals in one public hearing. 67522

(C) On the basis of the evidence presented at the hearing or 67523
any other evidence submitted by the nursing home or hospital, the 67524
department may adjust a fee. The department's decision is final. 67525

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 67526
Revised Code: 67527

(A) "Franchise permit fee rate" means the following: 67528

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 67529
~~twenty-four~~ seven cents; 67530

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 67531
thereafter, eighteen dollars and ~~seventeen~~ two cents. 67532

(B) "Indirect guarantee percentage" means the percentage 67533
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 67534
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 67535
whether a class of providers is indirectly held harmless for any 67536
portion of the costs of a broad-based health-care-related tax. If 67537
the indirect guarantee percentage changes during a fiscal year, 67538
the indirect guarantee percentage is the following: 67539

(1) For the part of the fiscal year before the change takes 67540
effect, the percentage in effect before the change; 67541

(2) For the part of the fiscal year beginning with the date 67542
the indirect guarantee percentage changes, the new percentage. 67543

(C) "ICF/IID" has the same meaning as in section 5124.01 of 67544
the Revised Code. 67545

(D) "Medicaid-certified capacity" has the same meaning as in 67546
section 5124.01 of the Revised Code. 67547

(E) "Provider agreement" has the same meaning as in section 67548
5124.01 of the Revised Code. 67549

Sec. 5168.63. (A) Not later than the fifteenth day of August 67550
of each year, the department of developmental disabilities shall 67551
determine the annual franchise permit fee for each ICF/IID in 67552
accordance with section 5168.61 of the Revised Code. 67553

(B) Not later than the first day of September of each year, 67554
the department shall ~~mail to~~ notify, electronically or by United 67555
States postal service, each ICF/IID ~~notice~~ of the amount of the 67556
franchise permit fee the ICF/IID has been assessed under section 67557
5168.61 of the Revised Code. 67558

(C) Subject to section 5168.64 of the Revised Code, each 67559
ICF/IID shall pay its fee under section 5168.61 of the Revised 67560
Code to the department in quarterly installment payments not later 67561
than forty-five days after the last day of each September, 67562
December, March, and June. 67563

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 67564
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 67565
the ICF/IID's beds to providing home and community-based services 67566
and the operator's provider agreement for the ICF/IID is 67567
terminated as a consequence, the department of developmental 67568
disabilities shall terminate the ICF/IID's franchise permit fee 67569
effective on the first day of the quarter immediately following 67570
the quarter in which the conversion takes place. 67571

(B)(1) If, during the period beginning on the first day of 67572
May of a calendar year and ending on the first day of January of 67573
the immediately following calendar year, the operator of an 67574
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 67575
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 67576
to providing home and community-based services and the ICF/IID's 67577
medicaid-certified capacity is reduced as a consequence, the 67578
department ~~of developmental disabilities shall do the following:~~ 67579

~~(1) If the ICF/IID's medicaid certification is terminated because of the conversion, terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health;~~

~~(2) If the ICF/IID's medicaid-certified capacity is reduced because of the conversion, redetermine the ICF/IID's franchise permit fee in accordance with division (B) of this section for the second half of the fiscal year for which the fee is assessed.~~

~~(B)(1) assessed.~~ To redetermine ~~an~~ the ICF/IID's franchise permit fee, the department shall multiply the franchise permit fee rate by the product of the following:

(a) The ICF/IID's medicaid-certified capacity as of the date the conversion takes effect;

(b) The number of days in the second half of the fiscal year for which the redetermination is made.

(2) The ICF/IID shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.

Sec. 5168.67. (A) An ICF/IID may appeal the franchise permit fee imposed under section 5168.61 of the Revised Code solely on the grounds that the department of developmental disabilities committed a material error in determining the amount of the fee. A request for an appeal must be received by the department not later than fifteen days after the date the department ~~mails~~ notifies the ~~notice~~ ICF/IID of the fee and must include written materials setting forth the basis for the appeal.

(B) If an ICF/IID submits a request for an appeal within the

time required under division (A) of this section, the department 67610
shall hold a public hearing in Columbus not later than thirty days 67611
after the date the department receives the request for an appeal. 67612
The department shall, not later than ten days before the date of 67613
the hearing, ~~mail a notice~~ notify, electronically or by United 67614
States postal service, the ICF/IID of the date, time, and place of 67615
the hearing ~~to the ICF/IID~~. The department may hear all requested 67616
appeals in one public hearing. 67617

(C) On the basis of the evidence presented at the hearing or 67618
any other evidence submitted by the ICF/IID, the department may 67619
adjust a fee. The department's decision is final. 67620

Sec. 5513.01. (A) The director of transportation shall make 67621
all purchases of machinery, materials, supplies, or other articles 67622
in the manner provided in this section. In all cases except those 67623
in which the director provides written authorization for purchases 67624
by district deputy directors of transportation, the director shall 67625
make all such purchases at the central office of the department of 67626
transportation in Columbus. Before making any purchase at that 67627
office, the director, as provided in this section, shall give 67628
notice to bidders of the director's intention to purchase. Where 67629
the expenditure does not exceed the amount applicable to the 67630
purchase of supplies specified in division ~~(B)~~(A) of section 67631
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 67632
~~of that section,~~ the director shall give such notice as the 67633
director considers proper, or the director may make the purchase 67634
without notice. Where the expenditure exceeds the amount 67635
applicable to the purchase of supplies specified in division 67636
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 67637
~~to division (D) of that section,~~ the director shall give notice by 67638
posting for not less than ten days a written, typed, or printed 67639
invitation to bidders on a bulletin board. The director shall 67640
locate the notice in a place in the offices assigned to the 67641

department and open to the public during business hours. 67642

Producers or distributors of any product may notify the 67643
director, in writing, of the class of articles for the furnishing 67644
of which they desire to bid and their post-office addresses. In 67645
that circumstance, the director shall mail copies of all 67646
invitations to bidders relating to the purchase of such articles 67647
to such persons by regular first class mail at least ten days 67648
prior to the time fixed for taking bids. The director also may 67649
mail copies of all invitations to bidders to news agencies or 67650
other agencies or organizations distributing information of this 67651
character. Requests for invitations are not valid and do not 67652
require action by the director unless renewed by the director, 67653
either annually or after such shorter period as the director may 67654
prescribe by a general rule. 67655

The director shall include in an invitation to bidders a 67656
brief statement of the general character of the article that it is 67657
intended to purchase, the approximate quantity desired, and a 67658
statement of the time and place where bids will be received, and 67659
may relate to and describe as many different articles as the 67660
director thinks proper, it being the intent and purpose of this 67661
section to authorize the inclusion in a single invitation of as 67662
many different articles as the director desires to invite bids 67663
upon at any given time. The director shall give invitations issued 67664
during each calendar year consecutive numbers, and ensure that the 67665
number assigned to each invitation appears on all copies thereof. 67666
In all cases where notice is required by this section, the 67667
director shall require sealed bids, on forms prescribed and 67668
furnished by the director. The director shall not permit the 67669
modification of bids after they have been opened. 67670

(B) The director may permit a state agency, the Ohio turnpike 67671
and infrastructure commission, any political subdivision, and any 67672
state university or college to participate in contracts into which 67673

the director has entered for the purchase of machinery, materials, 67674
supplies, or other articles. The turnpike and infrastructure 67675
commission and any political subdivision or state university or 67676
college desiring to participate in such purchase contracts shall 67677
file with the director a certified copy of the bylaws or rules of 67678
the turnpike and infrastructure commission or the ordinance or 67679
resolution of the legislative authority, board of trustees, or 67680
other governing board requesting authorization to participate in 67681
such contracts and agreeing to be bound by such terms and 67682
conditions as the director prescribes. Purchases made by a state 67683
agency, the turnpike and infrastructure commission, political 67684
subdivisions, or state universities or colleges under this 67685
division are exempt from any competitive bidding required by law 67686
for the purchase of machinery, materials, supplies, or other 67687
articles. 67688

(C) As used in this section: 67689

(1) "Political subdivision" means any county, township, 67690
municipal corporation, conservancy district, township park 67691
district, park district created under Chapter 1545. of the Revised 67692
Code, port authority, regional transit authority, regional airport 67693
authority, regional water and sewer district, county transit 67694
board, school district as defined in section 5513.04 of the 67695
Revised Code, regional planning commission formed under section 67696
713.21 of the Revised Code, regional council of government formed 67697
under section 167.01 of the Revised Code, or other association of 67698
local governments established pursuant to an agreement under 67699
sections 307.14 to 307.19 of the Revised Code. 67700

(2) "State university or college" has the same meaning as in 67701
division (A)(1) of section 3345.32 of the Revised Code. 67702

(3) "Ohio turnpike and infrastructure commission" means the 67703
commission created by section 5537.02 of the Revised Code. 67704

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

Sec. 5703.057. (A) For the efficient administration of the taxes and fees administered by the tax commissioner, the commissioner may require that any person filing a tax document with the department of taxation provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the commissioner, subject to section 5703.361 of the Revised Code. A person required by the commissioner to provide identifying information who has experienced any change with respect to that information shall notify the commissioner of the change prior to, or upon, filing the next tax document requiring such identifying information.

(B) When transmitting or otherwise making use of a tax document that contains a person's social security number, the commissioner shall take all reasonable measures necessary to ensure that the number is not capable of being viewed by the general public, including, when necessary, masking the number so that it is not readily discernible by the general public.

(C)(1) If the commissioner makes a request for identifying information and the commissioner does not receive valid identifying information within thirty days of making the request,

the commissioner may impose a penalty upon the person to whom the request was directed of up to one hundred dollars. If, after the expiration of this thirty day period, the commissioner makes one or more subsequent requests for identifying information and the person to whom the subsequent request is directed fails to provide valid identifying information within thirty days of the commissioner's subsequent request, the commissioner may impose an additional penalty of up to two hundred dollars for each subsequent request not complied with in a timely fashion.

(2) If a person required by the commissioner to provide identifying information does not notify the commissioner of a change with respect to that information as required under division (A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

Sec. 5703.36. If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section

5703.361 of the Revised Code. 67767

Sec. 5703.361. If the tax commissioner uses measures to 67768
reduce fraud by requiring a person to verify information about the 67769
person for the purpose of verifying the person's identity, the tax 67770
commissioner may not require a person to verify either of the 67771
following information: 67772

(A) Information held or compiled by the bureau of motor 67773
vehicles created or compiled more than fifteen years preceding the 67774
current calendar year. 67775

(B) Any information, other than that described in division 67776
(A) of this section, created or compiled more than ten years 67777
preceding the current calendar year. 67778

Sec. 5705.19. This section does not apply to school 67779
districts, county school financing districts, or lake facilities 67780
authorities. 67781

The taxing authority of any subdivision at any time and in 67782
any year, by vote of two-thirds of all the members of the taxing 67783
authority, may declare by resolution and certify the resolution to 67784
the board of elections not less than ninety days before the 67785
election upon which it will be voted that the amount of taxes that 67786
may be raised within the ten-mill limitation will be insufficient 67787
to provide for the necessary requirements of the subdivision and 67788
that it is necessary to levy a tax in excess of that limitation 67789
for any of the following purposes: 67790

(A) For current expenses of the subdivision, except that the 67791
total levy for current expenses of a detention facility district 67792
or district organized under section 2151.65 of the Revised Code 67793
shall not exceed two mills and that the total levy for current 67794
expenses of a combined district organized under sections 2151.65 67795
and 2152.41 of the Revised Code shall not exceed four mills; 67796

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;	67797 67798 67799
(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;	67800 67801 67802
(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;	67803 67804
(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;	67805 67806 67807
(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;	67808 67809 67810
(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;	67811 67812 67813
(H) For parks and recreational purposes;	67814
(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;	67815 67816 67817 67818 67819 67820 67821 67822 67823 67824 67825 67826

(J) For the purpose of providing and maintaining motor	67827
vehicles, communications, other equipment, buildings, and sites	67828
for such buildings used directly in the operation of a police	67829
department, or the payment of salaries of permanent or part-time	67830
police, communications, or administrative personnel to operate the	67831
same, including the payment of any employer contributions required	67832
for such personnel under section 145.48 or 742.33 of the Revised	67833
Code, or the payment of the costs incurred by townships as a	67834
result of contracts made with other political subdivisions in	67835
order to obtain police protection, or the provision of ambulance	67836
or emergency medical services operated by a police department;	67837
(K) For the maintenance and operation of a county home or	67838
detention facility;	67839
(L) For community mental retardation and developmental	67840
disabilities programs and services pursuant to Chapter 5126. of	67841
the Revised Code, except that the procedure for such levies shall	67842
be as provided in section 5705.222 of the Revised Code;	67843
(M) For regional planning;	67844
(N) For a county's share of the cost of maintaining and	67845
operating schools, district detention facilities, forestry camps,	67846
or other facilities, or any combination thereof, established under	67847
section 2151.65 or 2152.41 of the Revised Code or both of those	67848
sections;	67849
(O) For providing for flood defense, providing and	67850
maintaining a flood wall or pumps, and other purposes to prevent	67851
floods;	67852
(P) For maintaining and operating sewage disposal plants and	67853
facilities;	67854
(Q) For the purpose of purchasing, acquiring, constructing,	67855
enlarging, improving, equipping, repairing, maintaining, or	67856
operating, or any combination of the foregoing, a county transit	67857

system pursuant to sections 306.01 to 306.13 of the Revised Code, 67858
or of making any payment to a board of county commissioners 67859
operating a transit system or a county transit board pursuant to 67860
section 306.06 of the Revised Code; 67861

(R) For the subdivision's share of the cost of acquiring or 67862
constructing any schools, forestry camps, detention facilities, or 67863
other facilities, or any combination thereof, under section 67864
2151.65 or 2152.41 of the Revised Code or both of those sections; 67865

(S) For the prevention, control, and abatement of air 67866
pollution; 67867

(T) For maintaining and operating cemeteries; 67868

(U) For providing ambulance service, emergency medical 67869
service, or both; 67870

(V) For providing for the collection and disposal of garbage 67871
or refuse, including yard waste; 67872

(W) For the payment of the police officer employers' 67873
contribution or the firefighter employers' contribution required 67874
under sections 742.33 and 742.34 of the Revised Code; 67875

(X) For the construction and maintenance of a drainage 67876
improvement pursuant to section 6131.52 of the Revised Code; 67877

(Y) For providing or maintaining senior citizens services or 67878
facilities as authorized by section 307.694, 307.85, 505.70, or 67879
505.706 or division (EE) of section 717.01 of the Revised Code; 67880

(Z) For the provision and maintenance of zoological park 67881
services and facilities as authorized under section 307.76 of the 67882
Revised Code; 67883

(AA) For the maintenance and operation of a free public 67884
museum of art, science, or history; 67885

(BB) For the establishment and operation of a 9-1-1 system, 67886
as defined in section 128.01 of the Revised Code; 67887

(CC) For the purpose of acquiring, rehabilitating, or 67888
developing rail property or rail service. As used in this 67889
division, "rail property" and "rail service" have the same 67890
meanings as in section 4981.01 of the Revised Code. This division 67891
applies only to a county, township, or municipal corporation. 67892

(DD) For the purpose of acquiring property for, constructing, 67893
operating, and maintaining community centers as provided for in 67894
section 755.16 of the Revised Code; 67895

(EE) For the creation and operation of an office or joint 67896
office of economic development, for any economic development 67897
purpose of the office, and to otherwise provide for the 67898
establishment and operation of a program of economic development 67899
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 67900
the extent that the expenses of a county land reutilization 67901
corporation organized under Chapter 1724. of the Revised Code are 67902
found by the board of county commissioners to constitute the 67903
promotion of economic development, for the payment of such 67904
operations and expenses; 67905

(FF) For the purpose of acquiring, establishing, 67906
constructing, improving, equipping, maintaining, or operating, or 67907
any combination of the foregoing, a township airport, landing 67908
field, or other air navigation facility pursuant to section 505.15 67909
of the Revised Code; 67910

(GG) For the payment of costs incurred by a township as a 67911
result of a contract made with a county pursuant to section 67912
505.263 of the Revised Code in order to pay all or any part of the 67913
cost of constructing, maintaining, repairing, or operating a water 67914
supply improvement; 67915

(HH) For a board of township trustees to acquire, other than 67916
by appropriation, an ownership interest in land, water, or 67917
wetlands, or to restore or maintain land, water, or wetlands in 67918

which the board has an ownership interest, not for purposes of 67919
recreation, but for the purposes of protecting and preserving the 67920
natural, scenic, open, or wooded condition of the land, water, or 67921
wetlands against modification or encroachment resulting from 67922
occupation, development, or other use, which may be styled as 67923
protecting or preserving "greenspace" in the resolution, notice of 67924
election, or ballot form. Except as otherwise provided in this 67925
division, land is not acquired for purposes of recreation, even if 67926
the land is used for recreational purposes, so long as no 67927
building, structure, or fixture used for recreational purposes is 67928
permanently attached or affixed to the land. Except as otherwise 67929
provided in this division, land that previously has been acquired 67930
in a township for these greenspace purposes may subsequently be 67931
used for recreational purposes if the board of township trustees 67932
adopts a resolution approving that use and no building, structure, 67933
or fixture used for recreational purposes is permanently attached 67934
or affixed to the land. The authorization to use greenspace land 67935
for recreational use does not apply to land located in a township 67936
that had a population, at the time it passed its first greenspace 67937
levy, of more than thirty-eight thousand within a county that had 67938
a population, at that time, of at least eight hundred sixty 67939
thousand. 67940

(II) For the support by a county of a crime victim assistance 67941
program that is provided and maintained by a county agency or a 67942
private, nonprofit corporation or association under section 307.62 67943
of the Revised Code; 67944

(JJ) For any or all of the purposes set forth in divisions 67945
(I) and (J) of this section. This division applies only to a 67946
township. 67947

(KK) For a countywide public safety communications system 67948
under section 307.63 of the Revised Code. This division applies 67949
only to counties. 67950

(LL) For the support by a county of criminal justice services 67951
under section 307.45 of the Revised Code; 67952

(MM) For the purpose of maintaining and operating a jail or 67953
other detention facility as defined in section 2921.01 of the 67954
Revised Code; 67955

(NN) For purchasing, maintaining, or improving, or any 67956
combination of the foregoing, real estate on which to hold, and 67957
the operating expenses of, agricultural fairs operated by a county 67958
agricultural society or independent agricultural society under 67959
Chapter 1711. of the Revised Code. This division applies only to a 67960
county. 67961

(OO) For constructing, rehabilitating, repairing, or 67962
maintaining sidewalks, walkways, trails, bicycle pathways, or 67963
similar improvements, or acquiring ownership interests in land 67964
necessary for the foregoing improvements; 67965

(PP) For both of the purposes set forth in divisions (G) and 67966
(OO) of this section. 67967

(QQ) For both of the purposes set forth in divisions (H) and 67968
(HH) of this section. This division applies only to a township. 67969

(RR) For the legislative authority of a municipal 67970
corporation, board of county commissioners of a county, or board 67971
of township trustees of a township to acquire agricultural 67972
easements, as defined in section 5301.67 of the Revised Code, and 67973
to supervise and enforce the easements. 67974

(SS) For both of the purposes set forth in divisions (BB) and 67975
(KK) of this section. This division applies only to a county. 67976

(TT) For the maintenance and operation of a facility that is 67977
organized in whole or in part to promote the sciences and natural 67978
history under section 307.761 of the Revised Code. 67979

(UU) For the creation and operation of a county land 67980

reutilization corporation and for any programs or activities of 67981
the corporation found by the board of directors of the corporation 67982
to be consistent with the purposes for which the corporation is 67983
organized; 67984

(VV) For construction and maintenance of improvements and 67985
expenses of soil and water conservation district programs under 67986
Chapter 1515. of the Revised Code; 67987

(WW) For the OSU extension fund created under section 3335.35 67988
of the Revised Code for the purposes prescribed under section 67989
3335.36 of the Revised Code for the benefit of the citizens of a 67990
county. This division applies only to a county. 67991

(XX) For a municipal corporation that withdraws or proposes 67992
by resolution to withdraw from a regional transit authority under 67993
section 306.55 of the Revised Code to provide transportation 67994
services for the movement of persons within, from, or to the 67995
municipal corporation; 67996

(YY) For any combination of the purposes specified in 67997
divisions (NN), (VV), and (WW) of this section. This division 67998
applies only to a county. 67999

The resolution shall be confined to the purpose or purposes 68000
described in one division of this section, to which the revenue 68001
derived therefrom shall be applied. The existence in any other 68002
division of this section of authority to levy a tax for any part 68003
or all of the same purpose or purposes does not preclude the use 68004
of such revenues for any part of the purpose or purposes of the 68005
division under which the resolution is adopted. 68006

The resolution shall specify the amount of the increase in 68007
rate that it is necessary to levy, the purpose of that increase in 68008
rate, and the number of years during which the increase in rate 68009
shall be in effect, which may or may not include a levy upon the 68010
duplicate of the current year. The number of years may be any 68011

number not exceeding five, except as follows: 68012

(1) When the additional rate is for the payment of debt 68013
charges, the increased rate shall be for the life of the 68014
indebtedness. 68015

(2) When the additional rate is for any of the following, the 68016
increased rate shall be for a continuing period of time: 68017

(a) For the current expenses for a detention facility 68018
district, a district organized under section 2151.65 of the 68019
Revised Code, or a combined district organized under sections 68020
2151.65 and 2152.41 of the Revised Code; 68021

(b) For providing a county's share of the cost of maintaining 68022
and operating schools, district detention facilities, forestry 68023
camps, or other facilities, or any combination thereof, 68024
established under section 2151.65 or 2152.41 of the Revised Code 68025
or under both of those sections. 68026

(3) When the additional rate is for either of the following, 68027
the increased rate may be for a continuing period of time: 68028

(a) For the purposes set forth in division (I), (J), (U), or 68029
(KK) of this section; 68030

(b) For the maintenance and operation of a joint recreation 68031
district. 68032

(4) When the increase is for the purpose or purposes set 68033
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 68034
section, the tax levy may be for any specified number of years or 68035
for a continuing period of time, as set forth in the resolution. 68036

A levy for one of the purposes set forth in division (G), 68037
(I), (J), or (U) of this section may be reduced pursuant to 68038
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 68039
the purposes set forth in division (G), (I), (J), or (U) of this 68040
section may also be terminated or permanently reduced by the 68041

taxing authority if it adopts a resolution stating that the 68042
continuance of the levy is unnecessary and the levy shall be 68043
terminated or that the millage is excessive and the levy shall be 68044
decreased by a designated amount. 68045

A resolution of a detention facility district, a district 68046
organized under section 2151.65 of the Revised Code, or a combined 68047
district organized under both sections 2151.65 and 2152.41 of the 68048
Revised Code may include both current expenses and other purposes, 68049
provided that the resolution shall apportion the annual rate of 68050
levy between the current expenses and the other purpose or 68051
purposes. The apportionment need not be the same for each year of 68052
the levy, but the respective portions of the rate actually levied 68053
each year for the current expenses and the other purpose or 68054
purposes shall be limited by the apportionment. 68055

Whenever a board of county commissioners, acting either as 68056
the taxing authority of its county or as the taxing authority of a 68057
sewer district or subdistrict created under Chapter 6117. of the 68058
Revised Code, by resolution declares it necessary to levy a tax in 68059
excess of the ten-mill limitation for the purpose of constructing, 68060
improving, or extending sewage disposal plants or sewage systems, 68061
the tax may be in effect for any number of years not exceeding 68062
twenty, and the proceeds of the tax, notwithstanding the general 68063
provisions of this section, may be used to pay debt charges on any 68064
obligations issued and outstanding on behalf of the subdivision 68065
for the purposes enumerated in this paragraph, provided that any 68066
such obligations have been specifically described in the 68067
resolution. 68068

A resolution adopted by the legislative authority of a 68069
municipal corporation that is for the purpose in division (XX) of 68070
this section may be combined with the purpose provided in section 68071
306.55 of the Revised Code, by vote of two-thirds of all members 68072
of the legislative authority. The legislative authority may 68073

certify the resolution to the board of elections as a combined 68074
question. The question appearing on the ballot shall be as 68075
provided in section 5705.252 of the Revised Code. 68076

The resolution shall go into immediate effect upon its 68077
passage, and no publication of the resolution is necessary other 68078
than that provided for in the notice of election 68079

When the electors of a subdivision or, in the case of a 68080
qualifying library levy for the support of a library association 68081
or private corporation, the electors of the association library 68082
district, have approved a tax levy under this section, the taxing 68083
authority of the subdivision may anticipate a fraction of the 68084
proceeds of the levy and issue anticipation notes in accordance 68085
with section 5705.191 or 5705.193 of the Revised Code. 68086

Sec. 5705.21. (A) At any time, the board of education of any 68087
city, local, exempted village, cooperative education, or joint 68088
vocational school district, by a vote of two-thirds of all its 68089
members, may declare by resolution that the amount of taxes which 68090
may be raised within the ten-mill limitation by levies on the 68091
current tax duplicate will be insufficient to provide an adequate 68092
amount for the necessary requirements of the school district, that 68093
it is necessary to levy a tax in excess of such limitation for one 68094
of the purposes specified in division (A), (D), (F), (H), or (DD) 68095
of section 5705.19 of the Revised Code, for general permanent 68096
improvements, for the purpose of operating a cultural center, for 68097
the purpose of providing for school safety and security, or for 68098
the purpose of providing education technology, and that the 68099
question of such additional tax levy shall be submitted to the 68100
electors of the school district at a special election on a day to 68101
be specified in the resolution. In the case of a qualifying 68102
library levy for the support of a library association or private 68103
corporation, the question shall be submitted to the electors of 68104

the association library district. If the resolution states that 68105
the levy is for the purpose of operating a cultural center, the 68106
ballot shall state that the levy is "for the purpose of operating 68107
the (name of cultural center)." 68108

As used in this division, "cultural center" means a 68109
freestanding building, separate from a public school building, 68110
that is open to the public for educational, musical, artistic, and 68111
cultural purposes; "education technology" means, but is not 68112
limited to, computer hardware, equipment, materials, and 68113
accessories, equipment used for two-way audio or video, and 68114
software; and "general permanent improvements" means permanent 68115
improvements without regard to the limitation of division (F) of 68116
section 5705.19 of the Revised Code that the improvements be a 68117
specific improvement or a class of improvements that may be 68118
included in a single bond issue. 68119

A resolution adopted under this division shall be confined to 68120
a single purpose and shall specify the amount of the increase in 68121
rate that it is necessary to levy, the purpose of the levy, and 68122
the number of years during which the increase in rate shall be in 68123
effect. The number of years may be any number not exceeding five 68124
or, if the levy is for current expenses of the district or for 68125
general permanent improvements, for a continuing period of time. 68126

(B)(1) The board of education of a qualifying school 68127
district, by resolution, may declare that it is necessary to levy 68128
a tax in excess of the ten-mill limitation for the purpose of 68129
paying the current expenses of ~~the district and of~~ partnering 68130
community schools and, if any of the levy proceeds are so 68131
allocated, of the district. A qualifying school district that is 68132
not a municipal school district may allocate all of the levy 68133
proceeds to partnering community schools. A municipal school 68134
district shall allocate a portion of the levy proceeds to the 68135
current expenses of the district. The resolution shall declare 68136

that the question of the additional tax levy shall be submitted to 68137
the electors of the school district at a special election on a day 68138
to be specified in the resolution. The resolution shall state the 68139
purpose of the levy, the rate of the tax expressed in mills per 68140
dollar of taxable value, the number of such mills to be levied for 68141
the current expenses of the partnering community schools and the 68142
number of such mills, if any, to be levied for the current 68143
expenses of the school district, the number of years the tax will 68144
be levied, and the first year the tax will be levied. The number 68145
of years the tax may be levied may be any number not exceeding ten 68146
years, or for a continuing period of time. 68147

The levy of a tax for the current expenses of a partnering 68148
community school under this section and the distribution of 68149
proceeds from the tax by a qualifying school district to 68150
partnering community schools is hereby determined to be a proper 68151
public purpose. 68152

(2) The (a) If any portion of the levy proceeds are to be 68153
allocated to the current expenses of the qualifying school 68154
district, the form of the ballot at an election held pursuant to 68155
division (B) of this section shall be as follows: 68156

"Shall a levy be imposed by the (insert the name of 68157
the qualifying school district) for the purpose of current 68158
expenses of the school district and of partnering community 68159
schools at a rate not exceeding (insert the number of 68160
mills) mills for each one dollar of valuation, ~~of which~~ 68161
(insert the number of mills to be allocated to partnering 68162
community schools) mills is to be allocated to partnering 68163
community schools), which amounts to (insert the rate 68164
expressed in dollars and cents) for each one hundred dollars of 68165
valuation, for (insert the number of years the levy is to 68166
be imposed, or that it will be levied for a continuing period of 68167
time), beginning (insert first year the tax is to be 68168

levied), which will first be payable in calendar year 68169
 (insert the first calendar year in which the tax would be 68170
 payable)? 68171

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

68172
68173

(b) If all of the levy proceeds are to be allocated to the 68174
current expenses of partnering community schools, the form of the 68175
ballot shall be as follows: 68176

"Shall a levy be imposed by the (insert the name of 68177
the qualifying school district) for the purpose of current 68178
expenses of partnering community schools at a rate not exceeding 68179
..... (insert the number of mills) mills for each one dollar of 68180
valuation which amounts to (insert the rate expressed in 68181
dollars and cents) for each one hundred dollars of valuation, for 68182
..... (insert the number of years the levy is to be imposed, or 68183
that it will be levied for a continuing period of time), beginning 68184
..... (insert first year the tax is to be levied), which will 68185
first be payable in calendar year (insert the first 68186
calendar year in which the tax would be payable)? 68187

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

68188
68189

(3) Upon each receipt of a tax distribution by the qualifying 68190
 school district, the board of education shall credit the portion 68191
 allocated to partnering community schools to the partnering 68192
 community schools fund. All income from the investment of money in 68193
 the partnering community schools fund shall be credited to that 68194
 fund. 68195

(a) If the qualifying school district is a municipal school 68196
 district, the board of education shall distribute the partnering 68197
 community schools amount among the then qualifying community 68198
 schools not more than forty-five days after the school district 68199
 receives and deposits each tax distribution. From each tax 68200

distribution, each such partnering community school shall receive 68201
a portion of the partnering community schools amount in the 68202
proportion that the number of its resident students bears to the 68203
aggregate number of resident students of all such partnering 68204
community schools as of the date of receipt and deposit of the tax 68205
distribution. 68206

(b) If the qualifying school district is not a municipal 68207
school district, the board of education may distribute all or a 68208
portion of the amount in the partnering community schools fund 68209
during a fiscal year to partnering community schools ~~that were~~ 68210
~~either sponsored by the district or entered into an agreement~~ 68211
~~pursuant to division (B)(6)(b) of this section~~ on or before the 68212
first day of June of the preceding fiscal year. Each such 68213
partnering community school shall receive a portion of the amount 68214
distributed by the board from the partnering community schools 68215
fund during the fiscal year in the proportion that the number of 68216
its resident students bears to the aggregate number of resident 68217
students of all such partnering community schools as of the date 68218
the school district received and deposited the most recent tax 68219
distribution. On or before the fifteenth day of June of each 68220
fiscal year, the board of education shall announce an estimated 68221
allocation to partnering community schools for the ensuing fiscal 68222
year. The board is not required to allocate to partnering 68223
community schools the entire partnering community schools amount 68224
in the fiscal year in which a tax distribution is received and 68225
deposited in the partnering community schools fund. The estimated 68226
allocation shall be published on the web site of the school 68227
district and expressed as a dollar amount per resident student. 68228
The actual allocation to community schools in a fiscal year need 68229
not conform to the estimate published by the school district so 68230
long if the estimate was made in good faith. 68231

Distributions by a school district under division (B)(3)(b) 68232

of this section shall be made in accordance with distribution 68233
agreements entered into by the board of education and each 68234
partnering community school eligible for distributions under this 68235
division. The distribution agreements shall be certified to the 68236
department of education each fiscal year before the thirtieth day 68237
of July. Each agreement shall provide for at least three 68238
distributions by the school district to the partnering community 68239
school during the fiscal year and shall require the initial 68240
distribution be made on or before the thirtieth day of July. 68241

(c) For the purposes of division (B) of this section, the 68242
number of resident students shall be the number of such students 68243
reported under section 3317.03 of the Revised Code and established 68244
by the department of education as of the date of receipt and 68245
deposit of the tax distribution. 68246

(4) To the extent an agreement whereby the qualifying school 68247
district and a community school endorse each other's programs is 68248
necessary for the community school to qualify as a partnering 68249
community school under division (B)(6)(b) of this section, the 68250
board of education of the school district shall certify to the 68251
department of education the agreement along with the determination 68252
that such agreement satisfies the requirements of that division. 68253
The board's determination is conclusive. 68254

(5) For the purposes of Chapter 3317. of the Revised Code or 68255
other laws referring to the "taxes charged and payable" for a 68256
school district, the taxes charged and payable for a qualifying 68257
school district that levies a tax under division (B) of this 68258
section includes only the taxes charged and payable under that 68259
levy for the current expenses of the school district, and does not 68260
include the taxes charged and payable for the current expenses of 68261
partnering community schools. The taxes charged and payable for 68262
the current expenses of partnering community schools shall not 68263
affect the calculation of "state education aid" as defined in 68264

section 5751.20 of the Revised Code. 68265

(6) As used in division (B) of this section: 68266

(a) "Qualifying school district" means a municipal school 68267
district, as defined in section 3311.71 of the Revised Code, or a 68268
school district that ~~has an average daily membership, as reported~~ 68269
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 68270
~~than sixty thousand and the majority of the territory of which~~ 68271
~~district is located in a city with a population greater than seven~~ 68272
~~hundred thousand according to the most recent federal decennial~~ 68273
~~census contains within its territory a partnering community~~ 68274
school. 68275

(b) "Partnering community school" means a community school 68276
established under Chapter 3314. of the Revised Code that is 68277
located within the territory of the qualifying school district and 68278
~~that either~~ meets one of the following criteria: 68279

(i) If the qualifying school district is a municipal school 68280
district, the community school is sponsored by the district or is 68281
a party to an agreement with the district whereby the district and 68282
the community school endorse each other's programs; 68283

(ii) If the qualifying school district is not a municipal 68284
school district, the community school is sponsored by a sponsor 68285
that was rated as "exemplary" in the ratings most recently 68286
published under section 3314.016 of the Revised Code before the 68287
resolution proposing the levy is certified to the board of 68288
elections. 68289

(c) "Partnering community schools amount" means the product 68290
obtained, as of the receipt and deposit of the tax distribution, 68291
by multiplying the amount of a tax distribution by a fraction, the 68292
numerator of which is the number of mills per dollar of taxable 68293
value of the property tax to be allocated to partnering community 68294
schools, and the denominator of which is the total number of mills 68295

per dollar of taxable value authorized by the electors in the 68296
election held under division (B) of this section, each as set 68297
forth in the resolution levying the tax. If the resolution 68298
allocates all of the levy proceeds to partnering community 68299
schools, the "partnering schools amount" equals the amount of the 68300
tax distribution. 68301

(d) "Partnering community schools fund" means a separate fund 68302
established by the board of education of a qualifying school 68303
district for the deposit of partnering community school amounts 68304
under this section. 68305

(e) "Resident student" means a student enrolled in a 68306
partnering community school who is entitled to attend school in 68307
the qualifying school district under section 3313.64 or 3313.65 of 68308
the Revised Code. 68309

(f) "Tax distribution" means a distribution of proceeds of 68310
the tax authorized by division (B) of this section under section 68311
321.24 of the Revised Code and distributions that are attributable 68312
to that tax under sections 323.156 and 4503.068 of the Revised 68313
Code or other applicable law. 68314

(C) A resolution adopted under this section shall specify the 68315
date of holding the election, which shall not be earlier than 68316
ninety days after the adoption and certification of the resolution 68317
and which shall be consistent with the requirements of section 68318
3501.01 of the Revised Code. 68319

A resolution adopted under this section may propose to renew 68320
one or more existing levies imposed under division (A) or (B) of 68321
this section or to increase or decrease a single levy imposed 68322
under either such division. 68323

If the board of education imposes one or more existing levies 68324
for the purpose specified in division (F) of section 5705.19 of 68325
the Revised Code, the resolution may propose to renew one or more 68326

of those existing levies, or to increase or decrease a single such 68327
existing levy, for the purpose of general permanent improvements. 68328

If the resolution proposes to renew two or more existing 68329
levies, the levies shall be levied for the same purpose. The 68330
resolution shall identify those levies and the rates at which they 68331
are levied. The resolution also shall specify that the existing 68332
levies shall not be extended on the tax lists after the year 68333
preceding the year in which the renewal levy is first imposed, 68334
regardless of the years for which those levies originally were 68335
authorized to be levied. 68336

If the resolution proposes to renew an existing levy imposed 68337
under division (B) of this section, the rates allocated to the 68338
qualifying school district and to partnering community schools 68339
each may be increased or decreased or remain the same, and the 68340
total rate may be increased, decreased, or remain the same. The 68341
resolution and notice of election shall specify the number of the 68342
mills to be levied for the current expenses of the partnering 68343
community schools and the number of the mills, if any, to be 68344
levied for the current expenses of the qualifying school district. 68345

A resolution adopted under this section shall go into 68346
immediate effect upon its passage, and no publication of the 68347
resolution shall be necessary other than that provided for in the 68348
notice of election. A copy of the resolution shall immediately 68349
after its passing be certified to the board of elections of the 68350
proper county in the manner provided by section 5705.25 of the 68351
Revised Code. That section shall govern the arrangements for the 68352
submission of such question and other matters concerning the 68353
election to which that section refers, including publication of 68354
notice of the election, except that the election shall be held on 68355
the date specified in the resolution. In the case of a resolution 68356
adopted under division (B) of this section, the publication of 68357
notice of that election shall state the number of the mills, if 68358

any, to be levied for the current expenses of partnering community 68359
schools and the number of the mills to be levied for the current 68360
expenses of the qualifying school district. If a majority of the 68361
electors voting on the question so submitted in an election vote 68362
in favor of the levy, the board of education may make the 68363
necessary levy within the school district or, in the case of a 68364
qualifying library levy for the support of a library association 68365
or private corporation, within the association library district, 68366
at the additional rate, or at any lesser rate in excess of the 68367
ten-mill limitation on the tax list, for the purpose stated in the 68368
resolution. A levy for a continuing period of time may be reduced 68369
pursuant to section 5705.261 of the Revised Code. The tax levy 68370
shall be included in the next tax budget that is certified to the 68371
county budget commission. 68372

(D)(1) After the approval of a levy on the current tax list 68373
and duplicate for current expenses, for recreational purposes, for 68374
community centers provided for in section 755.16 of the Revised 68375
Code, or for a public library of the district under division (A) 68376
of this section, and prior to the time when the first tax 68377
collection from the levy can be made, the board of education may 68378
anticipate a fraction of the proceeds of the levy and issue 68379
anticipation notes in a principal amount not exceeding fifty per 68380
cent of the total estimated proceeds of the levy to be collected 68381
during the first year of the levy. 68382

(2) After the approval of a levy for general permanent 68383
improvements for a specified number of years or for permanent 68384
improvements having the purpose specified in division (F) of 68385
section 5705.19 of the Revised Code, the board of education may 68386
anticipate a fraction of the proceeds of the levy and issue 68387
anticipation notes in a principal amount not exceeding fifty per 68388
cent of the total estimated proceeds of the levy remaining to be 68389
collected in each year over a period of five years after the 68390

issuance of the notes. 68391

The notes shall be issued as provided in section 133.24 of 68392
the Revised Code, shall have principal payments during each year 68393
after the year of their issuance over a period not to exceed five 68394
years, and may have a principal payment in the year of their 68395
issuance. 68396

(3) After approval of a levy for general permanent 68397
improvements for a continuing period of time, the board of 68398
education may anticipate a fraction of the proceeds of the levy 68399
and issue anticipation notes in a principal amount not exceeding 68400
fifty per cent of the total estimated proceeds of the levy to be 68401
collected in each year over a specified period of years, not 68402
exceeding ten, after the issuance of the notes. 68403

The notes shall be issued as provided in section 133.24 of 68404
the Revised Code, shall have principal payments during each year 68405
after the year of their issuance over a period not to exceed ten 68406
years, and may have a principal payment in the year of their 68407
issuance. 68408

(4) After the approval of a levy on the current tax list and 68409
duplicate under division (B) of this section, and prior to the 68410
time when the first tax collection from the levy can be made, the 68411
board of education may anticipate a fraction of the proceeds of 68412
the levy for the current expenses of the school district and issue 68413
anticipation notes in a principal amount not exceeding fifty per 68414
cent of the estimated proceeds of the levy to be collected during 68415
the first year of the levy and allocated to the school district. 68416
The portion of the levy proceeds to be allocated to partnering 68417
community schools under that division shall not be included in the 68418
estimated proceeds anticipated under this division and shall not 68419
be used to pay debt charges on any anticipation notes. 68420

The notes shall be issued as provided in section 133.24 of 68421

the Revised Code, shall have principal payments during each year 68422
after the year of their issuance over a period not to exceed five 68423
years, and may have a principal payment in the year of their 68424
issuance. 68425

(E) The submission of questions to the electors under this 68426
section is subject to the limitation on the number of election 68427
dates established by section 5705.214 of the Revised Code. 68428

Sec. 5705.212. (A)(1) The board of education of any school 68429
district, at any time and by a vote of two-thirds of all of its 68430
members, may declare by resolution that the amount of taxes that 68431
may be raised within the ten-mill limitation will be insufficient 68432
to provide an adequate amount for the present and future 68433
requirements of the school district, that it is necessary to levy 68434
not more than five taxes in excess of that limitation for current 68435
expenses, and that each of the proposed taxes first will be levied 68436
in a different year, over a specified period of time. The board 68437
shall identify the taxes proposed under this section as follows: 68438
the first tax to be levied shall be called the "original tax." 68439
Each tax subsequently levied shall be called an "incremental tax." 68440
The rate of each incremental tax shall be identical, but the rates 68441
of such incremental taxes need not be the same as the rate of the 68442
original tax. The resolution also shall state that the question of 68443
these additional taxes shall be submitted to the electors of the 68444
school district at a special election. The resolution shall 68445
specify separately for each tax proposed: the amount of the 68446
increase in rate that it is necessary to levy, expressed 68447
separately for the original tax and each incremental tax; that the 68448
purpose of the levy is for current expenses; the number of years 68449
during which the original tax shall be in effect; a specification 68450
that the last year in which the original tax is in effect shall 68451
also be the last year in which each incremental tax shall be in 68452
effect; and the year in which each tax first is proposed to be 68453

levied. The original tax may be levied for any number of years not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after the adoption and certification of the resolution and shall be consistent with the requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (A)(1) of this section. Such a resolution shall provide for levying a tax and specify all of the following:

(a) That the tax shall be called and designated on the ballot as a renewal levy;

(b) The rate of the renewal tax, which shall be a single rate that combines the rate of the original tax and each incremental tax into a single rate. The rate of the renewal tax shall not exceed the aggregate rate of the original and incremental taxes.

(c) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(d) That the purpose of the renewal levy is for current expenses;

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the original tax may be extended on the real and public utility property tax list and duplicate or at a special election held during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no

publication of the resolution is necessary other than that 68485
provided for in the notice of election. Immediately after its 68486
adoption, a copy of the resolution shall be certified to the board 68487
of elections of the proper county in the manner provided by 68488
division (A) of section 5705.251 of the Revised Code, and that 68489
division shall govern the arrangements for the submission of the 68490
question and other matters concerning the election to which that 68491
section refers. The election shall be held on the date specified 68492
in the resolution. If a majority of the electors voting on the 68493
question so submitted in an election vote in favor of the taxes or 68494
a renewal tax, the board of education, if the original or a 68495
renewal tax is authorized to be levied for the current year, 68496
immediately may make the necessary levy within the school district 68497
at the authorized rate, or at any lesser rate in excess of the 68498
ten-mill limitation, for the purpose stated in the resolution. No 68499
tax shall be imposed prior to the year specified in the resolution 68500
as the year in which it is first proposed to be levied. The rate 68501
of the original tax and the rate of each incremental tax shall be 68502
cumulative, so that the aggregate rate levied in any year is the 68503
sum of the rates of both the original tax and all incremental 68504
taxes levied in or prior to that year under the same proposal. A 68505
tax levied for a continuing period of time under this section may 68506
be reduced pursuant to section 5705.261 of the Revised Code. 68507

(B) Notwithstanding section 133.30 of the Revised Code, after 68508
the approval of a tax to be levied in the current or the 68509
succeeding year and prior to the time when the first tax 68510
collection from that levy can be made, the board of education may 68511
anticipate a fraction of the proceeds of the levy and issue 68512
anticipation notes in an amount not to exceed fifty per cent of 68513
the total estimated proceeds of the levy to be collected during 68514
the first year of the levy. The notes shall be sold as provided in 68515
Chapter 133. of the Revised Code. If anticipation notes are 68516
issued, they shall mature serially and in substantially equal 68517

amounts during each year over a period not to exceed five years; 68518
and the amount necessary to pay the interest and principal as the 68519
anticipation notes mature shall be deemed appropriated for those 68520
purposes from the levy, and appropriations from the levy by the 68521
board of education shall be limited each fiscal year to the 68522
balance available in excess of that amount. 68523

If the auditor of state has certified a deficit pursuant to 68524
section 3313.483 of the Revised Code, the notes authorized under 68525
this section may be sold in accordance with Chapter 133. of the 68526
Revised Code, except that the board may sell the notes after 68527
providing a reasonable opportunity for competitive bidding. 68528

(C)(1) The board of education of a qualifying school 68529
district, at any time and by a vote of two-thirds of all its 68530
members, may declare by resolution that it is necessary to levy 68531
not more than five taxes in excess of the ten-mill limitation for 68532
the current expenses of ~~the school district and of~~ partnering 68533
community schools and, if any of the levy proceeds are so 68534
allocated, of the school district, and that each of the proposed 68535
taxes first will be levied in a different year, over a specified 68536
period of time. A qualifying school district that is not a 68537
municipal school district may allocate all of the levy proceeds to 68538
partnering community schools. A municipal school district shall 68539
allocate a portion of the levy proceeds to the current expenses of 68540
the district. The board shall identify the taxes proposed under 68541
this division in the same manner as in division (A)(1) of this 68542
section. The rate of each incremental tax shall be identical, but 68543
the rates of such incremental taxes need not be the same as the 68544
rate of the original tax. In addition to the specifications 68545
required of the resolution in division (A) of this section, the 68546
resolution shall state the number of the mills to be levied each 68547
year for the current expenses of the partnering community schools 68548
and the number of the mills, if any, to be levied each year for 68549

the current expenses of the school district. The number of mills 68550
for the current expenses of partnering community schools shall be 68551
the same for each of the incremental taxes, and the number of 68552
mills for the current expenses of the qualifying school district 68553
shall be the same for each of the incremental taxes. 68554

The levy of taxes for the current expenses of a partnering 68555
community school under division (C) of this section and the 68556
distribution of proceeds from the tax by a qualifying school 68557
district to partnering community schools is hereby determined to 68558
be a proper public purpose. 68559

(2) The board of education, by a vote of two-thirds of all of 68560
its members, may adopt a resolution proposing to renew taxes 68561
levied other than for a continuing period of time under division 68562
(C)(1) of this section. In such a renewal levy, the rates 68563
allocated to the qualifying school district and to partnering 68564
community schools each may be increased or decreased or remain the 68565
same, and the total rate may be increased, decreased, or remain 68566
the same. In addition to the requirements of division (A)(2) of 68567
this section, the resolution shall state the number of the mills 68568
to be levied for the current expenses of the partnering community 68569
schools and the number of the mills to be levied for the current 68570
expenses of the school district. 68571

(3) A resolution adopted under division (C)(1) or (2) of this 68572
section is subject to the rules and procedures prescribed by 68573
division (A)(3) of this section. 68574

(4) The proceeds of each tax levied under division (C)(1) or 68575
(2) of this section shall be credited and distributed in the 68576
manner prescribed by division (B)(3) of section 5705.21 of the 68577
Revised Code, and divisions (B)(4), (5), and (6) of that section 68578
apply to taxes levied under division (C) of this section. 68579

(5) Notwithstanding section 133.30 of the Revised Code, after 68580

the approval of a tax to be levied under division (C)(1) or (2) of 68581
this section, in the current or succeeding year and prior to the 68582
time when the first tax collection from that levy can be made, the 68583
board of education may anticipate a fraction of the proceeds of 68584
the levy for the current expenses of the qualifying school 68585
district and issue anticipation notes in a principal amount not 68586
exceeding fifty per cent of the estimated proceeds of the levy to 68587
be collected during the first year of the levy and allocated to 68588
the school district. The portion of levy proceeds to be allocated 68589
to partnering community schools shall not be included in the 68590
estimated proceeds anticipated under this division and shall not 68591
be used to pay debt charges on any anticipation notes. 68592

The notes shall be sold as provided in Chapter 133. of the 68593
Revised Code. If anticipation notes are issued, they shall mature 68594
serially and in substantially equal amounts during each year over 68595
a period not to exceed five years. The amount necessary to pay the 68596
interest and principal as the anticipation notes mature shall be 68597
deemed appropriated for those purposes from the levy, and 68598
appropriations from the levy by the board of education shall be 68599
limited each fiscal year to the balance available in excess of 68600
that amount. 68601

If the auditor of state has certified a deficit pursuant to 68602
section 3313.483 of the Revised Code, the notes authorized under 68603
this section may be sold in accordance with Chapter 133. of the 68604
Revised Code, except that the board may sell the notes after 68605
providing a reasonable opportunity for competitive bidding. 68606

As used in division (C) of this section, "qualifying school 68607
district" and "partnering community schools" have the same 68608
meanings as in section 5705.21 of the Revised Code. 68609

(D) The submission of questions to the electors under this 68610
section is subject to the limitation on the number of election 68611
dates established by section 5705.214 of the Revised Code. 68612

Sec. 5709.17. The following property shall be exempted from 68613
taxation: 68614

(A) Real estate held or occupied by an association or 68615
corporation, organized or incorporated under the laws of this 68616
state relative to soldiers' memorial associations, monumental 68617
building associations, or cemetery associations or corporations, 68618
which in the opinion of the trustees, directors, or managers 68619
thereof is necessary and proper to carry out the object intended 68620
for such association or corporation; 68621

(B) Real estate and tangible personal property held or 68622
occupied by a veterans' organization that qualifies for exemption 68623
from taxation under section 501(c)(19) or 501(c)(23) of the 68624
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 68625
amended, and is incorporated under the laws of this state or the 68626
United States, except real estate held by such an organization for 68627
the production of rental income in excess of thirty-six thousand 68628
dollars in a tax year, before accounting for any cost or expense 68629
incurred in the production of such income. For the purposes of 68630
this division, rental income includes only income arising directly 68631
from renting the real estate to others for consideration. 68632

(C) Tangible personal property held by a corporation 68633
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 68634
section 501(c)(3) of the Internal Revenue Code, and exempt from 68635
taxation under section 501(a) of the Internal Revenue Code shall 68636
be exempt from taxation if it is property obtained as described in 68637
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 68638

(D) Real estate held or occupied by a fraternal organization 68639
and used primarily for meetings of and the administration of the 68640
fraternal organization and other not-for-profit purposes, except 68641
real estate held by such an organization for the production of 68642
rental income in excess of thirty-six thousand dollars in a tax 68643

year, before accounting for any cost or expense incurred in the 68644
production of such income. As used in this division, "rental 68645
income" has the same meaning as in division (B) of this section, 68646
and "fraternal organization" means a domestic fraternal society, 68647
order, or association operating under the lodge, council, or 68648
grange system that qualifies for exemption from taxation under 68649
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 68650
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 68651
that provides financial support for charitable purposes, as 68652
defined in division (B)(12) of section 5739.02 of the Revised 68653
Code; and that has been operating in this state with a state 68654
governing body for at least eighty-five years. 68655

Sec. 5709.62. (A) In any municipal corporation that is 68656
defined by the United States office of management and budget as a 68657
principal city of a metropolitan statistical area, the legislative 68658
authority of the municipal corporation may designate one or more 68659
areas within its municipal corporation as proposed enterprise 68660
zones. Upon designating an area, the legislative authority shall 68661
petition the director of development services for certification of 68662
the area as having the characteristics set forth in division 68663
(A)(1) of section 5709.61 of the Revised Code as amended by 68664
Substitute Senate Bill No. 19 of the 120th general assembly. 68665
Except as otherwise provided in division (E) of this section, on 68666
and after July 1, 1994, legislative authorities shall not enter 68667
into agreements under this section unless the legislative 68668
authority has petitioned the director and the director has 68669
certified the zone under this section as amended by that act; 68670
however, all agreements entered into under this section as it 68671
existed prior to July 1, 1994, and the incentives granted under 68672
those agreements shall remain in effect for the period agreed to 68673
under those agreements. Within sixty days after receiving such a 68674
petition, the director shall determine whether the area has the 68675

characteristics set forth in division (A)(1) of section 5709.61 of 68676
the Revised Code, and shall forward the findings to the 68677
legislative authority of the municipal corporation. If the 68678
director certifies the area as having those characteristics, and 68679
thereby certifies it as a zone, the legislative authority may 68680
enter into an agreement with an enterprise under division (C) of 68681
this section. 68682

(B) Any enterprise that wishes to enter into an agreement 68683
with a municipal corporation under division (C) of this section 68684
shall submit a proposal to the legislative authority of the 68685
municipal corporation on a form prescribed by the director of 68686
development services, together with the application fee 68687
established under section 5709.68 of the Revised Code. The form 68688
shall require the following information: 68689

(1) An estimate of the number of new employees whom the 68690
enterprise intends to hire, or of the number of employees whom the 68691
enterprise intends to retain, within the zone at a facility that 68692
is a project site, and an estimate of the amount of payroll of the 68693
enterprise attributable to these employees; 68694

(2) An estimate of the amount to be invested by the 68695
enterprise to establish, expand, renovate, or occupy a facility, 68696
including investment in new buildings, additions or improvements 68697
to existing buildings, machinery, equipment, furniture, fixtures, 68698
and inventory; 68699

(3) A listing of the enterprise's current investment, if any, 68700
in a facility as of the date of the proposal's submission. 68701

The enterprise shall review and update the listings required 68702
under this division to reflect material changes, and any agreement 68703
entered into under division (C) of this section shall set forth 68704
final estimates and listings as of the time the agreement is 68705
entered into. The legislative authority may, on a separate form 68706

and at any time, require any additional information necessary to 68707
determine whether an enterprise is in compliance with an agreement 68708
and to collect the information required to be reported under 68709
section 5709.68 of the Revised Code. 68710

(C) Upon receipt and investigation of a proposal under 68711
division (B) of this section, if the legislative authority finds 68712
that the enterprise submitting the proposal is qualified by 68713
financial responsibility and business experience to create and 68714
preserve employment opportunities in the zone and improve the 68715
economic climate of the municipal corporation, the legislative 68716
authority, on or before October 15, ~~2015~~ 2017, may do one of the 68717
following: 68718

(1) Enter into an agreement with the enterprise under which 68719
the enterprise agrees to establish, expand, renovate, or occupy a 68720
facility and hire new employees, or preserve employment 68721
opportunities for existing employees, in return for one or more of 68722
the following incentives: 68723

(a) Exemption for a specified number of years, not to exceed 68724
fifteen, of a specified portion, up to seventy-five per cent, of 68725
the assessed value of tangible personal property first used in 68726
business at the project site as a result of the agreement. If an 68727
exemption for inventory is specifically granted in the agreement 68728
pursuant to this division, the exemption applies to inventory 68729
required to be listed pursuant to sections 5711.15 and 5711.16 of 68730
the Revised Code, except that, in the instance of an expansion or 68731
other situations in which an enterprise was in business at the 68732
facility prior to the establishment of the zone, the inventory 68733
that is exempt is that amount or value of inventory in excess of 68734
the amount or value of inventory required to be listed in the 68735
personal property tax return of the enterprise in the return for 68736
the tax year in which the agreement is entered into. 68737

(b) Exemption for a specified number of years, not to exceed 68738

fifteen, of a specified portion, up to seventy-five per cent, of 68739
the increase in the assessed valuation of real property 68740
constituting the project site subsequent to formal approval of the 68741
agreement by the legislative authority; 68742

(c) Provision for a specified number of years, not to exceed 68743
fifteen, of any optional services or assistance that the municipal 68744
corporation is authorized to provide with regard to the project 68745
site. 68746

(2) Enter into an agreement under which the enterprise agrees 68747
to remediate an environmentally contaminated facility, to spend an 68748
amount equal to at least two hundred fifty per cent of the true 68749
value in money of the real property of the facility prior to 68750
remediation as determined for the purposes of property taxation to 68751
establish, expand, renovate, or occupy the remediated facility, 68752
and to hire new employees or preserve employment opportunities for 68753
existing employees at the remediated facility, in return for one 68754
or more of the following incentives: 68755

(a) Exemption for a specified number of years, not to exceed 68756
fifteen, of a specified portion, not to exceed fifty per cent, of 68757
the assessed valuation of the real property of the facility prior 68758
to remediation; 68759

(b) Exemption for a specified number of years, not to exceed 68760
fifteen, of a specified portion, not to exceed one hundred per 68761
cent, of the increase in the assessed valuation of the real 68762
property of the facility during or after remediation; 68763

(c) The incentive under division (C)(1)(a) of this section, 68764
except that the percentage of the assessed value of such property 68765
exempted from taxation shall not exceed one hundred per cent; 68766

(d) The incentive under division (C)(1)(c) of this section. 68767

(3) Enter into an agreement with an enterprise that plans to 68768
purchase and operate a large manufacturing facility that has 68769

ceased operation or announced its intention to cease operation, in 68770
return for exemption for a specified number of years, not to 68771
exceed fifteen, of a specified portion, up to one hundred per 68772
cent, of the assessed value of tangible personal property used in 68773
business at the project site as a result of the agreement, or of 68774
the assessed valuation of real property constituting the project 68775
site, or both. 68776

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 68777
section, the portion of the assessed value of tangible personal 68778
property or of the increase in the assessed valuation of real 68779
property exempted from taxation under those divisions may exceed 68780
seventy-five per cent in any year for which that portion is 68781
exempted if the average percentage exempted for all years in which 68782
the agreement is in effect does not exceed sixty per cent, or if 68783
the board of education of the city, local, or exempted village 68784
school district within the territory of which the property is or 68785
will be located approves a percentage in excess of seventy-five 68786
per cent. 68787

(2) Notwithstanding any provision of the Revised Code to the 68788
contrary, the exemptions described in divisions (C)(1)(a), (b), 68789
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 68790
be for up to fifteen years if the board of education of the city, 68791
local, or exempted village school district within the territory of 68792
which the property is or will be located approves a number of 68793
years in excess of ten. 68794

(3) For the purpose of obtaining the approval of a city, 68795
local, or exempted village school district under division (D)(1) 68796
or (2) of this section, the legislative authority shall deliver to 68797
the board of education a notice not later than forty-five days 68798
prior to approving the agreement, excluding Saturdays, Sundays, 68799
and legal holidays as defined in section 1.14 of the Revised Code. 68800
The notice shall state the percentage to be exempted, an estimate 68801

of the true value of the property to be exempted, and the number 68802
of years the property is to be exempted. The board of education, 68803
by resolution adopted by a majority of the board, shall approve or 68804
disapprove the agreement and certify a copy of the resolution to 68805
the legislative authority not later than fourteen days prior to 68806
the date stipulated by the legislative authority as the date upon 68807
which approval of the agreement is to be formally considered by 68808
the legislative authority. The board of education may include in 68809
the resolution conditions under which the board would approve the 68810
agreement, including the execution of an agreement to compensate 68811
the school district under division (B) of section 5709.82 of the 68812
Revised Code. The legislative authority may approve the agreement 68813
at any time after the board of education certifies its resolution 68814
approving the agreement to the legislative authority, or, if the 68815
board approves the agreement conditionally, at any time after the 68816
conditions are agreed to by the board and the legislative 68817
authority. 68818

If a board of education has adopted a resolution waiving its 68819
right to approve agreements and the resolution remains in effect, 68820
approval of an agreement by the board is not required under this 68821
division. If a board of education has adopted a resolution 68822
allowing a legislative authority to deliver the notice required 68823
under this division fewer than forty-five business days prior to 68824
the legislative authority's approval of the agreement, the 68825
legislative authority shall deliver the notice to the board not 68826
later than the number of days prior to such approval as prescribed 68827
by the board in its resolution. If a board of education adopts a 68828
resolution waiving its right to approve agreements or shortening 68829
the notification period, the board shall certify a copy of the 68830
resolution to the legislative authority. If the board of education 68831
rescinds such a resolution, it shall certify notice of the 68832
rescission to the legislative authority. 68833

(4) The legislative authority shall comply with section 68834
5709.83 of the Revised Code unless the board of education has 68835
adopted a resolution under that section waiving its right to 68836
receive such notice. 68837

(E) This division applies to zones certified by the director 68838
of development services under this section prior to July 22, 1994. 68839

On or before October 15, ~~2015~~ 2017, the legislative authority 68840
that designated a zone to which this division applies may enter 68841
into an agreement with an enterprise if the legislative authority 68842
finds that the enterprise satisfies one of the criteria described 68843
in divisions (E)(1) to (5) of this section: 68844

(1) The enterprise currently has no operations in this state 68845
and, subject to approval of the agreement, intends to establish 68846
operations in the zone; 68847

(2) The enterprise currently has operations in this state 68848
and, subject to approval of the agreement, intends to establish 68849
operations at a new location in the zone that would not result in 68850
a reduction in the number of employee positions at any of the 68851
enterprise's other locations in this state; 68852

(3) The enterprise, subject to approval of the agreement, 68853
intends to relocate operations, currently located in another 68854
state, to the zone; 68855

(4) The enterprise, subject to approval of the agreement, 68856
intends to expand operations at an existing site in the zone that 68857
the enterprise currently operates; 68858

(5) The enterprise, subject to approval of the agreement, 68859
intends to relocate operations, currently located in this state, 68860
to the zone, and the director of development services has issued a 68861
waiver for the enterprise under division (B) of section 5709.633 68862
of the Revised Code. 68863

The agreement shall require the enterprise to agree to 68864
establish, expand, renovate, or occupy a facility in the zone and 68865
hire new employees, or preserve employment opportunities for 68866
existing employees, in return for one or more of the incentives 68867
described in division (C) of this section. 68868

(F) All agreements entered into under this section shall be 68869
in the form prescribed under section 5709.631 of the Revised Code. 68870
After an agreement is entered into under this section, if the 68871
legislative authority revokes its designation of a zone, or if the 68872
director of development services revokes a zone's certification, 68873
any entitlements granted under the agreement shall continue for 68874
the number of years specified in the agreement. 68875

(G) Except as otherwise provided in this division, an 68876
agreement entered into under this section shall require that the 68877
enterprise pay an annual fee equal to the greater of one per cent 68878
of the dollar value of incentives offered under the agreement or 68879
five hundred dollars; provided, however, that if the value of the 68880
incentives exceeds two hundred fifty thousand dollars, the fee 68881
shall not exceed two thousand five hundred dollars. The fee shall 68882
be payable to the legislative authority once per year for each 68883
year the agreement is effective on the days and in the form 68884
specified in the agreement. Fees paid shall be deposited in a 68885
special fund created for such purpose by the legislative authority 68886
and shall be used by the legislative authority exclusively for the 68887
purpose of complying with section 5709.68 of the Revised Code and 68888
by the tax incentive review council created under section 5709.85 68889
of the Revised Code exclusively for the purposes of performing the 68890
duties prescribed under that section. The legislative authority 68891
may waive or reduce the amount of the fee charged against an 68892
enterprise, but such a waiver or reduction does not affect the 68893
obligations of the legislative authority or the tax incentive 68894
review council to comply with section 5709.68 or 5709.85 of the 68895

Revised Code. 68896

(H) When an agreement is entered into pursuant to this 68897
section, the legislative authority authorizing the agreement shall 68898
forward a copy of the agreement to the director of development 68899
services and to the tax commissioner within fifteen days after the 68900
agreement is entered into. If any agreement includes terms not 68901
provided for in section 5709.631 of the Revised Code affecting the 68902
revenue of a city, local, or exempted village school district or 68903
causing revenue to be forgone by the district, including any 68904
compensation to be paid to the school district pursuant to section 68905
5709.82 of the Revised Code, those terms also shall be forwarded 68906
in writing to the director of development services along with the 68907
copy of the agreement forwarded under this division. 68908

(I) After an agreement is entered into, the enterprise shall 68909
file with each personal property tax return required to be filed, 68910
or annual report required to be filed under section 5727.08 of the 68911
Revised Code, while the agreement is in effect, an informational 68912
return, on a form prescribed by the tax commissioner for that 68913
purpose, setting forth separately the property, and related costs 68914
and values, exempted from taxation under the agreement. 68915

(J) Enterprises may agree to give preference to residents of 68916
the zone within which the agreement applies relative to residents 68917
of this state who do not reside in the zone when hiring new 68918
employees under the agreement. 68919

(K) An agreement entered into under this section may include 68920
a provision requiring the enterprise to create one or more 68921
temporary internship positions for students enrolled in a course 68922
of study at a school or other educational institution in the 68923
vicinity, and to create a scholarship or provide another form of 68924
educational financial assistance for students holding such a 68925
position in exchange for the student's commitment to work for the 68926
enterprise at the completion of the internship. 68927

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (C)(1)(a) and (b), (C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the legislative authority of a municipal corporation or the director of development services.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed enterprise zone. The board shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code.

Any enterprise wishing to enter into an agreement with the

board under division (B) or (D) of this section shall submit a 68960
proposal to the board on the form and accompanied by the 68961
application fee prescribed under division (B) of section 5709.62 68962
of the Revised Code. The enterprise shall review and update the 68963
estimates and listings required by the form in the manner required 68964
under that division. The board may, on a separate form and at any 68965
time, require any additional information necessary to determine 68966
whether an enterprise is in compliance with an agreement and to 68967
collect the information required to be reported under section 68968
5709.68 of the Revised Code. 68969

(B) If the board of county commissioners finds that an 68970
enterprise submitting a proposal is qualified by financial 68971
responsibility and business experience to create and preserve 68972
employment opportunities in the zone and to improve the economic 68973
climate of the municipal corporation or municipal corporations or 68974
the unincorporated areas in which the zone is located and to which 68975
the proposal applies, the board, on or before October 15, ~~2015~~ 68976
2017, and with the consent of the legislative authority of each 68977
affected municipal corporation or of the board of township 68978
trustees may do either of the following: 68979

(1) Enter into an agreement with the enterprise under which 68980
the enterprise agrees to establish, expand, renovate, or occupy a 68981
facility in the zone and hire new employees, or preserve 68982
employment opportunities for existing employees, in return for the 68983
following incentives: 68984

(a) When the facility is located in a municipal corporation, 68985
the board may enter into an agreement for one or more of the 68986
incentives provided in division (C) of section 5709.62 of the 68987
Revised Code, subject to division (D) of that section; 68988

(b) When the facility is located in an unincorporated area, 68989
the board may enter into an agreement for one or more of the 68990
following incentives: 68991

(i) Exemption for a specified number of years, not to exceed 68992
fifteen, of a specified portion, up to sixty per cent, of the 68993
assessed value of tangible personal property first used in 68994
business at a project site as a result of the agreement. If an 68995
exemption for inventory is specifically granted in the agreement 68996
pursuant to this division, the exemption applies to inventory 68997
required to be listed pursuant to sections 5711.15 and 5711.16 of 68998
the Revised Code, except, in the instance of an expansion or other 68999
situations in which an enterprise was in business at the facility 69000
prior to the establishment of the zone, the inventory that is 69001
exempt is that amount or value of inventory in excess of the 69002
amount or value of inventory required to be listed in the personal 69003
property tax return of the enterprise in the return for the tax 69004
year in which the agreement is entered into. 69005

(ii) Exemption for a specified number of years, not to exceed 69006
fifteen, of a specified portion, up to sixty per cent, of the 69007
increase in the assessed valuation of real property constituting 69008
the project site subsequent to formal approval of the agreement by 69009
the board; 69010

(iii) Provision for a specified number of years, not to 69011
exceed fifteen, of any optional services or assistance the board 69012
is authorized to provide with regard to the project site; 69013

(iv) The incentive described in division (C)(2) of section 69014
5709.62 of the Revised Code. 69015

(2) Enter into an agreement with an enterprise that plans to 69016
purchase and operate a large manufacturing facility that has 69017
ceased operation or has announced its intention to cease 69018
operation, in return for exemption for a specified number of 69019
years, not to exceed fifteen, of a specified portion, up to one 69020
hundred per cent, of tangible personal property used in business 69021
at the project site as a result of the agreement, or of real 69022
property constituting the project site, or both. 69023

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 69024
this section, the portion of the assessed value of tangible 69025
personal property or of the increase in the assessed valuation of 69026
real property exempted from taxation under those divisions may 69027
exceed sixty per cent in any year for which that portion is 69028
exempted if the average percentage exempted for all years in which 69029
the agreement is in effect does not exceed fifty per cent, or if 69030
the board of education of the city, local, or exempted village 69031
school district within the territory of which the property is or 69032
will be located approves a percentage in excess of sixty per cent. 69033

(b) Notwithstanding any provision of the Revised Code to the 69034
contrary, the exemptions described in divisions (B)(1)(b)(i), 69035
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 69036
fifteen years if the board of education of the city, local, or 69037
exempted village school district within the territory of which the 69038
property is or will be located approves a number of years in 69039
excess of ten. 69040

(c) For the purpose of obtaining the approval of a city, 69041
local, or exempted village school district under division 69042
(C)(1)(a) or (b) of this section, the board of county 69043
commissioners shall deliver to the board of education a notice not 69044
later than forty-five days prior to approving the agreement, 69045
excluding Saturdays, Sundays, and legal holidays as defined in 69046
section 1.14 of the Revised Code. The notice shall state the 69047
percentage to be exempted, an estimate of the true value of the 69048
property to be exempted, and the number of years the property is 69049
to be exempted. The board of education, by resolution adopted by a 69050
majority of the board, shall approve or disapprove the agreement 69051
and certify a copy of the resolution to the board of county 69052
commissioners not later than fourteen days prior to the date 69053
stipulated by the board of county commissioners as the date upon 69054
which approval of the agreement is to be formally considered by 69055

the board of county commissioners. The board of education may 69056
include in the resolution conditions under which the board would 69057
approve the agreement, including the execution of an agreement to 69058
compensate the school district under division (B) of section 69059
5709.82 of the Revised Code. The board of county commissioners may 69060
approve the agreement at any time after the board of education 69061
certifies its resolution approving the agreement to the board of 69062
county commissioners, or, if the board of education approves the 69063
agreement conditionally, at any time after the conditions are 69064
agreed to by the board of education and the board of county 69065
commissioners. 69066

If a board of education has adopted a resolution waiving its 69067
right to approve agreements and the resolution remains in effect, 69068
approval of an agreement by the board of education is not required 69069
under division (C) of this section. If a board of education has 69070
adopted a resolution allowing a board of county commissioners to 69071
deliver the notice required under this division fewer than 69072
forty-five business days prior to approval of the agreement by the 69073
board of county commissioners, the board of county commissioners 69074
shall deliver the notice to the board of education not later than 69075
the number of days prior to such approval as prescribed by the 69076
board of education in its resolution. If a board of education 69077
adopts a resolution waiving its right to approve agreements or 69078
shortening the notification period, the board of education shall 69079
certify a copy of the resolution to the board of county 69080
commissioners. If the board of education rescinds such a 69081
resolution, it shall certify notice of the rescission to the board 69082
of county commissioners. 69083

(2) The board of county commissioners shall comply with 69084
section 5709.83 of the Revised Code unless the board of education 69085
has adopted a resolution under that section waiving its right to 69086
receive such notice. 69087

(D) This division applies to zones certified by the director 69088
of development services under this section prior to July 22, 1994. 69089

On or before October 15, ~~2015~~ 2017, and with the consent of 69090
the legislative authority of each affected municipal corporation 69091
or board of township trustees of each affected township, the board 69092
of county commissioners that designated a zone to which this 69093
division applies may enter into an agreement with an enterprise if 69094
the board finds that the enterprise satisfies one of the criteria 69095
described in divisions (D)(1) to (5) of this section: 69096

(1) The enterprise currently has no operations in this state 69097
and, subject to approval of the agreement, intends to establish 69098
operations in the zone; 69099

(2) The enterprise currently has operations in this state 69100
and, subject to approval of the agreement, intends to establish 69101
operations at a new location in the zone that would not result in 69102
a reduction in the number of employee positions at any of the 69103
enterprise's other locations in this state; 69104

(3) The enterprise, subject to approval of the agreement, 69105
intends to relocate operations, currently located in another 69106
state, to the zone; 69107

(4) The enterprise, subject to approval of the agreement, 69108
intends to expand operations at an existing site in the zone that 69109
the enterprise currently operates; 69110

(5) The enterprise, subject to approval of the agreement, 69111
intends to relocate operations, currently located in this state, 69112
to the zone, and the director of development services has issued a 69113
waiver for the enterprise under division (B) of section 5709.633 69114
of the Revised Code. 69115

The agreement shall require the enterprise to agree to 69116
establish, expand, renovate, or occupy a facility in the zone and 69117
hire new employees, or preserve employment opportunities for 69118

existing employees, in return for one or more of the incentives 69119
described in division (B) of this section. 69120

(E) All agreements entered into under this section shall be 69121
in the form prescribed under section 5709.631 of the Revised Code. 69122
After an agreement under this section is entered into, if the 69123
board of county commissioners revokes its designation of a zone, 69124
or if the director of development services revokes a zone's 69125
certification, any entitlements granted under the agreement shall 69126
continue for the number of years specified in the agreement. 69127

(F) Except as otherwise provided in this division, an 69128
agreement entered into under this section shall require that the 69129
enterprise pay an annual fee equal to the greater of one per cent 69130
of the dollar value of incentives offered under the agreement or 69131
five hundred dollars; provided, however, that if the value of the 69132
incentives exceeds two hundred fifty thousand dollars, the fee 69133
shall not exceed two thousand five hundred dollars. The fee shall 69134
be payable to the board of county commissioners once per year for 69135
each year the agreement is effective on the days and in the form 69136
specified in the agreement. Fees paid shall be deposited in a 69137
special fund created for such purpose by the board and shall be 69138
used by the board exclusively for the purpose of complying with 69139
section 5709.68 of the Revised Code and by the tax incentive 69140
review council created under section 5709.85 of the Revised Code 69141
exclusively for the purposes of performing the duties prescribed 69142
under that section. The board may waive or reduce the amount of 69143
the fee charged against an enterprise, but such waiver or 69144
reduction does not affect the obligations of the board or the tax 69145
incentive review council to comply with section 5709.68 or 5709.85 69146
of the Revised Code, respectively. 69147

(G) With the approval of the legislative authority of a 69148
municipal corporation or the board of township trustees of a 69149
township in which a zone is designated under division (A) of this 69150

section, the board of county commissioners may delegate to that 69151
legislative authority or board any powers and duties of the board 69152
of county commissioners to negotiate and administer agreements 69153
with regard to that zone under this section. 69154

(H) When an agreement is entered into pursuant to this 69155
section, the board of county commissioners authorizing the 69156
agreement or the legislative authority or board of township 69157
trustees that negotiates and administers the agreement shall 69158
forward a copy of the agreement to the director of development 69159
services and to the tax commissioner within fifteen days after the 69160
agreement is entered into. If any agreement includes terms not 69161
provided for in section 5709.631 of the Revised Code affecting the 69162
revenue of a city, local, or exempted village school district or 69163
causing revenue to be foregone by the district, including any 69164
compensation to be paid to the school district pursuant to section 69165
5709.82 of the Revised Code, those terms also shall be forwarded 69166
in writing to the director of development services along with the 69167
copy of the agreement forwarded under this division. 69168

(I) After an agreement is entered into, the enterprise shall 69169
file with each personal property tax return required to be filed, 69170
or annual report that is required to be filed under section 69171
5727.08 of the Revised Code, while the agreement is in effect, an 69172
informational return, on a form prescribed by the tax commissioner 69173
for that purpose, setting forth separately the property, and 69174
related costs and values, exempted from taxation under the 69175
agreement. 69176

(J) Enterprises may agree to give preference to residents of 69177
the zone within which the agreement applies relative to residents 69178
of this state who do not reside in the zone when hiring new 69179
employees under the agreement. 69180

(K) An agreement entered into under this section may include 69181
a provision requiring the enterprise to create one or more 69182

temporary internship positions for students enrolled in a course 69183
of study at a school or other educational institution in the 69184
vicinity, and to create a scholarship or provide another form of 69185
educational financial assistance for students holding such a 69186
position in exchange for the student's commitment to work for the 69187
enterprise at the completion of the internship. 69188

(L) The tax commissioner's authority in determining the 69189
accuracy of any exemption granted by an agreement entered into 69190
under this section is limited to divisions (B)(1)(b)(i) and (ii), 69191
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 69192
this section as it pertains to divisions (C)(2)(a), (b), and (c) 69193
of section 5709.62 of the Revised Code, and divisions (B)(1) to 69194
(10) of section 5709.631 of the Revised Code and, as authorized by 69195
law, to enforcing any modification to, or revocation of, that 69196
agreement by the board of county commissioners or the director of 69197
development services or, if the board's powers and duties are 69198
delegated under division (G) of this section, by the legislative 69199
authority of a municipal corporation or board of township 69200
trustees. 69201

Sec. 5709.632. (A)(1) The legislative authority of a 69202
municipal corporation defined by the United States office of 69203
management and budget as a principal city of a metropolitan 69204
statistical area may, in the manner set forth in section 5709.62 69205
of the Revised Code, designate one or more areas in the municipal 69206
corporation as a proposed enterprise zone. 69207

(2) With the consent of the legislative authority of each 69208
affected municipal corporation or of a board of township trustees, 69209
a board of county commissioners may, in the manner set forth in 69210
section 5709.62 of the Revised Code, designate one or more areas 69211
in one or more municipal corporations or in unincorporated areas 69212
of the county as proposed urban jobs and enterprise zones, except 69213

that a board of county commissioners may designate no more than 69214
one area within a township, or within adjacent townships, as a 69215
proposed urban jobs and enterprise zone. 69216

(3) The legislative authority or board of county 69217
commissioners may petition the director of development services 69218
for certification of the area as having the characteristics set 69219
forth in division (A)(3) of section 5709.61 of the Revised Code. 69220
Within sixty days after receiving such a petition, the director 69221
shall determine whether the area has the characteristics set forth 69222
in that division and forward the findings to the legislative 69223
authority or board of county commissioners. If the director 69224
certifies the area as having those characteristics and thereby 69225
certifies it as a zone, the legislative authority or board may 69226
enter into agreements with enterprises under division (B) of this 69227
section. Any enterprise wishing to enter into an agreement with a 69228
legislative authority or board of county commissioners under this 69229
section and satisfying one of the criteria described in divisions 69230
(B)(1) to (5) of this section shall submit a proposal to the 69231
legislative authority or board on the form prescribed under 69232
division (B) of section 5709.62 of the Revised Code and shall 69233
review and update the estimates and listings required by the form 69234
in the manner required under that division. The legislative 69235
authority or board may, on a separate form and at any time, 69236
require any additional information necessary to determine whether 69237
an enterprise is in compliance with an agreement and to collect 69238
the information required to be reported under section 5709.68 of 69239
the Revised Code. 69240

(B) Prior to entering into an agreement with an enterprise, 69241
the legislative authority or board of county commissioners shall 69242
determine whether the enterprise submitting the proposal is 69243
qualified by financial responsibility and business experience to 69244
create and preserve employment opportunities in the zone and to 69245

improve the economic climate of the municipal corporation or 69246
municipal corporations or the unincorporated areas in which the 69247
zone is located and to which the proposal applies, and whether the 69248
enterprise satisfies one of the following criteria: 69249

(1) The enterprise currently has no operations in this state 69250
and, subject to approval of the agreement, intends to establish 69251
operations in the zone; 69252

(2) The enterprise currently has operations in this state 69253
and, subject to approval of the agreement, intends to establish 69254
operations at a new location in the zone that would not result in 69255
a reduction in the number of employee positions at any of the 69256
enterprise's other locations in this state; 69257

(3) The enterprise, subject to approval of the agreement, 69258
intends to relocate operations, currently located in another 69259
state, to the zone; 69260

(4) The enterprise, subject to approval of the agreement, 69261
intends to expand operations at an existing site in the zone that 69262
the enterprise currently operates; 69263

(5) The enterprise, subject to approval of the agreement, 69264
intends to relocate operations, currently located in this state, 69265
to the zone, and the director of development services has issued a 69266
waiver for the enterprise under division (B) of section 5709.633 69267
of the Revised Code. 69268

(C) If the legislative authority or board determines that the 69269
enterprise is so qualified and satisfies one of the criteria 69270
described in divisions (B)(1) to (5) of this section, the 69271
legislative authority or board may, after complying with section 69272
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 69273
2017, and, in the case of a board of commissioners, with the 69274
consent of the legislative authority of each affected municipal 69275
corporation or of the board of township trustees, enter into an 69276

agreement with the enterprise under which the enterprise agrees to 69277
establish, expand, renovate, or occupy a facility in the zone and 69278
hire new employees, or preserve employment opportunities for 69279
existing employees, in return for the following incentives: 69280

(1) When the facility is located in a municipal corporation, 69281
a legislative authority or board of commissioners may enter into 69282
an agreement for one or more of the incentives provided in 69283
division (C) of section 5709.62 of the Revised Code, subject to 69284
division (D) of that section; 69285

(2) When the facility is located in an unincorporated area, a 69286
board of commissioners may enter into an agreement for one or more 69287
of the incentives provided in divisions (B)(1)(b), (B)(2), and 69288
(B)(3) of section 5709.63 of the Revised Code, subject to division 69289
(C) of that section. 69290

(D) All agreements entered into under this section shall be 69291
in the form prescribed under section 5709.631 of the Revised Code. 69292
After an agreement under this section is entered into, if the 69293
legislative authority or board of county commissioners revokes its 69294
designation of the zone, or if the director of development 69295
services revokes the zone's certification, any entitlements 69296
granted under the agreement shall continue for the number of years 69297
specified in the agreement. 69298

(E) Except as otherwise provided in this division, an 69299
agreement entered into under this section shall require that the 69300
enterprise pay an annual fee equal to the greater of one per cent 69301
of the dollar value of incentives offered under the agreement or 69302
five hundred dollars; provided, however, that if the value of the 69303
incentives exceeds two hundred fifty thousand dollars, the fee 69304
shall not exceed two thousand five hundred dollars. The fee shall 69305
be payable to the legislative authority or board of commissioners 69306
once per year for each year the agreement is effective on the days 69307
and in the form specified in the agreement. Fees paid shall be 69308

deposited in a special fund created for such purpose by the 69309
legislative authority or board and shall be used by the 69310
legislative authority or board exclusively for the purpose of 69311
complying with section 5709.68 of the Revised Code and by the tax 69312
incentive review council created under section 5709.85 of the 69313
Revised Code exclusively for the purposes of performing the duties 69314
prescribed under that section. The legislative authority or board 69315
may waive or reduce the amount of the fee charged against an 69316
enterprise, but such waiver or reduction does not affect the 69317
obligations of the legislative authority or board or the tax 69318
incentive review council to comply with section 5709.68 or 5709.85 69319
of the Revised Code, respectively. 69320

(F) With the approval of the legislative authority of a 69321
municipal corporation or the board of township trustees of a 69322
township in which a zone is designated under division (A)(2) of 69323
this section, the board of county commissioners may delegate to 69324
that legislative authority or board any powers and duties of the 69325
board to negotiate and administer agreements with regard to that 69326
zone under this section. 69327

(G) When an agreement is entered into pursuant to this 69328
section, the legislative authority or board of commissioners 69329
authorizing the agreement shall forward a copy of the agreement to 69330
the director of development services and to the tax commissioner 69331
within fifteen days after the agreement is entered into. If any 69332
agreement includes terms not provided for in section 5709.631 of 69333
the Revised Code affecting the revenue of a city, local, or 69334
exempted village school district or causing revenue to be forgone 69335
by the district, including any compensation to be paid to the 69336
school district pursuant to section 5709.82 of the Revised Code, 69337
those terms also shall be forwarded in writing to the director of 69338
development services along with the copy of the agreement 69339
forwarded under this division. 69340

(H) After an agreement is entered into, the enterprise shall
file with each personal property tax return required to be filed
while the agreement is in effect, an informational return, on a
form prescribed by the tax commissioner for that purpose, setting
forth separately the property, and related costs and values,
exempted from taxation under the agreement.

(I) An agreement entered into under this section may include
a provision requiring the enterprise to create one or more
temporary internship positions for students enrolled in a course
of study at a school or other educational institution in the
vicinity, and to create a scholarship or provide another form of
educational financial assistance for students holding such a
position in exchange for the student's commitment to work for the
enterprise at the completion of the internship.

Sec. 5709.67. (A) Except as otherwise provided in sections
5709.61 to 5709.69 of the Revised Code, the director of
development shall administer those sections and shall adopt rules
necessary to implement and administer the enterprise zone program.
The director shall assign to each zone currently certified a
unique designation by which the zone shall be identified for
purposes of administering sections 5709.61 to 5709.69 of the
Revised Code. The tax commissioner shall administer all other tax
incentives provided under sections 5709.61 to 5709.69 of the
Revised Code and shall adopt rules necessary to carry out that
duty. No tax incentive qualification certificate or employee tax
credit certificate shall be issued or remain in effect unless the
enterprise applying for or holding the certificate complies with
all such rules. The director of job and family services shall
administer the incentive provided under division (B)(1) of section
5709.66 of the Revised Code and shall adopt rules necessary to
carry out that duty. No extension of benefits certificate shall be
issued or remain in effect unless the enterprise applying for or

holding the certificate complies with all such rules. 69373

(B) Not later than the first day of August each year, the 69374
director of development shall report to the general assembly on 69375
all of the following for the preceding calendar year: 69376

(1) The cost to the state of the tax and other incentives 69377
provided under sections 5709.61 to 5709.69 of the Revised Code; 69378

(2) The number of tax incentive qualification certificates, 69379
employee tax credit certificates, and extension of benefits 69380
certificates issued; 69381

(3) The names of the municipal corporations and counties that 69382
have entered agreements under sections 5709.62, 5709.63, and 69383
5709.632 of the Revised Code; 69384

(4) The number of new employees hired as a result of the tax 69385
and other incentives provided under sections 5709.61 to 5709.69 of 69386
the Revised Code; 69387

(5) Information on agreement terms concerning school district 69388
revenue that are not provided for in section 5709.631 of the 69389
Revised Code and that are forwarded to the director under division 69390
(H) of section 5709.62, division (H) of section 5709.63, or 69391
division (G) of section 5709.632 of the Revised Code. 69392

The report shall include a finding by the director as to 69393
whether the incentives provided under sections 5709.61 to 5709.69 69394
of the Revised Code have resulted in the creation of more 69395
positions in the state than would have been created without the 69396
incentives. The director shall send a copy of the report to each 69397
member of the general assembly and to the director of the 69398
legislative service commission. 69399

~~(C) All forms used in connection with the administration of 69400
sections 5709.61 to 5709.69 of the Revised Code, except forms 69401
administered directly by the tax commissioner, by the director of 69402~~

~~job and family services, or by a county or municipal corporation, 69403
are subject to review and approval by the state forms management 69404
control center under sections 125.91 to 125.98 of the Revised 69405
Code. 69406~~

Sec. 5709.73. (A) As used in this section and section 5709.74 69407
of the Revised Code: 69408

(1) "Business day" means a day of the week excluding 69409
Saturday, Sunday, and a legal holiday as defined in section 1.14 69410
of the Revised Code. 69411

(2) "Further improvements" or "improvements" means the 69412
increase in the assessed value of real property that would first 69413
appear on the tax list and duplicate of real and public utility 69414
property after the effective date of a resolution adopted under 69415
this section were it not for the exemption granted by that 69416
resolution. For purposes of division (B) of this section, 69417
"improvements" do not include any property used or to be used for 69418
residential purposes. For this purpose, "property that is used or 69419
to be used for residential purposes" means property that, as 69420
improved, is used or to be used for purposes that would cause the 69421
tax commissioner to classify the property as residential property 69422
in accordance with rules adopted by the commissioner under section 69423
5713.041 of the Revised Code. 69424

(3) "Housing renovation" means a project carried out for 69425
residential purposes. 69426

(4) "Incentive district" has the same meaning as in section 69427
5709.40 of the Revised Code, except that a blighted area is in the 69428
unincorporated area of a township. 69429

(5) "Project" and "public infrastructure improvement" have 69430
the same meanings as in section 5709.40 of the Revised Code. 69431

(B) A board of township trustees may, by unanimous vote, 69432

adopt a resolution that declares to be a public purpose any public 69433
infrastructure improvements made that are necessary for the 69434
development of certain parcels of land located in the 69435
unincorporated area of the township. Except with the approval 69436
under division (D) of this section of the board of education of 69437
each city, local, or exempted village school district within which 69438
the improvements are located, the resolution may exempt from real 69439
property taxation not more than seventy-five per cent of further 69440
improvements to a parcel of land that directly benefits from the 69441
public infrastructure improvements, for a period of not more than 69442
ten years. The resolution shall specify the percentage of the 69443
further improvements to be exempted and the life of the exemption. 69444

(C)(1) A board of township trustees may adopt, by unanimous 69445
vote, a resolution creating an incentive district and declaring 69446
improvements to parcels within the district to be a public purpose 69447
and, except as provided in division (F) of this section, exempt 69448
from taxation as provided in this section, but no board of 69449
township trustees of a township that has a population that exceeds 69450
twenty-five thousand, as shown by the most recent federal 69451
decennial census, shall adopt a resolution that creates an 69452
incentive district if the sum of the taxable value of real 69453
property in the proposed district for the preceding tax year and 69454
the taxable value of all real property in the township that would 69455
have been taxable in the preceding year were it not for the fact 69456
that the property was in an existing incentive district and 69457
therefore exempt from taxation exceeds twenty-five per cent of the 69458
taxable value of real property in the township for the preceding 69459
tax year. The district shall be located within the unincorporated 69460
area of the township and shall not include any territory that is 69461
included within a district created under division (B) of section 69462
5709.78 of the Revised Code. The resolution shall delineate the 69463
boundary of the district and specifically identify each parcel 69464
within the district. A district may not include any parcel that is 69465

or has been exempted from taxation under division (B) of this 69466
section or that is or has been within another district created 69467
under this division. A resolution may create more than one 69468
district, and more than one resolution may be adopted under 69469
division (C)(1) of this section. 69470

(2) Not later than thirty days prior to adopting a resolution 69471
under division (C)(1) of this section, if the township intends to 69472
apply for exemptions from taxation under section 5709.911 of the 69473
Revised Code on behalf of owners of real property located within 69474
the proposed incentive district, the board shall conduct a public 69475
hearing on the proposed resolution. Not later than thirty days 69476
prior to the public hearing, the board shall give notice of the 69477
public hearing and the proposed resolution by first class mail to 69478
every real property owner whose property is located within the 69479
boundaries of the proposed incentive district that is the subject 69480
of the proposed resolution. 69481

(3)(a) A resolution adopted under division (C)(1) of this 69482
section shall specify the life of the incentive district and the 69483
percentage of the improvements to be exempted, shall designate the 69484
public infrastructure improvements made, to be made, or in the 69485
process of being made, that benefit or serve, or, once made, will 69486
benefit or serve parcels in the district. The resolution also 69487
shall identify one or more specific projects being, or to be, 69488
undertaken in the district that place additional demand on the 69489
public infrastructure improvements designated in the resolution. 69490
The project identified may, but need not be, the project under 69491
division (C)(3)(b) of this section that places real property in 69492
use for commercial or industrial purposes. 69493

A resolution adopted under division (C)(1) of this section on 69494
or after March 30, 2006, shall not designate police or fire 69495
equipment as public infrastructure improvements, and no service 69496
payment provided for in section 5709.74 of the Revised Code and 69497

received by the township under the resolution shall be used for 69498
police or fire equipment. 69499

(b) A resolution adopted under division (C)(1) of this 69500
section may authorize the use of service payments provided for in 69501
section 5709.74 of the Revised Code for the purpose of housing 69502
renovations within the incentive district, provided that the 69503
resolution also designates public infrastructure improvements that 69504
benefit or serve the district, and that a project within the 69505
district places real property in use for commercial or industrial 69506
purposes. Service payments may be used to finance or support 69507
loans, deferred loans, and grants to persons for the purpose of 69508
housing renovations within the district. The resolution shall 69509
designate the parcels within the district that are eligible for 69510
housing renovations. The resolution shall state separately the 69511
amount or the percentages of the expected aggregate service 69512
payments that are designated for each public infrastructure 69513
improvement and for the purpose of housing renovations. 69514

(4) Except with the approval of the board of education of 69515
each city, local, or exempted village school district within the 69516
territory of which the incentive district is or will be located, 69517
and subject to division (E) of this section, the life of an 69518
incentive district shall not exceed ten years, and the percentage 69519
of improvements to be exempted shall not exceed seventy-five per 69520
cent. With approval of the board of education, the life of a 69521
district may be not more than thirty years, and the percentage of 69522
improvements to be exempted may be not more than one hundred per 69523
cent. The approval of a board of education shall be obtained in 69524
the manner provided in division (D) of this section. 69525

(D) Improvements with respect to a parcel may be exempted 69526
from taxation under division (B) of this section, and improvements 69527
to parcels within an incentive district may be exempted from 69528
taxation under division (C) of this section, for up to ten years 69529

or, with the approval of the board of education of the city, 69530
local, or exempted village school district within which the parcel 69531
or district is located, for up to thirty years. The percentage of 69532
the improvements exempted from taxation may, with such approval, 69533
exceed seventy-five per cent, but shall not exceed one hundred per 69534
cent. Not later than forty-five business days prior to adopting a 69535
resolution under this section declaring improvements to be a 69536
public purpose that is subject to approval by a board of education 69537
under this division, the board of township trustees shall deliver 69538
to the board of education a notice stating its intent to adopt a 69539
resolution making that declaration. The notice regarding 69540
improvements with respect to a parcel under division (B) of this 69541
section shall identify the parcels for which improvements are to 69542
be exempted from taxation, provide an estimate of the true value 69543
in money of the improvements, specify the period for which the 69544
improvements would be exempted from taxation and the percentage of 69545
the improvements that would be exempted, and indicate the date on 69546
which the board of township trustees intends to adopt the 69547
resolution. The notice regarding improvements made under division 69548
(C) of this section to parcels within an incentive district shall 69549
delineate the boundaries of the district, specifically identify 69550
each parcel within the district, identify each anticipated 69551
improvement in the district, provide an estimate of the true value 69552
in money of each such improvement, specify the life of the 69553
district and the percentage of improvements that would be 69554
exempted, and indicate the date on which the board of township 69555
trustees intends to adopt the resolution. The board of education, 69556
by resolution adopted by a majority of the board, may approve the 69557
exemption for the period or for the exemption percentage specified 69558
in the notice; may disapprove the exemption for the number of 69559
years in excess of ten, may disapprove the exemption for the 69560
percentage of the improvements to be exempted in excess of 69561
seventy-five per cent, or both; or may approve the exemption on 69562

the condition that the board of township trustees and the board of 69563
education negotiate an agreement providing for compensation to the 69564
school district equal in value to a percentage of the amount of 69565
taxes exempted in the eleventh and subsequent years of the 69566
exemption period or, in the case of exemption percentages in 69567
excess of seventy-five per cent, compensation equal in value to a 69568
percentage of the taxes that would be payable on the portion of 69569
the improvements in excess of seventy-five per cent were that 69570
portion to be subject to taxation, or other mutually agreeable 69571
compensation. 69572

The board of education shall certify its resolution to the 69573
board of township trustees not later than fourteen days prior to 69574
the date the board of township trustees intends to adopt the 69575
resolution as indicated in the notice. If the board of education 69576
and the board of township trustees negotiate a mutually acceptable 69577
compensation agreement, the resolution may declare the 69578
improvements a public purpose for the number of years specified in 69579
the resolution or, in the case of exemption percentages in excess 69580
of seventy-five per cent, for the exemption percentage specified 69581
in the resolution. In either case, if the board of education and 69582
the board of township trustees fail to negotiate a mutually 69583
acceptable compensation agreement, the resolution may declare the 69584
improvements a public purpose for not more than ten years, and 69585
shall not exempt more than seventy-five per cent of the 69586
improvements from taxation. If the board of education fails to 69587
certify a resolution to the board of township trustees within the 69588
time prescribed by this section, the board of township trustees 69589
thereupon may adopt the resolution and may declare the 69590
improvements a public purpose for up to thirty years or, in the 69591
case of exemption percentages proposed in excess of seventy-five 69592
per cent, for the exemption percentage specified in the 69593
resolution. The board of township trustees may adopt the 69594
resolution at any time after the board of education certifies its 69595

resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees. If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board

of township trustees' intent to declare improvements to be a 69628
public purpose, the board of township trustees shall comply with 69629
the notice requirements imposed under section 5709.83 of the 69630
Revised Code before taking formal action to adopt the resolution 69631
making that declaration, unless the board of education has adopted 69632
a resolution under that section waiving its right to receive the 69633
notice. 69634

(E)(1) If a proposed resolution under division (C)(1) of this 69635
section exempts improvements with respect to a parcel within an 69636
incentive district for more than ten years, or the percentage of 69637
the improvement exempted from taxation exceeds seventy-five per 69638
cent, not later than forty-five business days prior to adopting 69639
the resolution the board of township trustees shall deliver to the 69640
board of county commissioners of the county within which the 69641
incentive district is or will be located a notice that states its 69642
intent to adopt a resolution creating an incentive district. The 69643
notice shall include a copy of the proposed resolution, identify 69644
the parcels for which improvements are to be exempted from 69645
taxation, provide an estimate of the true value in money of the 69646
improvements, specify the period of time for which the 69647
improvements would be exempted from taxation, specify the 69648
percentage of the improvements that would be exempted from 69649
taxation, and indicate the date on which the board of township 69650
trustees intends to adopt the resolution. 69651

(2) The board of county commissioners, by resolution adopted 69652
by a majority of the board, may object to the exemption for the 69653
number of years in excess of ten, may object to the exemption for 69654
the percentage of the improvement to be exempted in excess of 69655
seventy-five per cent, or both. If the board of county 69656
commissioners objects, the board may negotiate a mutually 69657
acceptable compensation agreement with the board of township 69658
trustees. In no case shall the compensation provided to the board 69659

of county commissioners exceed the property taxes foregone due to 69660
the exemption. If the board of county commissioners objects, and 69661
the board of county commissioners and board of township trustees 69662
fail to negotiate a mutually acceptable compensation agreement, 69663
the resolution adopted under division (C)(1) of this section shall 69664
provide to the board of county commissioners compensation in the 69665
eleventh and subsequent years of the exemption period equal in 69666
value to not more than fifty per cent of the taxes that would be 69667
payable to the county or, if the board of county commissioner's 69668
objection includes an objection to an exemption percentage in 69669
excess of seventy-five per cent, compensation equal in value to 69670
not more than fifty per cent of the taxes that would be payable to 69671
the county, on the portion of the improvement in excess of 69672
seventy-five per cent, were that portion to be subject to 69673
taxation. The board of county commissioners shall certify its 69674
resolution to the board of township trustees not later than thirty 69675
days after receipt of the notice. 69676

(3) If the board of county commissioners does not object or 69677
fails to certify its resolution objecting to an exemption within 69678
thirty days after receipt of the notice, the board of township 69679
trustees may adopt its resolution, and no compensation shall be 69680
provided to the board of county commissioners. If the board of 69681
county commissioners timely certifies its resolution objecting to 69682
the trustees' resolution, the board of township trustees may adopt 69683
its resolution at any time after a mutually acceptable 69684
compensation agreement is agreed to by the board of county 69685
commissioners and the board of township trustees, or, if no 69686
compensation agreement is negotiated, at any time after the board 69687
of township trustees agrees in the proposed resolution to provide 69688
compensation to the board of county commissioners of fifty per 69689
cent of the taxes that would be payable to the county in the 69690
eleventh and subsequent years of the exemption period or on the 69691
portion of the improvement in excess of seventy-five per cent, 69692

were that portion to be subject to taxation. 69693

(F) Service payments in lieu of taxes that are attributable 69694
to any amount by which the effective tax rate of either a renewal 69695
levy with an increase or a replacement levy exceeds the effective 69696
tax rate of the levy renewed or replaced, or that are attributable 69697
to an additional levy, for a levy authorized by the voters for any 69698
of the following purposes on or after January 1, 2006, and which 69699
are provided pursuant to a resolution creating an incentive 69700
district under division (C)(1) of this section that is adopted on 69701
or after January 1, 2006, shall be distributed to the appropriate 69702
taxing authority as required under division (C) of section 5709.74 69703
of the Revised Code in an amount equal to the amount of taxes from 69704
that additional levy or from the increase in the effective tax 69705
rate of such renewal or replacement levy that would have been 69706
payable to that taxing authority from the following levies were it 69707
not for the exemption authorized under division (C) of this 69708
section: 69709

(1) A tax levied under division (L) of section 5705.19 or 69710
section 5705.191 of the Revised Code for community mental 69711
retardation and developmental disabilities programs and services 69712
pursuant to Chapter 5126. of the Revised Code; 69713

(2) A tax levied under division (Y) of section 5705.19 of the 69714
Revised Code for providing or maintaining senior citizens services 69715
or facilities; 69716

(3) A tax levied under section 5705.22 of the Revised Code 69717
for county hospitals; 69718

(4) A tax levied by a joint-county district or by a county 69719
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 69720
for alcohol, drug addiction, and mental health services or 69721
families; 69722

(5) A tax levied under section 5705.23 of the Revised Code 69723

for library purposes;	69724
(6) A tax levied under section 5705.24 of the Revised Code	69725
for the support of children services and the placement and care of	69726
children;	69727
(7) A tax levied under division (Z) of section 5705.19 of the	69728
Revised Code for the provision and maintenance of zoological park	69729
services and facilities under section 307.76 of the Revised Code;	69730
(8) A tax levied under section 511.27 or division (H) of	69731
section 5705.19 of the Revised Code for the support of township	69732
park districts;	69733
(9) A tax levied under division (A), (F), or (H) of section	69734
5705.19 of the Revised Code for parks and recreational purposes of	69735
a joint recreation district organized pursuant to division (B) of	69736
section 755.14 of the Revised Code;	69737
(10) A tax levied under section 1545.20 or 1545.21 of the	69738
Revised Code for park district purposes;	69739
(11) A tax levied under section 5705.191 of the Revised Code	69740
for the purpose of making appropriations for public assistance;	69741
human or social services; public relief; public welfare; public	69742
health and hospitalization; and support of general hospitals;	69743
(12) A tax levied under section 3709.29 of the Revised Code	69744
for a general health district program.	69745
(G) An exemption from taxation granted under this section	69746
commences with the tax year specified in the resolution so long as	69747
the year specified in the resolution commences after the effective	69748
date of the resolution. If the resolution specifies a year	69749
commencing before the effective date of the resolution or	69750
specifies no year whatsoever, the exemption commences with the tax	69751
year in which an exempted improvement first appears on the tax	69752
list and duplicate of real and public utility property and that	69753

commences after the effective date of the resolution. In lieu of 69754
stating a specific year, the resolution may provide that the 69755
exemption commences in the tax year in which the value of an 69756
improvement exceeds a specified amount or in which the 69757
construction of one or more improvements is completed, provided 69758
that such tax year commences after the effective date of the 69759
resolution. With respect to the exemption of improvements to 69760
parcels under division (B) of this section, the resolution may 69761
allow for the exemption to commence in different tax years on a 69762
parcel-by-parcel basis, with a separate exemption term specified 69763
for each parcel. 69764

Except as otherwise provided in this division, the exemption 69765
ends on the date specified in the resolution as the date the 69766
improvement ceases to be a public purpose or the incentive 69767
district expires, or ends on the date on which the public 69768
infrastructure improvements and housing renovations are paid in 69769
full from the township public improvement tax increment equivalent 69770
fund established under section 5709.75 of the Revised Code, 69771
whichever occurs first. The exemption of an improvement with 69772
respect to a parcel or within an incentive district may end on a 69773
later date, as specified in the resolution, if the board of 69774
township trustees and the board of education of the city, local, 69775
or exempted village school district within which the parcel or 69776
district is located have entered into a compensation agreement 69777
under section 5709.82 of the Revised Code with respect to the 69778
improvement and the board of education has approved the term of 69779
the exemption under division (D) of this section, but in no case 69780
shall the improvement be exempted from taxation for more than 69781
thirty years. The board of township trustees may, by majority 69782
vote, adopt a resolution permitting the township to enter into 69783
such agreements as the board finds necessary or appropriate to 69784
provide for the construction or undertaking of public 69785
infrastructure improvements and housing renovations. Any exemption 69786

shall be claimed and allowed in the same or a similar manner as in 69787
the case of other real property exemptions. If an exemption status 69788
changes during a tax year, the procedure for the apportionment of 69789
the taxes for that year is the same as in the case of other 69790
changes in tax exemption status during the year. 69791

(H) The board of township trustees may issue the notes of the 69792
township to finance all costs pertaining to the construction or 69793
undertaking of public infrastructure improvements and housing 69794
renovations made pursuant to this section. The notes shall be 69795
signed by the board and attested by the signature of the township 69796
fiscal officer, shall bear interest not to exceed the rate 69797
provided in section 9.95 of the Revised Code, and are not subject 69798
to Chapter 133. of the Revised Code. The resolution authorizing 69799
the issuance of the notes shall pledge the funds of the township 69800
public improvement tax increment equivalent fund established 69801
pursuant to section 5709.75 of the Revised Code to pay the 69802
interest on and principal of the notes. The notes, which may 69803
contain a clause permitting prepayment at the option of the board, 69804
shall be offered for sale on the open market or given to the 69805
vendor or contractor if no sale is made. 69806

(I) The township, not later than fifteen days after the 69807
adoption of a resolution under this section, shall submit to the 69808
director of development services a copy of the resolution. On or 69809
before the thirty-first day of March of each year, the township 69810
shall submit a status report to the director of development 69811
services. The report shall indicate, in the manner prescribed by 69812
the director, the progress of the project during each year that 69813
the exemption remains in effect, including a summary of the 69814
receipts from service payments in lieu of taxes; expenditures of 69815
money from the fund created under section 5709.75 of the Revised 69816
Code; a description of the public infrastructure improvements and 69817
housing renovations financed with the expenditures; and a 69818

quantitative summary of changes in private investment resulting 69819
from each project. 69820

(J) Nothing in this section shall be construed to prohibit a 69821
board of township trustees from declaring to be a public purpose 69822
improvements with respect to more than one parcel. 69823

If a parcel is located in a new community district in which 69824
the new community authority imposes a community development charge 69825
on the basis of rentals received from leases of real property as 69826
described in division (L)(2) of section 349.01 of the Revised 69827
Code, the parcel may not be exempted from taxation under this 69828
section. 69829

(K) A board of township trustees that adopted a resolution 69830
under this section prior to July 21, 1994, may amend that 69831
resolution to include any additional public infrastructure 69832
improvement. A board of township trustees that seeks by the 69833
amendment to utilize money from its township public improvement 69834
tax increment equivalent fund for land acquisition in aid of 69835
industry, commerce, distribution, or research, demolition on 69836
private property, or stormwater and flood remediation projects may 69837
do so provided that the board currently is a party to a 69838
hold-harmless agreement with the board of education of the city, 69839
local, or exempted village school district within the territory of 69840
which are located the parcels that are subject to an exemption. 69841
For the purposes of this division, a "hold-harmless agreement" 69842
means an agreement under which the board of township trustees 69843
agrees to compensate the school district for one hundred per cent 69844
of the tax revenue that the school district would have received 69845
from further improvements to parcels designated in the resolution 69846
were it not for the exemption granted by the resolution. 69847

(L) Notwithstanding the limitation prescribed by division (D) 69848
of this section on the number of years that improvements to a 69849
parcel or parcels may be exempted from taxation, a board of 69850

trustees of a township with a population of fifteen thousand or 69851
more may amend a resolution originally adopted under this section 69852
before December 31, 1994, to extend the exemption of improvements 69853
to the parcel or parcels included in such resolution for an 69854
additional period not to exceed fifteen years. The amendment shall 69855
not increase the percentage of improvements to the parcel or 69856
parcels exempted from taxation. The board of township trustees 69857
shall comply with the notice requirements imposed under section 69858
5709.83 of the Revised Code before taking formal action to adopt 69859
an amendment authorized under this division unless the board of 69860
education has adopted a resolution under that section waiving its 69861
right to receive the notice. The board of township trustees shall 69862
deliver an identical notice to the board of county commissioners 69863
of each county in which the exempted parcels are located. 69864

Sec. 5709.92. (A) As used in this section: 69865

(1) "School district" means a city, local, or exempted 69866
village school district. 69867

(2) "Joint vocational school district" means a joint 69868
vocational school district created under section 3311.16 of the 69869
Revised Code, and includes a cooperative education school district 69870
created under section 3311.52 or 3311.521 of the Revised Code and 69871
a county school financing district created under section 3311.50 69872
of the Revised Code. 69873

(3) "Total resources" means the sum of the amounts described 69874
in divisions (A)(3)(a) to (g) of this section less any reduction 69875
required under division (C)(2)(a) of this section. 69876

(a) The state education aid for fiscal year 2015; 69877

(b) The sum of the payments received in fiscal year 2015 for 69878
current expense levy losses under division (C)(3) of section 69879
5727.85 and division (C)(12) of section 5751.21 of the Revised 69880

Code, as they existed at that time, excluding the portion of such 69881
payments attributable to levies for joint vocational school 69882
district purposes; 69883

(c) The sum of fixed-sum levy loss payments received by the 69884
school district in fiscal year 2015 under division (F)(1) of 69885
section 5727.85 and division (E)(1) of section 5751.21 of the 69886
Revised Code, as they existed at that time, for fixed-sum levies 69887
charged and payable for a purpose other than paying debt charges; 69888

(d) The district's taxes charged and payable against all 69889
property on the tax list of real and public utility property for 69890
current expense purposes for tax year 2014, including taxes 69891
charged and payable from emergency levies charged and payable 69892
under sections 5705.194 to 5705.197 of the Revised Code, excluding 69893
taxes levied for joint vocational school district purposes or 69894
levied under section 5705.23 of the Revised Code; 69895

(e) The amount certified for fiscal year 2015 under division 69896
(A)(2) of section 3317.08 of the Revised Code; 69897

(f) Distributions received during calendar year 2014 from 69898
taxes levied under section 718.09 of the Revised Code; 69899

(g) Distributions received during fiscal year 2015 from the 69900
gross casino revenue county student fund. 69901

(4)(a) "State education aid" for a school district means the 69902
sum of state amounts computed for the district under sections 69903
3317.022 and 3317.0212 of the Revised Code after any amounts are 69904
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 69905
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 69906
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 69907

(b) "State education aid" for a joint vocational district 69908
means the amount computed for the district under section 3317.16 69909
of the Revised Code after any amounts are added or subtracted 69910
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 69911

assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 69912
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(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 69914
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(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section. 69918
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(7) "Threshold per cent" means the following: 69920

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one percentage point. 69921
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(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 69925
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 69930
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 69934
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent 69939
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plus two percentage points. 69942

(f) For a joint vocational school district, two per cent for 69943
fiscal year 2016; for fiscal year 2017 and thereafter, the sum of 69944
the prior year's threshold per cent plus two percentage points. 69945

(8) "Current expense allocation" means the sum of the 69946
payments received by a school district or joint vocational school 69947
district in fiscal year 2015 for current expense levy losses under 69948
division (C)(3) of section 5727.85 and division (C)(12) of section 69949
5751.21 of the Revised Code as they existed at that time, less any 69950
reduction required under division (C)(2)(b) of this section. 69951

(9) "Non-current expense allocation" means the sum of the 69952
payments received by a school district or joint vocational school 69953
district in fiscal year 2015 for levy losses under division 69954
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 69955
5751.21 of the Revised Code, as they existed at that time, and 69956
levy losses in fiscal year 2015 under division (H) of section 69957
5727.84 of the Revised Code as that section existed at that time 69958
attributable to levies for and payments received for losses on 69959
levies intended to generate money for maintenance of classroom 69960
facilities. 69961

(10) "Operating TPP fixed-sum levy losses" means the sum of 69962
payments received by a school district in fiscal year 2015 for 69963
levy losses under division (E) of section 5751.21 of the Revised 69964
Code, excluding levy losses for debt purposes. 69965

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 69966
of payments received by the school district in fiscal year 2015 69967
for levy losses under division (H) of section 5727.84 of the 69968
Revised Code, excluding levy losses for debt purposes. 69969

(12) "TPP fixed-sum debt levy losses" means the sum of 69970
payments received by a school district in fiscal year 2015 for 69971
levy losses under division (E) of section 5751.21 of the Revised 69972

<u>Code for debt purposes.</u>	69973
<u>(13) "S.B. 3 fixed-sum debt levy losses" means the sum of</u>	69974
<u>payments received by the school district in fiscal year 2015 for</u>	69975
<u>levy losses under division (H) of section 5727.84 of the Revised</u>	69976
<u>Code for debt purposes.</u>	69977
<u>(14) "Qualifying levies" means qualifying levies described in</u>	69978
<u>section 5751.20 of the Revised Code as that section was in effect</u>	69979
<u>before July 1, 2015.</u>	69980
<u>(15) "Qualifying school district" means a school district</u>	69981
<u>within whose territory a nuclear power plant is located and for</u>	69982
<u>which the ratio of current expense allocation to total resources</u>	69983
<u>is ten per cent or more.</u>	69984
<u>(B) The department of education shall rank all school</u>	69985
<u>districts in the order of districts' capacity measures determined</u>	69986
<u>under section 3317.017 of the Revised Code from lowest to highest,</u>	69987
<u>and divide such ranking into quintiles, with the first quintile</u>	69988
<u>containing the twenty per cent of school districts having the</u>	69989
<u>lowest capacity measure and the fifth quintile containing the</u>	69990
<u>twenty per cent of school districts having the highest capacity</u>	69991
<u>measure. This calculation and ranking shall be performed once, in</u>	69992
<u>fiscal year 2016, and used for subsequent years for the purpose of</u>	69993
<u>division (A)(7) of this section.</u>	69994
<u>(C)(1) In fiscal year 2016, payments shall be made to school</u>	69995
<u>districts and joint vocational school districts other than</u>	69996
<u>qualifying school districts equal to the sum of the amounts</u>	69997
<u>described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this</u>	69998
<u>section. In fiscal year 2017 and subsequent fiscal years, payments</u>	69999
<u>shall be made to school districts and joint vocational school</u>	70000
<u>districts other than qualifying school districts equal to the</u>	70001
<u>amount described in division (C)(1)(a) or (b) of this section. In</u>	70002
<u>fiscal year 2016 and subsequent fiscal years, payments shall be</u>	70003

made to qualifying school districts equal to the sum of the 70004
amounts described in divisions (A)(3)(b) and (c) of this section. 70005

(a) If the ratio of the current expense allocation to total 70006
resources is equal to or less than the district's threshold per 70007
cent, zero; 70008

(b) If the ratio of the current expense allocation to total 70009
resources is greater than the district's threshold per cent, the 70010
difference between the current expense allocation and the product 70011
of the threshold percentage and total resources; 70012

(c) For fiscal year 2016, the product of the non-current 70013
expense allocation multiplied by fifty per cent. 70014

(2)(a) "Total resources" used to compute payments under 70015
division (C)(1) of this section shall be reduced to the extent 70016
that payments distributed in fiscal year 2015 were attributable to 70017
levies no longer charged and payable for tax year 2014. 70018

(b) "Current expense allocation" used to compute payments 70019
under division (C)(1) of this section shall be reduced to the 70020
extent that the payments distributed in fiscal year 2015 were 70021
attributable to levies no longer charged and payable for tax year 70022
2014. 70023

(3) The department of education shall report to each school 70024
district and joint vocational school district the apportionment of 70025
the payments under division (C)(1) of this section among the 70026
district's funds based on qualifying levies. 70027

(D)(1) Except as provided in division (D)(2) of this section, 70028
payments in the following amounts shall be made to school 70029
districts and joint vocational school districts in tax years 2016 70030
through 2021: 70031

(a) In tax year 2016, the sum of the district's operating TPP 70032
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 70033

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses. 70034
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(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses. 70037
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(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses. 70040
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(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses. 70043
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(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses. 70046
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No payment shall be made under division (D)(1) of this section after tax year 2021. 70048
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(2) In the case of a qualifying school district, payments shall be made in tax year 2016 and subsequent tax years equal to one hundred per cent of the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 70050
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(3) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division. 70054
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(E)(1) For fixed-sum levies for debt purposes, payments shall 70064
be made to school districts and joint vocational school districts 70065
equal to one hundred per cent of the district's fixed-sum levy 70066
loss determined under division (E) of section 5751.20 and division 70067
(H) of section 5727.84 of the Revised Code as in effect before 70068
July 1, 2015, and paid in tax year 2014. No payment shall be made 70069
for qualifying levies that are no longer charged and payable. 70070

(2) Beginning in 2016, by the thirty-first day of January of 70071
each year, the tax commissioner shall review the calculation of 70072
fixed-sum levy loss for debt purposes determined under division 70073
(E) of section 5751.20 and division (H) of section 5727.84 of the 70074
Revised Code as in effect before July 1, 2015. If the commissioner 70075
determines that a fixed-sum levy that had been scheduled to be 70076
reimbursed in the current year is no longer charged and payable, a 70077
revised calculation for that year and all subsequent years shall 70078
be made. 70079

(F)(1) For taxes levied within the ten-mill limitation for 70080
debt purposes in tax year 1998 in the case of electric company tax 70081
value losses, and in tax year 1999 in the case of natural gas 70082
company tax value losses, payments shall be made to school 70083
districts and joint vocational school districts equal to one 70084
hundred per cent of the loss computed under division (D) of 70085
section 5727.85 of the Revised Code as in effect before July 1, 70086
2015, as if the tax were a fixed-rate levy, but those payments 70087
shall extend through fiscal year 2016. 70088

(2) For taxes levied within the ten-mill limitation for debt 70089
purposes in tax year 2005, payments shall be made to school 70090
districts and joint vocational school districts equal to one 70091
hundred per cent of the loss computed under division (D) of 70092
section 5751.21 as in effect before July 1, 2015, as if the tax 70093
were a fixed-rate levy, but those payments shall extend through 70094
fiscal year 2018. 70095

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 70096
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(1) For a merger of two or more districts, the fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger. 70103
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(2) If property is transferred from one district to a previously existing district, the amount of total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district. 70108
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(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation. 70121
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70123
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(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of 70126
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this section is assuming debt from one or more of the districts 70128
from which the property was transferred and any of the districts 70129
losing the property had fixed-sum levy losses, the department of 70130
education, in consultation with the tax commissioner, shall make 70131
an equitable division of the fixed-sum levy loss reimbursements. 70132

(H) The payments required by divisions (C), (D), (E), and (F) 70133
of this section shall be distributed periodically to each school 70134
and joint vocational school district by the department of 70135
education unless otherwise provided for. Except as provided in 70136
division (D) of this section, if a levy that is a qualifying levy 70137
is not charged and payable in any year after 2014, payments to the 70138
school district or joint vocational school district shall be 70139
reduced to the extent that the payments distributed in fiscal year 70140
2015 were attributable to the levy loss of that levy. 70141

Sec. 5709.93. (A) As used in this section: 70142

(1) "Taxes charged and payable" means taxes charged and 70143
payable after the reduction required by section 319.301 of the 70144
Revised Code but before the reductions required by sections 70145
319.302 and 323.152 of the Revised Code. 70146

(2) "Threshold per cent" means two per cent for fiscal year 70147
2016; and, for fiscal year 2017 and thereafter, the sum of the 70148
prior year's threshold per cent plus two percentage points. 70149

(3) "Public library" means a county, municipal, school 70150
district, or township public library that receives the proceeds of 70151
a tax levied under section 5705.23 of the Revised Code. 70152

(4) "Local taxing unit" means a subdivision or taxing unit, 70153
as defined in section 5705.01 of the Revised Code, a park district 70154
created under Chapter 1545. of the Revised Code, or a township 70155
park district established under section 511.23 of the Revised 70156
Code, but excludes school districts and joint vocational school 70157

districts. 70158

(5) "Municipal current expense allocation" means the sum of 70159
the payments received by a municipal corporation in calendar year 70160
2014 for current expense levy losses under division (A)(1)(e)(ii) 70161
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 70162
of the Revised Code as they existed at that time. 70163

(6) "Current expense allocation" means the sum of the 70164
payments received by a local taxing unit or public library in 70165
calendar year 2014 for current expense levy losses under division 70166
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 70167
5751.22 of the Revised Code as they existed at that time, less any 70168
reduction required under division (B)(2) of this section. 70169

(7) "TPP inside millage debt levy loss" means payments made 70170
to local taxing units in calendar year 2014 under division (A)(3) 70171
of section 5751.22 of the Revised Code as that section existed at 70172
that time. 70173

(8) "S.B. 3 inside millage debt levy loss" means payments 70174
made to local taxing units in calendar year 2014 under section 70175
(A)(4) of section 5727.86 of the Revised Code as that section 70176
existed at that time. 70177

(9) "Qualifying levy" means a levy for which payment was made 70178
in calendar year 2014 under division (A)(1) of section 5727.86 and 70179
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 70180
they existed at that time. 70181

(10) "Total resources," in the case of county mental health 70182
and disability related functions, means the sum of the amounts in 70183
divisions (A)(10)(a) and (b) of this section less any reduction 70184
required under division (B)(1) of this section. 70185

(a) The sum of the payments received by the county for mental 70186
health and developmental disability related functions in calendar 70187
year 2014 under division (A)(1) of section 5727.86 and division 70188

(A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70189
70190

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70191
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70195
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70199
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70203
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70207
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70210

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70211
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70215
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70219
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(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70223
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70227
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(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 70231
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70236
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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 70240
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property 70247
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<u>for tax year 2014, excluding taxes charged and payable for the</u>	70250
<u>purpose of paying debt charges;</u>	70251
<u>(d) The sum of the amounts distributed to the county in</u>	70252
<u>calendar year 2014 for the taxes levied pursuant to sections</u>	70253
<u>5739.021 and 5741.021 of the Revised Code;</u>	70254
<u>(e) The sum of amounts distributed to the county from the</u>	70255
<u>gross casino revenue county fund from July 2014 through April</u>	70256
<u>2015.</u>	70257
<u>(15) "Total resources," in the case of a municipal</u>	70258
<u>corporation, means the sum of the amounts in divisions (A)(15)(a)</u>	70259
<u>to (h) of this section less any reduction required under division</u>	70260
<u>(B)(1) or (2) of this section.</u>	70261
<u>(a) The sum of the payments received by the municipal</u>	70262
<u>corporation in calendar year 2014 for current expense levy losses</u>	70263
<u>under division (A)(1) of section 5727.86 and division (A)(1) of</u>	70264
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	70265
<u>(b) The municipal corporation's percentage share of county</u>	70266
<u>undivided local government fund allocations as certified to the</u>	70267
<u>tax commissioner for calendar year 2015 by the county auditor</u>	70268
<u>under division (J) of section 5747.51 of the Revised Code or</u>	70269
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	70270
<u>the total amount actually distributed in calendar year 2014 from</u>	70271
<u>the county undivided local government fund;</u>	70272
<u>(c) The sum of the amounts distributed to the municipal</u>	70273
<u>corporation in calendar year 2014 pursuant to section 5747.50 of</u>	70274
<u>the Revised Code;</u>	70275
<u>(d) With respect to taxes levied by the municipal</u>	70276
<u>corporation, the taxes charged and payable against all property on</u>	70277
<u>the tax list of real and public utility property for municipal</u>	70278
<u>current expenses for tax year 2014;</u>	70279

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner; 70280
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(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner; 70285
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(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015; 70291
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(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015. 70294
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(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section. 70297
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(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 70301
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(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount 70306
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actually distributed in calendar year 2014 from the county 70311
undivided local government fund; 70312

(c) With respect to taxes levied by the township, the taxes 70313
charged and payable against all property on the tax list of real 70314
and public utility property for tax year 2014 excluding taxes 70315
charged and payable for the purpose of paying debt charges or from 70316
levies imposed under section 5705.23 of the Revised Code. 70317

(17) "Total resources," in the case of a local taxing unit 70318
that is not a county, municipal corporation, township, or public 70319
library means the sum of the amounts in divisions (A)(17)(a) to 70320
(e) of this section less any reduction required under division 70321
(B)(1) of this section. 70322

(a) The sum of the payments received by the local taxing unit 70323
in calendar year 2014 pursuant to division (A)(1) of section 70324
5727.86 of the Revised Code and division (A)(1) of section 5751.22 70325
of the Revised Code as they existed at that time; 70326

(b) The local taxing unit's percentage share of county 70327
undivided local government fund allocations as certified to the 70328
tax commissioner for calendar year 2015 by the county auditor 70329
under division (J) of section 5747.51 of the Revised Code or 70330
division (F) of section 5747.53 of the Revised Code multiplied by 70331
the total amount actually distributed in calendar year 2014 from 70332
the county undivided local government fund; 70333

(c) With respect to taxes levied by the local taxing unit, 70334
the taxes charged and payable against all property on the tax list 70335
of real and public utility property for tax year 2014 excluding 70336
taxes charged and payable for the purpose of paying debt charges 70337
or from a levy imposed under section 5705.23 of the Revised Code; 70338

(d) The amount received from the tax commissioner during 70339
calendar year 2014 for sales or use taxes authorized under 70340
sections 5739.023 and 5741.022 of the Revised Code; 70341

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the director of higher education and reported to the state controlling board. 70342
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(18) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section. 70347
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(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library; 70353
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(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 70359
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(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges; 70366
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(d) The sum of the amounts distributed to the library 70372

district from the county public library fund in calendar year 70373
2014, as reported to the tax commissioner by the county auditor. 70374

(19) "Municipal current expense property tax levies" means 70375
all property tax levies of a municipality, except those with the 70376
following levy names: library; airport resurfacing; bond or any 70377
levy name including the word "bond"; capital improvement or any 70378
levy name including the word "capital"; debt or any levy name 70379
including the word "debt"; equipment or any levy name including 70380
the word "equipment," unless the levy is for combined operating 70381
and equipment; employee termination fund; fire pension or any levy 70382
containing the word "pension," including police pensions; 70383
fireman's fund or any practically similar name; sinking fund; road 70384
improvements or any levy containing the word "road"; fire truck or 70385
apparatus; flood or any levy containing the word "flood"; 70386
conservancy district; county health; note retirement; sewage, or 70387
any levy containing the words "sewage" or "sewer"; park 70388
improvement; parkland acquisition; storm drain; street or any levy 70389
name containing the word "street"; lighting, or any levy name 70390
containing the word "lighting"; and water. 70391

(20) "Operating fixed-rate levy loss" means, in the case of 70392
local taxing units other than municipal corporations, fixed-rate 70393
levy losses of levies imposed for purposes other than paying debt 70394
charges or, in the case of municipal corporations, fixed-rate levy 70395
losses of municipal current expense property tax levies. 70396

(21) "Qualifying local taxing unit" means a local taxing 70397
unit, other than a county or municipal corporation, within whose 70398
territory a nuclear power plant is located, including a public 70399
library on behalf of which a tax is levied under section 5705.23 70400
of the Revised Code on a tax list that includes the property of a 70401
nuclear power plant. 70402

(22) Any term used in this section has the same meaning as in 70403
section 5727.84 or 5751.20 of the Revised Code unless otherwise 70404

defined by this section. 70405

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 70406
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(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 70410
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(C)(1) Except as provided in divisions (C)(2) and (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) and (2) of this section: 70414
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(a) For public libraries and local taxing units other than municipal corporations: 70419
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(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero: 70421
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(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent. 70423
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(b) For municipal corporations: 70427

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero: 70428
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(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 70431
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(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library.

(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) The payments required to be made under divisions (C) and

(D) of this section shall be paid from local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(F) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:

(A) "Land devoted exclusively to agricultural use" means:

(1) Tracts, lots, or parcels of land totaling not less than ten acres to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or

more of the following apply: 70498

(a) The tracts, lots, or parcels of land were devoted 70499
exclusively to commercial animal or poultry husbandry, 70500
aquaculture, algaculture meaning the farming of algae, apiculture, 70501
the production for a commercial purpose of timber, field crops, 70502
tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 70503
or flowers, or the growth of timber for a noncommercial purpose, 70504
if the land on which the timber is grown is contiguous to or part 70505
of a parcel of land under common ownership that is otherwise 70506
devoted exclusively to agricultural use. 70507

(b) The tracts, lots, or parcels of land were devoted 70508
exclusively to biodiesel production, biomass energy production, 70509
electric or heat energy production, or biologically derived 70510
methane gas production if the land on which the production 70511
facility is located is contiguous to or part of a parcel of land 70512
under common ownership that is otherwise devoted exclusively to 70513
agricultural use, provided that at least fifty per cent of the 70514
feedstock used in the production was derived from parcels of land 70515
under common ownership or leasehold. 70516

(c) The tracts, lots, or parcels of land were devoted to and 70517
qualified for payments or other compensation under a land 70518
retirement or conservation program under an agreement with an 70519
agency of the federal government. 70520

(2) Tracts, lots, or parcels of land totaling less than ten 70521
acres that, during the three calendar years prior to the year in 70522
which application is filed under section 5713.31 of the Revised 70523
Code and through the last day of May of such year, were devoted 70524
exclusively to commercial animal or poultry husbandry, 70525
aquaculture, algaculture meaning the farming of algae, apiculture, 70526
the production for a commercial purpose of field crops, tobacco, 70527
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 70528
or flowers where such activities produced an average yearly gross 70529

income of at least twenty-five hundred dollars during such 70530
three-year period or where there is evidence of an anticipated 70531
gross income of such amount from such activities during the tax 70532
year in which application is made, or were devoted to and 70533
qualified for payments or other compensation under a land 70534
retirement or conservation program under an agreement with an 70535
agency of the federal government; 70536

(3) A tract, lot, or parcel of land taxed under sections 70537
5713.22 to 5713.26 of the Revised Code is not land devoted 70538
exclusively to agricultural use; 70539

(4) Tracts, lots, or parcels of land, or portions thereof 70540
that, during the previous three consecutive calendar years have 70541
been designated as land devoted exclusively to agricultural use, 70542
but such land has been lying idle or fallow for up to one year and 70543
no action has occurred to such land that is either inconsistent 70544
with the return of it to agricultural production or converts the 70545
land devoted exclusively to agricultural use as defined in this 70546
section. Such land shall remain designated as land devoted 70547
exclusively to agricultural use provided that beyond one year, but 70548
less than three years, the landowner proves good cause as 70549
determined by the board of revision. 70550

(5) Tracts, lots, or parcels of land, or portions thereof 70551
that, during the previous three consecutive calendar years have 70552
been designated as land devoted exclusively to agricultural use, 70553
but such land has been lying idle or fallow because of dredged 70554
material being stored or deposited on such land pursuant to a 70555
contract between the land's owner and the department of natural 70556
resources or the United States army corps of engineers and no 70557
action has occurred to the land that is either inconsistent with 70558
the return of it to agricultural production or converts the land 70559
devoted exclusively to agricultural use. Such land shall remain 70560
designated as land devoted exclusively to agricultural use until 70561

the last year in which dredged material is stored or deposited on 70562
the land pursuant to such a contract, but not to exceed five 70563
years. 70564

"Land devoted exclusively to agricultural use" includes 70565
tracts, lots, or parcels of land or portions thereof that are used 70566
for conservation practices, provided that the tracts, lots, or 70567
parcels of land or portions thereof comprise twenty-five per cent 70568
or less of the total of the tracts, lots, or parcels of land that 70569
satisfy the criteria established in division (A)(1), (2), ~~or (4)~~ 70570
or (5) of this section together with the tracts, lots, or parcels 70571
of land or portions thereof that are used for conservation 70572
practices. 70573

(B) "Conversion of land devoted exclusively to agricultural 70574
use" means any of the following: 70575

(1) The failure of the owner of land devoted exclusively to 70576
agricultural use during the next preceding calendar year to file a 70577
renewal application under section 5713.31 of the Revised Code 70578
without good cause as determined by the board of revision; 70579

(2) The failure of the new owner of such land to file an 70580
initial application under that section without good cause as 70581
determined by the board of revision; 70582

(3) The failure of such land or portion thereof to qualify as 70583
land devoted exclusively to agricultural use for the current 70584
calendar year as requested by an application filed under such 70585
section; 70586

(4) The failure of the owner of the land described in 70587
division (A)(4) or (5) of this section to act on such land in a 70588
manner that is consistent with the return of the land to 70589
agricultural production after three years. 70590

The construction or installation of an energy facility, as 70591
defined in section 5727.01 of the Revised Code, on a portion of a 70592

tract, lot, or parcel of land devoted exclusively to agricultural 70593
use shall not cause the remaining portion of the tract, lot, or 70594
parcel to be regarded as a conversion of land devoted exclusively 70595
to agricultural use if the remaining portion of the tract, lot, or 70596
parcel continues to be devoted exclusively to agricultural use. 70597

(C) "Tax savings" means the difference between the dollar 70598
amount of real property taxes levied in any year on land valued 70599
and assessed in accordance with its current agricultural use value 70600
and the dollar amount of real property taxes that would have been 70601
levied upon such land if it had been valued and assessed for such 70602
year in accordance with Section 2 of Article XII, Ohio 70603
Constitution. 70604

(D) "Owner" includes, but is not limited to, any person 70605
owning a fee simple, fee tail, or life estate or a buyer on a land 70606
installment contract. 70607

(E) "Conservation practices" are practices used to abate soil 70608
erosion as required in the management of the farming operation, 70609
and include, but are not limited to, the installation, 70610
construction, development, planting, or use of grass waterways, 70611
terraces, diversions, filter strips, field borders, windbreaks, 70612
riparian buffers, wetlands, ponds, and cover crops for that 70613
purpose. 70614

(F) "Wetlands" has the same meaning as in section 6111.02 of 70615
the Revised Code. 70616

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 70617
fuel that is derived from vegetable oils or animal fats or any 70618
combination of those reagents and that meets the American society 70619
for testing and materials specification D6751-03a for biodiesel 70620
fuel (B100) blend stock distillate fuels. 70621

(H) "Biologically derived methane gas" means gas from the 70622
anaerobic digestion of organic materials, including animal waste 70623

and agricultural crops and residues. 70624

(I) "Biomass energy" means energy that is produced from 70625
organic material derived from plants or animals and available on a 70626
renewable basis, including, but not limited to, agricultural 70627
crops, tree crops, crop by-products, and residues. 70628

(J) "Electric or heat energy" means electric or heat energy 70629
generated from manure, cornstalks, soybean waste, or other 70630
agricultural feedstocks. 70631

(K) "Dredged material" means material that is excavated or 70632
dredged from waters of this state. "Dredged material" does not 70633
include material resulting from normal farming, silviculture, and 70634
ranching activities, such as plowing, cultivating, seeding, and 70635
harvesting, for production of food, fiber, and forest products. 70636

Sec. 5725.22. (A) The treasurer of state shall maintain an 70637
intangible property tax list of taxes levied by section 5707.03 of 70638
the Revised Code and certified by the tax commissioner pursuant to 70639
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 70640
Code, and a separate list of taxes levied by section 5725.18 of 70641
the Revised Code and certified by the superintendent of insurance 70642
pursuant to section 5725.20 of the Revised Code. 70643

(B)(1) With respect to taxes levied under section 5725.18 of 70644
the Revised Code, the treasurer of state, upon receipt of an 70645
assessment, shall compute the taxes at the rates prescribed by law 70646
and enter the taxes on the proper tax list. The treasurer shall 70647
collect, and the taxpayer shall pay, all such taxes and any 70648
interest applicable thereto. Payments may be made by mail, in 70649
person, or by any other means authorized by the treasurer. The 70650
treasurer shall render a daily itemized statement to the 70651
superintendent of insurance of the amount of taxes collected and 70652
the name of the domestic insurance company from whom collected. 70653
The treasurer of state may adopt rules concerning the methods and 70654

timeliness of payments under this division. 70655

(2) With respect to taxes levied under section 5707.03 of the Revised Code, any assessment certified to the treasurer of state shall reflect the taxes computed at the rates prescribed by law. Upon receipt of such an assessment, the treasurer shall enter the taxes on the proper tax list. The tax commissioner shall collect, and the taxpayer shall pay, all such taxes and any interest applicable thereto. Payments may be made by mail, in person, or by any other means authorized by the commissioner. The commissioner shall immediately forward to the treasurer any payments received under this division, together with any information necessary for the treasurer to properly credit such payments. The commissioner may adopt rules concerning the method and timeliness of payments under this division. 70656
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(C) Each tax bill issued pursuant to this section shall separately reflect the taxes due, interest, if any, due date, and any other information considered necessary. The With respect to taxes levied under section 5725.18 of the Revised Code, the last day on which payment may be made without penalty shall be the fifteenth day of June, unless that day is not a business day as defined in section 5709.40 of the Revised Code, in which case the payment may be made on the next business day. With respect to taxes levied under section 5707.03 of the Revised Code, the last day on which payment may be made without penalty shall be at least twenty but not more than thirty days from the date of mailing the tax bill. The treasurer of state or tax commissioner, as appropriate, shall ~~mail~~ issue the tax bill, and, if the tax bill is issued by mail, the mailing thereof shall be prima-facie evidence of receipt thereof by the taxpayer. 70669
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The treasurer or commissioner, as appropriate, shall refund taxes as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this 70684
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section that remains unpaid. The treasurer or commissioner may 70687
consult the attorney general regarding such claims. Refunds shall 70688
be paid from the tax refund fund created by section 5703.052 of 70689
the Revised Code. 70690

(D)(1) Within twenty days after receipt of any preliminary 70691
assessment of taxes levied under section 5725.18 of the Revised 70692
Code, the treasurer of state shall issue a tax bill, but if such 70693
preliminary assessment reflects a late filed tax return, the 70694
treasurer of state shall add interest as provided in division (A) 70695
of section 5725.221 of the Revised Code and issue a tax bill. 70696

(2) ~~Within twenty days after~~ After receipt of any amended or 70697
final assessment of taxes levied under section 5725.18 of the 70698
Revised Code, the treasurer of state shall ascertain the 70699
difference between the total taxes computed on such assessment and 70700
the total taxes computed on the most recent assessment certified 70701
for the same tax year. If the difference is a deficiency, the 70702
treasurer of state shall add interest as provided in division 70703
(B)(1) of section 5725.221 of the Revised Code and issue a tax 70704
bill. Unless an exigency exists, the treasurer shall issue the tax 70705
bill on or before the fifteenth day of May. In the case of an 70706
exigency, the treasurer shall issue the tax bill as soon as 70707
possible after the fifteenth day of May and may extend the due 70708
date for payment of the tax prescribed by division (C) of this 70709
section. If the difference is an excess, the treasurer of state 70710
shall add interest as provided in division (B)(2) of section 70711
5725.221 of the Revised Code and certify the name of the taxpayer 70712
and the amount to be refunded to the director of budget and 70713
management for payment to the taxpayer. If the taxpayer has a 70714
deficiency for one tax year and an excess for another tax year, or 70715
any combination thereof for more than two tax years, the treasurer 70716
of state may determine the net result after adding interest, if 70717
applicable, and, depending on such result, proceed to ~~mail~~ issue a 70718

tax bill or certify a refund. 70719

(E)(1) Except as provided in division (E)(2) of this section, 70720
within twenty days after certifying to the treasurer of state an 70721
amended or final assessment, or a preliminary assessment of a 70722
dealer in intangibles that has failed to file a report or disclose 70723
taxable property, the tax commissioner shall ascertain the 70724
difference between the total taxes computed on such assessment and 70725
the total taxes computed on the most recent assessment certified 70726
for the same tax year, if any. If the difference is a deficiency, 70727
the commissioner shall add interest as provided in division (B)(1) 70728
of section 5725.221 of the Revised Code and issue a tax bill. If 70729
the difference is an excess, the commissioner shall add interest 70730
as provided in division (B)(2) of section 5725.221 of the Revised 70731
Code and certify the name of the taxpayer and the amount to be 70732
refunded to the director of budget and management for payment to 70733
the taxpayer. If the taxpayer has a deficiency for one tax year 70734
and excess for another tax year, or any combination thereof for 70735
more than two tax years, the commissioner may determine the net 70736
result after adding interest, if applicable, and, depending on 70737
such result, proceed to mail a tax bill or certify a refund. 70738

(2) The tax commissioner may issue a tax bill for any 70739
deficiency resulting from an assessment at the time the 70740
commissioner issues the assessment. 70741

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 70742
the Revised Code, if a taxpayer fails to pay all taxes and 70743
interest, if any, on or before the due date shown on the tax bill 70744
but makes payment within ten calendar days of such date, the 70745
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 70746
a penalty equal to five per cent of the taxes due. If payment is 70747
not made within ten days of such date, the ~~treasurer or~~ 70748
commissioner shall add a penalty equal to ten per cent of the 70749
taxes due. The ~~treasurer or~~ commissioner shall prepare a 70750

delinquent claim for each tax bill on which penalties were added 70751
and certify such claims to the attorney general for collection. 70752
~~The attorney general shall transmit a copy of each claim certified~~ 70753
~~by the treasurer to the superintendent of insurance.~~ For each 70754
claim certified by the ~~treasurer~~ or commissioner, the attorney 70755
general shall proceed to collect the delinquent taxes, penalties, 70756
and interest thereon in the manner prescribed by law. 70757

(G) With respect to taxes levied under section 5725.18 of the 70758
Revised Code, if a taxpayer fails to pay all taxes and interest, 70759
if any, on or before the due date shown on the tax bill issued by 70760
the treasurer of state, the treasurer shall add a penalty equal to 70761
five hundred dollars for each month the taxpayer fails to pay all 70762
taxes and interest due. The treasurer may add an additional 70763
penalty, not to exceed ten per cent of the taxes and interest due, 70764
if the taxpayer fails to demonstrate that the taxpayer made a good 70765
faith effort to pay all taxes and interest on or before the due 70766
date shown on the tax bill. The treasurer shall prepare a 70767
delinquent claim for each tax bill on which penalties were added 70768
and certify such claims to the attorney general for collection. 70769
The attorney general shall transmit a copy of each claim certified 70770
by the treasurer to the superintendent of insurance. For each 70771
claim certified by the treasurer, the attorney general shall 70772
proceed to collect the delinquent taxes, penalties, and interest 70773
thereon in the manner prescribed by law. 70774

Sec. 5725.98. (A) To provide a uniform procedure for 70775
calculating the amount of tax imposed by section 5725.18 of the 70776
Revised Code that is due under this chapter, a taxpayer shall 70777
claim any credits and offsets against tax liability to which it is 70778
entitled in the following order: 70779

(1) The credit for an insurance company or insurance company 70780
group under section 5729.031 of the Revised Code; 70781

(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code;	70782 70783
(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	70784 70785
(4) The nonrefundable job retention credit under division (B) (1) of section 122.171 of the Revised Code;	70786 70787
(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	70788 70789 70790
(6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.	70791 70792
(7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u>	70793 70794 70795 70796
(8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	70797 70798
(9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	70799 70800 70801 70802
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	70803 70804 70805 70806 70807 70808 70809 70810
Sec. 5726.50. (A) A taxpayer may claim a refundable tax	70811

credit against the tax imposed under this chapter for each person 70812
included in the annual report of the taxpayer that is granted a 70813
credit by the tax credit authority under section 122.17 or former 70814
division (B)(2) or (3) of section 122.171 of the Revised Code as 70815
those divisions existed before the effective date of the amendment 70816
of this section by H.B. 64 of the 131st general assembly. Such a 70817
credit shall not be claimed for any tax year following the 70818
calendar year in which a relocation of employment positions occurs 70819
in violation of an agreement entered into under section 122.17 or 70820
122.171 of the Revised Code. For the purpose of making tax 70821
payments under this chapter, taxes equal to the amount of the 70822
refundable credit shall be considered to be paid on the first day 70823
of the tax year. 70824

(B) A taxpayer may claim a nonrefundable tax credit against 70825
the tax imposed under this chapter for each person included in the 70826
annual report of the taxpayer that is granted a nonrefundable 70827
credit by the tax credit authority under division (B)~~(1)~~ of 70828
section 122.171 of the Revised Code. A taxpayer may claim against 70829
the tax imposed by this chapter any unused portion of the credits 70830
authorized under division (B) of section 5733.0610 of the Revised 70831
Code. 70832

(C) The credits authorized in divisions (A) and (B) of this 70833
section shall be claimed in the order required under section 70834
5726.98 of the Revised Code. If the amount of a credit authorized 70835
in division (A) of this section exceeds the tax otherwise due 70836
under section 5726.02 of the Revised Code after deducting all 70837
other credits preceding the credit in the order prescribed in 70838
section 5726.98 of the Revised Code, the excess shall be refunded 70839
to the taxpayer. 70840

Sec. 5727.031. (A) For tax year 2009 and each tax year 70841
thereafter, a person that is engaged in some other primary 70842

business to which the supplying of electricity to others is 70843
incidental shall file a report under section 5727.08 of the 70844
Revised Code as an electric company but shall only report therein 70845
as taxable property the amounts required in divisions (B) and (C) 70846
of this section. All time limits and other procedural requirements 70847
of this chapter for the reporting and assessment of property of 70848
electric companies apply to persons required to file a report 70849
under this section. For the purposes of this section, "the 70850
supplying of electricity to others" shall not include donating all 70851
of the electricity a person generates to a political subdivision 70852
of the state. 70853

(B) A person subject to this section shall report the true 70854
value of the boilers, machinery, equipment, and any personal 70855
property used to supply electricity to others, which shall be the 70856
sum of the following: 70857

(1) The true value of the property that is production 70858
equipment as it would be determined for an electric company under 70859
section 5727.11 of the Revised Code multiplied by the per cent of 70860
the electricity generated in the preceding calendar year that was 70861
not used by the person who generated it; plus 70862

(2) The true value of the property that is not production 70863
equipment as it would be determined for an electric company under 70864
section 5727.11 of the Revised Code multiplied by the per cent of 70865
the electricity generated in the preceding calendar year that was 70866
not used by the person who generated it. 70867

(C) The property reported under division (B) of this section 70868
shall be listed and assessed at an amount equal to the sum of the 70869
products determined under divisions (C)(1) and (2) of this 70870
section. 70871

(1) Multiply the portion of the true value determined under 70872
division (B)(1) of this section by the assessment rate in section 70873

5727.111 of the Revised Code that is applicable to the production 70874
equipment of an electric company; 70875

(2) Multiply the portion of the true value determined under 70876
division (B)(2) of this section by the assessment rate in section 70877
5727.111 of the Revised Code that is applicable to the property of 70878
an electric company that is not production equipment. 70879

Sec. 5727.111. The taxable property of each public utility, 70880
except a railroad company, and of each interexchange 70881
telecommunications company shall be assessed at the following 70882
percentages of true value: 70883

(A) In the case of a rural electric company, fifty per cent 70884
in the case of its taxable transmission and distribution property 70885
and its energy conversion equipment, and twenty-five per cent for 70886
all its other taxable property; 70887

(B) In the case of a telephone or telegraph company, 70888
twenty-five per cent for taxable property first subject to 70889
taxation in this state for tax year 1995 or thereafter for tax 70890
years before tax year 2007, and pursuant to division (H) of 70891
section 5711.22 of the Revised Code for tax year 2007 and 70892
thereafter, and the following for all other taxable property: 70893

(1) For tax years prior to 2005, eighty-eight per cent; 70894

(2) For tax year 2005, sixty-seven per cent; 70895

(3) For tax year 2006, forty-six per cent; 70896

(4) For tax year 2007 and thereafter, pursuant to division 70897
(H) of section 5711.22 of the Revised Code. 70898

(C) Twenty-five per cent in the case of a natural gas 70899
company. 70900

(D) Eighty-eight per cent in the case of a pipe-line, 70901
~~water works,~~ or heating company; 70902

(E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all its other taxable property;

(2) For tax year 2006 and each tax year thereafter, in the case of an electric company, eighty-five per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-four per cent for all its other taxable property.

(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.

(G) Twenty-five per cent in the case of a water transportation company;

(H) For tax year 2011 and each tax year thereafter in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property.

(I) In the case of a water-works company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property.

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the Revised Code:

(A) "Electric distribution company" means either of the following:

(1) A person who distributes electricity through a meter of an end user in this state or to an unmetered location in this state;

(2) The end user of electricity in this state, if the end user obtains electricity that is not distributed or transmitted to the end user by an electric distribution company that is required to remit the tax imposed by section 5727.81 of the Revised Code.
~~"Electric~~

"Electric distribution company" does not include ~~the~~ an end user of electricity in this state who self-generates electricity that is used directly by that end user on the same site that the electricity is generated or a person that donates all of the electricity the person generates to a political subdivision of the state.

(B) "Kilowatt hour" means one thousand watt hours of electricity.

(C) For an electric distribution company, "meter of an end user in this state" means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state, or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state.

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state.

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity.

(F) "Qualified end user" means an end user of electricity that uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process.

(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using

electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity.

(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process.

(I) "Qualifying manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured.

(J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code.

(K) "Natural gas distribution company" means a natural gas company or a combined company, as defined in section 5727.01 of the Revised Code, that is subject to the excise tax imposed by section 5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state.

(L) "MCF" means one thousand cubic feet.

(M) For a natural gas distribution company, "meter of an end user in this state" means the last meter used to measure the MCF of natural gas distributed by a natural gas distribution company to a location in this state, or the last meter located outside of this state that is used to measure the natural gas consumed at a location in this state.

(N) "Flex customer" means an industrial or a commercial facility that has consumed more than one billion cubic feet of natural gas a year at a single location during any of the previous five years, or an industrial or a commercial end user of natural gas that purchases natural gas distribution services from a

natural gas distribution company at discounted rates or charges 70995
established in any of the following: 70996

(1) A special arrangement subject to review and regulation by 70997
the public utilities commission under section 4905.31 of the 70998
Revised Code; 70999

(2) A special arrangement with a natural gas distribution 71000
company pursuant to a municipal ordinance; 71001

(3) A variable rate schedule that permits rates to vary 71002
between defined amounts, provided that the schedule is on file 71003
with the public utilities commission. 71004

An end user that meets this definition on January 1, 2000, or 71005
thereafter is a "flex customer" for purposes of determining the 71006
rate of taxation under division (D) of section 5727.811 of the 71007
Revised Code. 71008

Sec. 5727.81. (A) For the purpose of raising revenue ~~for~~ 71009
~~public education and to fund the needs of this state and its local~~ 71010
~~government operations governments,~~ an excise tax is hereby levied 71011
and imposed on an electric distribution company for all 71012
electricity distributed by such company at the following rates per 71013
kilowatt hour of electricity distributed in a thirty-day period by 71014
the company through a meter of an end user in this state: 71015

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	71018
For the next 2,001 to 15,000	\$.00419	71019
For 15,001 and above	\$.00363	71020

If no meter is used to measure the kilowatt hours of 71021
electricity distributed by the company, the rates shall apply to 71022
the estimated kilowatt hours of electricity distributed to an 71023
unmetered location in this state. 71024

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state; 71056
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(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 71058
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(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 71061
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(C)(1) As used in division (C) of this section: 71065

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 71066
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(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 71072
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(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 71077
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(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve 71079
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months as estimated by the tax commissioner. The tax commissioner 71087
shall make such an estimate upon the written request by an 71088
applicant for registration as a self-assessing purchaser under 71089
this division. For the meter reading period including July 1, 71090
2008, through the meter reading period including December 31, 71091
2010, such a purchaser may elect to self-assess the excise tax 71092
imposed by this section at the rate of \$.00075 per kilowatt hour 71093
on the first five hundred four million kilowatt hours distributed 71094
to that meter or location during the registration year, and a 71095
percentage of the total price of all electricity distributed to 71096
that meter or location equal to three and one-half per cent. For 71097
the meter reading period including January 1, 2011, and 71098
thereafter, such a purchaser may elect to self-assess the excise 71099
tax imposed by this section at the rate of \$.00257 per kilowatt 71100
hour for the first five hundred million kilowatt hours, and 71101
\$.001832 per kilowatt hour for each kilowatt hour in excess of 71102
five hundred million kilowatt hours, distributed to that meter or 71103
location during the registration year. 71104

A qualified end user that receives electricity through a 71105
meter of an end user in this state or through more than one meter 71106
at a single location in this state and that consumes, over the 71107
course of the previous calendar year, more than forty-five million 71108
kilowatt hours in other than its qualifying manufacturing process, 71109
may elect to self-assess the tax as allowed by this division with 71110
respect to the electricity used in other than its qualifying 71111
manufacturing process. 71112

Payment of the tax shall be made directly to the tax 71113
commissioner in accordance with divisions (A)(4) and (5) of 71114
section 5727.82 of the Revised Code, or the treasurer of state in 71115
accordance with section 5727.83 of the Revised Code. If the 71116
electric distribution company serving the self-assessing purchaser 71117
is a municipal electric utility and the purchaser is within the 71118

municipal corporation's corporate limits, payment shall be made to 71119
such municipal corporation's general fund and reports shall be 71120
filed in accordance with divisions (A)(4) and (5) of section 71121
5727.82 of the Revised Code, except that "municipal corporation" 71122
shall be substituted for "treasurer of state" and "tax 71123
commissioner." A self-assessing purchaser that pays the excise tax 71124
as provided in this division shall not be required to pay the tax 71125
to the electric distribution company from which its electricity is 71126
distributed. If a self-assessing purchaser's receipt of 71127
electricity is not subject to the tax as measured under this 71128
division, the tax on the receipt of such electricity shall be 71129
measured and paid as provided in division (A) of this section. 71130

(3) In the case of the acquisition of a package, unless the 71131
elements of the package are separately stated isolating the total 71132
price of electricity from the price of the remaining elements of 71133
the package, the tax imposed under this section applies to the 71134
entire price of the package. If the elements of the package are 71135
separately stated, the tax imposed under this section applies to 71136
the total price of the electricity. 71137

(4) Any electric supplier that sells electricity as part of a 71138
package shall separately state to the purchaser the total price of 71139
the electricity and, upon request by the tax commissioner, the 71140
total price of each of the other elements of the package. 71141

(5) The tax commissioner may adopt rules relating to the 71142
computation of the total price of electricity with respect to 71143
self-assessing purchasers, which may include rules to establish 71144
the total price of electricity purchased as part of a package. 71145

(6) An annual application for registration as a 71146
self-assessing purchaser shall be made for each qualifying meter 71147
or location on a form prescribed by the tax commissioner. The 71148
registration year begins on the first day of May and ends on the 71149
following thirtieth day of April. Persons may apply after the 71150

first day of May for the remainder of the registration year. In 71151
the case of an applicant applying on the basis of an estimated 71152
consumption of forty-five million kilowatt hours over the course 71153
of the succeeding twelve months, the applicant shall provide such 71154
information as the tax commissioner considers to be necessary to 71155
estimate such consumption. At the time of making the application 71156
and by the first day of May of each year, a self-assessing 71157
purchaser shall pay a fee of five hundred dollars to the tax 71158
commissioner, or to the treasurer of state as provided in section 71159
5727.83 of the Revised Code, for each qualifying meter or 71160
location. The tax commissioner shall immediately pay to the 71161
treasurer of state all amounts that the tax commissioner receives 71162
under this section. The treasurer of state shall deposit such 71163
amounts into the kilowatt hour excise tax administration fund, 71164
which is hereby created in the state treasury. Money in the fund 71165
shall be used to defray the tax commissioner's cost in 71166
administering the tax owed under section 5727.81 of the Revised 71167
Code by self-assessing purchasers. After the application is 71168
approved by the tax commissioner, the registration shall remain in 71169
effect for the current registration year, or until canceled by the 71170
registrant upon written notification to the commissioner of the 71171
election to pay the tax in accordance with division (A) of this 71172
section, or until canceled by the tax commissioner for not paying 71173
the tax or fee under division (C) of this section or for not 71174
meeting the qualifications in division (C)(2) of this section. The 71175
tax commissioner shall give written notice to the electric 71176
distribution company from which electricity is delivered to a 71177
self-assessing purchaser of the purchaser's self-assessing status, 71178
and the electric distribution company is relieved of the 71179
obligation to pay the tax imposed by division (A) of this section 71180
for electricity distributed to that self-assessing purchaser until 71181
it is notified by the tax commissioner that the self-assessing 71182
purchaser's registration is canceled. Within fifteen days of 71183

notification of the canceled registration, the electric 71184
distribution company shall be responsible for payment of the tax 71185
imposed by division (A) of this section on electricity distributed 71186
to a purchaser that is no longer registered as a self-assessing 71187
purchaser. A self-assessing purchaser with a canceled registration 71188
must file a report and remit the tax imposed by division (A) of 71189
this section on all electricity it receives for any measurement 71190
period prior to the tax being reported and paid by the electric 71191
distribution company. A self-assessing purchaser whose 71192
registration is canceled by the tax commissioner is not eligible 71193
to register as a self-assessing purchaser for two years after the 71194
registration is canceled. 71195

(7) If the tax commissioner cancels the self-assessing 71196
registration of a purchaser registered on the basis of its 71197
estimated consumption because the purchaser does not consume at 71198
least forty-five million kilowatt hours of electricity over the 71199
course of the twelve-month period for which the estimate was made, 71200
the tax commissioner shall assess and collect from the purchaser 71201
the difference between (a) the amount of tax that would have been 71202
payable under division (A) of this section on the electricity 71203
distributed to the purchaser during that period and (b) the amount 71204
of tax paid by the purchaser on such electricity pursuant to 71205
division (C)(2) of this section. The assessment shall be paid 71206
within sixty days after the tax commissioner issues it, regardless 71207
of whether the purchaser files a petition for reassessment under 71208
section 5727.89 of the Revised Code covering that period. If the 71209
purchaser does not pay the assessment within the time prescribed, 71210
the amount assessed is subject to the additional charge and the 71211
interest prescribed by divisions (B) and (C) of section 5727.82 of 71212
the Revised Code, and is subject to assessment under section 71213
5727.89 of the Revised Code. If the purchaser is a qualified end 71214
user, division (C)(7) of this section applies only to electricity 71215
it consumes in other than its qualifying manufacturing process. 71216

(D) The tax imposed by this section does not apply to the 71217
distribution of any kilowatt hours of electricity to the federal 71218
government, to an end user located at a federal facility that uses 71219
electricity for the enrichment of uranium, to a qualified 71220
regeneration meter, or to an end user for any day the end user is 71221
a qualified end user. The exemption under this division for a 71222
qualified end user only applies to the manufacturing location 71223
where the qualified end user uses more than three million kilowatt 71224
hours per day in a qualifying manufacturing process. 71225

(E) All revenue arising from the tax imposed by this section 71226
shall be credited to the general revenue fund except as provided 71227
by division (C) of this section and section 5727.82 of the Revised 71228
Code. 71229

Sec. 5727.811. (A) For the purpose of raising revenue ~~for~~ 71230
~~public education and to fund the needs of this state and its local~~ 71231
~~government operations governments,~~ an excise tax is hereby levied 71232
on every natural gas distribution company for all natural gas 71233
volumes billed by, or on behalf of, the company beginning with the 71234
measurement period that includes July 1, 2001. Except as provided 71235
in divisions (C) or (D) of this section, the tax shall be levied 71236
at the following rates per MCF of natural gas distributed by the 71237
company through a meter of an end user in this state: 71238

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	71239
For the next 101 to 2000 MCF per month	\$.0877	71240
For 2001 and above MCF per month	\$.0411	71241

If no meter is used to measure the MCF of natural gas 71243
distributed by the company, the rates shall apply to the estimated 71244
MCF of natural gas distributed to an unmetered location in this 71245
state. 71246

(B) A natural gas distribution company shall base the tax on 71247

the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The natural gas is distributed by the company through a meter of an end user in this state;

(2) The natural gas distribution company is distributing

natural gas through a meter located in another state, but the 71279
natural gas is consumed in this state in the manner prescribed by 71280
the tax commissioner; 71281

(3) The natural gas distribution company is distributing 71282
natural gas in this state without the use of a meter, but the 71283
natural gas is consumed in this state as estimated and in the 71284
manner prescribed by the tax commissioner. 71285

(F) The tax levied by this section does not apply to the 71286
distribution of natural gas to the federal government, or natural 71287
gas produced by an end user in this state that is consumed by that 71288
end user or its affiliates and is not distributed through the 71289
facilities of a natural gas company. 71290

(G) All revenue arising from the tax imposed by this section 71291
shall be credited to the general revenue fund. 71292

Sec. 5727.84. ~~(A)~~ No determinations, computations, 71293
certifications, or payments shall be made under this section after 71294
June 30, 2015. 71295

(A) As used in this section and sections 5727.85, 5727.86, 71296
and 5727.87 of the Revised Code: 71297

(1) "School district" means a city, local, or exempted 71298
village school district. 71299

(2) "Joint vocational school district" means a joint 71300
vocational school district created under section 3311.16 of the 71301
Revised Code, and includes a cooperative education school district 71302
created under section 3311.52 or 3311.521 of the Revised Code and 71303
a county school financing district created under section 3311.50 71304
of the Revised Code. 71305

(3) "Local taxing unit" means a subdivision or taxing unit, 71306
as defined in section 5705.01 of the Revised Code, a park district 71307
created under Chapter 1545. of the Revised Code, or a township 71308

park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 71309
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(4) "State education aid," for a school district, means the following: 71312
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(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under former sections 3317.029, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of H.B. 119 of the 127th general assembly, as subsequently amended. 71314
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(b) For fiscal years 2010 and 2011, the sum of the amounts computed for the district under former sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: division (G) of section 3317.024; section 3317.05 of the Revised Code; and the adjustments required 71335
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by division (C) of section 3310.08; division (C)(2) of section 71341
3310.41; division (C) of section 3314.08; division (D)(2) of 71342
section 3314.091; division (D) of former section 3314.13; 71343
divisions (E), (K), (L), (M), and (N) of section 3317.023; 71344
division (C) of section 3317.20; and sections 3313.979, 3313.981, 71345
and 3326.33 of the Revised Code. 71346

(c) For fiscal years 2012 and 2013, the amount paid in 71347
accordance with the section of H.B. 153 of the 129th general 71348
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 71349
SCHOOL DISTRICTS" and the adjustments required by division (C) of 71350
section 3310.08; division (C)(2) of section 3310.41; section 71351
3310.55; division (C) of section 3314.08; division (D)(2) of 71352
section 3314.091; division (D) of former section 3314.13; 71353
divisions (B), (H), (I), (J), and (K) of section 3317.023; 71354
division (C) of section 3317.20; and sections 3313.979 and 71355
3313.981 of the Revised Code; 71356

(d) For fiscal year 2014 and each fiscal year thereafter, the 71357
sum of amounts computed for and paid to the district under section 71358
3317.022 of the Revised Code; and the adjustments required by 71359
division (C) of section 3310.08, division (C)(2) of section 71360
3310.41, section 3310.55, division (C) of section 3314.08, 71361
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 71362
(K) of section 3317.023, and sections 3313.978, 3313.981, 71363
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 71364
However, for fiscal years 2014 and 2015, the amount computed for 71365
the district under the section of this act entitled "TRANSITIONAL 71366
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 71367
shall be included. 71368

(5) "State education aid," for a joint vocational school 71369
district, means the following: 71370

(a) For fiscal years prior to fiscal year 2010, the sum of 71371
the state aid amounts computed for the district under division (N) 71372

of section 3317.024 and section 3317.16 of the Revised Code. 71373
However, when calculating state education aid for a joint 71374
vocational school district for fiscal years 2008 and 2009, include 71375
the amount computed for the district under Section 269.30.90 of 71376
H.B. 119 of the 127th general assembly, as subsequently amended. 71377

(b) For fiscal years 2010 and 2011, the amount computed for 71378
the district in accordance with the section of H.B. 1 of the 128th 71379
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 71380
DISTRICTS." 71381

(c) For fiscal years 2012 and 2013, the amount paid in 71382
accordance with the section of H.B. 153 of the 129th general 71383
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 71384

(d) For fiscal year 2014 and each fiscal year thereafter, the 71385
amount computed for the district under section 3317.16 of the 71386
Revised Code; except that, for fiscal years 2014 and 2015, the 71387
amount computed for the district under the section of this act 71388
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 71389
shall be included. 71390

(6) "State education aid offset" means the amount determined 71391
for each school district or joint vocational school district under 71392
division (A)(1) of section 5727.85 of the Revised Code. 71393

(7) "Recognized valuation" means the amount computed for a 71394
school district pursuant to section 3317.015 of the Revised Code. 71395

(8) "Electric company tax value loss" means the amount 71396
determined under division (D) of this section. 71397

(9) "Natural gas company tax value loss" means the amount 71398
determined under division (E) of this section. 71399

(10) "Tax value loss" means the sum of the electric company 71400
tax value loss and the natural gas company tax value loss. 71401

(11) "Fixed-rate levy" means any tax levied on property other 71402

than a fixed-sum levy. 71403

(12) "Fixed-rate levy loss" means the amount determined under 71404
division (G) of this section. 71405

(13) "Fixed-sum levy" means a tax levied on property at 71406
whatever rate is required to produce a specified amount of tax 71407
money or levied in excess of the ten-mill limitation to pay debt 71408
charges, and includes school district emergency levies charged and 71409
payable pursuant to section 5705.194 of the Revised Code. 71410

(14) "Fixed-sum levy loss" means the amount determined under 71411
division (H) of this section. 71412

(15) "Consumer price index" means the consumer price index 71413
(all items, all urban consumers) prepared by the bureau of labor 71414
statistics of the United States department of labor. 71415

(16) "Total resources" and "total library resources" have the 71416
same meanings as in section 5751.20 of the Revised Code. 71417

(17) "2011 current expense S.B. 3 allocation" means the sum 71418
of payments received by a school district or joint vocational 71419
school district in fiscal year 2011 for current expense levy 71420
losses pursuant to division (C)(2) of section 5727.85 of the 71421
Revised Code. If a fixed-rate levy eligible for reimbursement is 71422
not charged and payable in any year after tax year 2010, "2011 71423
current expense S.B. 3 allocation" used to compute payments to be 71424
made under division (C)(3) of section 5727.85 of the Revised Code 71425
in the tax years following the last year the levy is charged and 71426
payable shall be reduced to the extent that those payments are 71427
attributable to the fixed-rate levy loss of that levy. 71428

(18) "2010 current expense S.B. 3 allocation" means the sum 71429
of payments received by a municipal corporation in calendar year 71430
2010 for current expense levy losses pursuant to division (A)(1) 71431
of section 5727.86 of the Revised Code, excluding any such 71432
payments received for current expense levy losses attributable to 71433

a tax levied under section 5705.23 of the Revised Code. If a 71434
fixed-rate levy eligible for reimbursement is not charged and 71435
payable in any year after tax year 2010, "2010 current expense 71436
S.B. 3 allocation" used to compute payments to be made under 71437
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 71438
in the tax years following the last year the levy is charged and 71439
payable shall be reduced to the extent that those payments are 71440
attributable to the fixed-rate levy loss of that levy. 71441

(19) "2010 S.B. 3 allocation" means the sum of payments 71442
received by a local taxing unit during calendar year 2010 pursuant 71443
to division (A)(1) of section 5727.86 of the Revised Code, 71444
excluding any such payments received for fixed-rate levy losses 71445
attributable to a tax levied under section 5705.23 of the Revised 71446
Code. If a fixed-rate levy eligible for reimbursement is not 71447
charged and payable in any year after tax year 2010, "2010 S.B. 3 71448
allocation" used to compute payments to be made under division 71449
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 71450
years following the last year the levy is charged and payable 71451
shall be reduced to the extent that those payments are 71452
attributable to the fixed-rate levy loss of that levy. 71453

(20) "Total S.B. 3 allocation" means, in the case of a school 71454
district or joint vocational school district, the sum of the 71455
payments received in fiscal year 2011 pursuant to divisions (C)(2) 71456
and (D) of section 5727.85 of the Revised Code. In the case of a 71457
local taxing unit, "total S.B. 3 allocation" means the sum of 71458
payments received by the unit in calendar year 2010 pursuant to 71459
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 71460
excluding any such payments received for fixed-rate levy losses 71461
attributable to a tax levied under section 5705.23 of the Revised 71462
Code. If a fixed-rate levy eligible for reimbursement is not 71463
charged and payable in any year after tax year 2010, "total S.B. 3 71464
allocation" used to compute payments to be made under division 71465

(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 71466
5727.86 of the Revised Code in the tax years following the last 71467
year the levy is charged and payable shall be reduced to the 71468
extent that those payments are attributable to the fixed-rate levy 71469
loss of that levy as would be computed under division (C)(2) of 71470
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 71471
Revised Code. 71472

(21) "2011 non-current expense S.B. 3 allocation" means the 71473
difference of a school district's or joint vocational school 71474
district's total S.B. 3 allocation minus the sum of the school 71475
district's 2011 current expense S.B. 3 allocation and the portion 71476
of the school district's total S.B. 3 allocation constituting 71477
reimbursement for debt levies pursuant to division (D) of section 71478
5727.85 of the Revised Code. 71479

(22) "2010 non-current expense S.B. 3 allocation" means the 71480
difference of a municipal corporation's total S.B. 3 allocation 71481
minus the sum of its 2010 current expense S.B. 3 allocation and 71482
the portion of its total S.B. 3 allocation constituting 71483
reimbursement for debt levies pursuant to division (A)(4) of 71484
section 5727.86 of the Revised Code. 71485

(23) "S.B. 3 allocation for library purposes" means, in the 71486
case of a county, municipal corporation, school district, or 71487
township public library that receives the proceeds of a tax levied 71488
under section 5705.23 of the Revised Code, the sum of the payments 71489
received by the public library in calendar year 2010 pursuant to 71490
section 5727.86 of the Revised Code for fixed-rate levy losses 71491
attributable to a tax levied under section 5705.23 of the Revised 71492
Code. If a fixed-rate levy authorized under section 5705.23 of the 71493
Revised Code that is eligible for reimbursement is not charged and 71494
payable in any year after tax year 2010, "S.B. 3 allocation for 71495
library purposes" used to compute payments to be made under 71496
division (A)(1)(f) of section 5727.86 of the Revised Code in the 71497

tax years following the last year the levy is charged and payable 71498
shall be reduced to the extent that those payments are 71499
attributable to the fixed-rate levy loss of that levy as would be 71500
computed under division (A)(1)(b) of section 5727.86 of the 71501
Revised Code. 71502

(24) "Threshold per cent" means, in the case of a school 71503
district or joint vocational school district, two per cent for 71504
fiscal year 2012 and four per cent for fiscal years 2013 and 71505
thereafter. In the case of a local taxing unit or public library 71506
that receives the proceeds of a tax levied under section 5705.23 71507
of the Revised Code, "threshold per cent" means two per cent for 71508
calendar year 2011, four per cent for calendar year 2012, and six 71509
per cent for calendar years 2013 and thereafter. 71510

(B) The kilowatt-hour tax receipts fund is hereby created in 71511
the state treasury and shall consist of money arising from the tax 71512
imposed by section 5727.81 of the Revised Code. All money in the 71513
kilowatt-hour tax receipts fund shall be credited as follows: 71514

Fiscal Year	General Revenue Fund	School District		Local Government	
		Property Tax Replacement Fund	Property Tax Replacement Fund	Property Tax Replacement Fund	Property Tax Replacement Fund
2001-2011	63.0%	25.4%		11.6%	
2012 and thereafter <u>2012-2015</u>	88.0%	9.0%		3.0%	

(C) The natural gas tax receipts fund is hereby created in 71518
the state treasury and shall consist of money arising from the tax 71519
imposed by section 5727.811 of the Revised Code. All money in the 71520
fund shall be credited as follows: 71521

~~(1) For~~ for fiscal years before fiscal year 2012: 71522

~~(a)~~ (1) Sixty-eight and seven-tenths per cent shall be 71523
credited to the school district property tax replacement fund for 71524

the purpose of making the payments described in section 5727.85 of 71525
the Revised Code. 71526

~~(b)(2)~~ Thirty-one and three-tenths per cent shall be credited 71527
to the local government property tax replacement fund for the 71528
purpose of making the payments described in section 5727.86 of the 71529
Revised Code. 71530

~~(2) For fiscal years 2012 and thereafter, one hundred per 71531
cent to the general revenue fund.~~ 71532

(D) Not later than January 1, 2002, the tax commissioner 71533
shall determine for each taxing district its electric company tax 71534
value loss, which is the sum of the applicable amounts described 71535
in divisions (D)(1) to (4) of this section: 71536

(1) The difference obtained by subtracting the amount 71537
described in division (D)(1)(b) from the amount described in 71538
division (D)(1)(a) of this section. 71539

(a) The value of electric company and rural electric company 71540
tangible personal property as assessed by the tax commissioner for 71541
tax year 1998 on a preliminary assessment, or an amended 71542
preliminary assessment if issued prior to March 1, 1999, and as 71543
apportioned to the taxing district for tax year 1998; 71544

(b) The value of electric company and rural electric company 71545
tangible personal property as assessed by the tax commissioner for 71546
tax year 1998 had the property been apportioned to the taxing 71547
district for tax year 2001, and assessed at the rates in effect 71548
for tax year 2001. 71549

(2) The difference obtained by subtracting the amount 71550
described in division (D)(2)(b) from the amount described in 71551
division (D)(2)(a) of this section. 71552

(a) The three-year average for tax years 1996, 1997, and 1998 71553
of the assessed value from nuclear fuel materials and assemblies 71554

assessed against a person under Chapter 5711. of the Revised Code 71555
from the leasing of them to an electric company for those 71556
respective tax years, as reflected in the preliminary assessments; 71557

(b) The three-year average assessed value from nuclear fuel 71558
materials and assemblies assessed under division (D)(2)(a) of this 71559
section for tax years 1996, 1997, and 1998, as reflected in the 71560
preliminary assessments, using an assessment rate of twenty-five 71561
per cent. 71562

(3) In the case of a taxing district having a nuclear power 71563
plant within its territory, any amount, resulting in an electric 71564
company tax value loss, obtained by subtracting the amount 71565
described in division (D)(1) of this section from the difference 71566
obtained by subtracting the amount described in division (D)(3)(b) 71567
of this section from the amount described in division (D)(3)(a) of 71568
this section. 71569

(a) The value of electric company tangible personal property 71570
as assessed by the tax commissioner for tax year 2000 on a 71571
preliminary assessment, or an amended preliminary assessment if 71572
issued prior to March 1, 2001, and as apportioned to the taxing 71573
district for tax year 2000; 71574

(b) The value of electric company tangible personal property 71575
as assessed by the tax commissioner for tax year 2001 on a 71576
preliminary assessment, or an amended preliminary assessment if 71577
issued prior to March 1, 2002, and as apportioned to the taxing 71578
district for tax year 2001. 71579

(4) In the case of a taxing district having a nuclear power 71580
plant within its territory, the difference obtained by subtracting 71581
the amount described in division (D)(4)(b) of this section from 71582
the amount described in division (D)(4)(a) of this section, 71583
provided that such difference is greater than ten per cent of the 71584
amount described in division (D)(4)(a) of this section. 71585

(a) The value of electric company tangible personal property 71586
as assessed by the tax commissioner for tax year 2005 on a 71587
preliminary assessment, or an amended preliminary assessment if 71588
issued prior to March 1, 2006, and as apportioned to the taxing 71589
district for tax year 2005; 71590

(b) The value of electric company tangible personal property 71591
as assessed by the tax commissioner for tax year 2006 on a 71592
preliminary assessment, or an amended preliminary assessment if 71593
issued prior to March 1, 2007, and as apportioned to the taxing 71594
district for tax year 2006. 71595

(E) Not later than January 1, 2002, the tax commissioner 71596
shall determine for each taxing district its natural gas company 71597
tax value loss, which is the sum of the amounts described in 71598
divisions (E)(1) and (2) of this section: 71599

(1) The difference obtained by subtracting the amount 71600
described in division (E)(1)(b) from the amount described in 71601
division (E)(1)(a) of this section. 71602

(a) The value of all natural gas company tangible personal 71603
property, other than property described in division (E)(2) of this 71604
section, as assessed by the tax commissioner for tax year 1999 on 71605
a preliminary assessment, or an amended preliminary assessment if 71606
issued prior to March 1, 2000, and apportioned to the taxing 71607
district for tax year 1999; 71608

(b) The value of all natural gas company tangible personal 71609
property, other than property described in division (E)(2) of this 71610
section, as assessed by the tax commissioner for tax year 1999 had 71611
the property been apportioned to the taxing district for tax year 71612
2001, and assessed at the rates in effect for tax year 2001. 71613

(2) The difference in the value of current gas obtained by 71614
subtracting the amount described in division (E)(2)(b) from the 71615
amount described in division (E)(2)(a) of this section. 71616

(a) The three-year average assessed value of current gas as 71617
assessed by the tax commissioner for tax years 1997, 1998, and 71618
1999 on a preliminary assessment, or an amended preliminary 71619
assessment if issued prior to March 1, 2001, and as apportioned in 71620
the taxing district for those respective years; 71621

(b) The three-year average assessed value from current gas 71622
under division (E)(2)(a) of this section for tax years 1997, 1998, 71623
and 1999, as reflected in the preliminary assessment, using an 71624
assessment rate of twenty-five per cent. 71625

(F) The tax commissioner may request that natural gas 71626
companies, electric companies, and rural electric companies file a 71627
report to help determine the tax value loss under divisions (D) 71628
and (E) of this section. The report shall be filed within thirty 71629
days of the commissioner's request. A company that fails to file 71630
the report or does not timely file the report is subject to the 71631
penalty in section 5727.60 of the Revised Code. 71632

(G) Not later than January 1, 2002, the tax commissioner 71633
shall determine for each school district, joint vocational school 71634
district, and local taxing unit its fixed-rate levy loss, which is 71635
the sum of its electric company tax value loss multiplied by the 71636
tax rate in effect in tax year 1998 for fixed-rate levies and its 71637
natural gas company tax value loss multiplied by the tax rate in 71638
effect in tax year 1999 for fixed-rate levies. 71639

(H) Not later than January 1, 2002, the tax commissioner 71640
shall determine for each school district, joint vocational school 71641
district, and local taxing unit its fixed-sum levy loss, which is 71642
the amount obtained by subtracting the amount described in 71643
division (H)(2) of this section from the amount described in 71644
division (H)(1) of this section: 71645

(1) The sum of the electric company tax value loss multiplied 71646
by the tax rate in effect in tax year 1998, and the natural gas 71647

company tax value loss multiplied by the tax rate in effect in tax 71648
year 1999, for fixed-sum levies for all taxing districts within 71649
each school district, joint vocational school district, and local 71650
taxing unit. For the years 2002 through 2006, this computation 71651
shall include school district emergency levies that existed in 71652
1998 in the case of the electric company tax value loss, and 1999 71653
in the case of the natural gas company tax value loss, and all 71654
other fixed-sum levies that existed in 1998 in the case of the 71655
electric company tax value loss and 1999 in the case of the 71656
natural gas company tax value loss and continue to be charged in 71657
the tax year preceding the distribution year. For the years 2007 71658
through 2016 in the case of school district emergency levies, and 71659
for all years after 2006 in the case of all other fixed-sum 71660
levies, this computation shall exclude all fixed-sum levies that 71661
existed in 1998 in the case of the electric company tax value loss 71662
and 1999 in the case of the natural gas company tax value loss, 71663
but are no longer in effect in the tax year preceding the 71664
distribution year. For the purposes of this section, an emergency 71665
levy that existed in 1998 in the case of the electric company tax 71666
value loss, and 1999 in the case of the natural gas company tax 71667
value loss, continues to exist in a year beginning on or after 71668
January 1, 2007, but before January 1, 2017, if, in that year, the 71669
board of education levies a school district emergency levy for an 71670
annual sum at least equal to the annual sum levied by the board in 71671
tax year 1998 or 1999, respectively, less the amount of the 71672
payment certified under this division for 2002. 71673

(2) The total taxable value in tax year 1999 less the tax 71674
value loss in each school district, joint vocational school 71675
district, and local taxing unit multiplied by one-fourth of one 71676
mill. 71677

If the amount computed under division (H) of this section for 71678
any school district, joint vocational school district, or local 71679

taxing unit is greater than zero, that amount shall equal the 71680
fixed-sum levy loss reimbursed pursuant to division (F) of section 71681
5727.85 of the Revised Code or division (A)(2) of section 5727.86 71682
of the Revised Code, and the one-fourth of one mill that is 71683
subtracted under division (H)(2) of this section shall be 71684
apportioned among all contributing fixed-sum levies in the 71685
proportion of each levy to the sum of all fixed-sum levies within 71686
each school district, joint vocational school district, or local 71687
taxing unit. 71688

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 71689
section, in computing the tax value loss, fixed-rate levy loss, 71690
and fixed-sum levy loss, the tax commissioner shall use the 71691
greater of the 1998 tax rate or the 1999 tax rate in the case of 71692
levy losses associated with the electric company tax value loss, 71693
but the 1999 tax rate shall not include for this purpose any tax 71694
levy approved by the voters after June 30, 1999, and the tax 71695
commissioner shall use the greater of the 1999 or the 2000 tax 71696
rate in the case of levy losses associated with the natural gas 71697
company tax value loss. 71698

(J) Not later than January 1, 2002, the tax commissioner 71699
shall certify to the department of education the tax value loss 71700
determined under divisions (D) and (E) of this section for each 71701
taxing district, the fixed-rate levy loss calculated under 71702
division (G) of this section, and the fixed-sum levy loss 71703
calculated under division (H) of this section. The calculations 71704
under divisions (G) and (H) of this section shall separately 71705
display the levy loss for each levy eligible for reimbursement. 71706

(K) Not later than September 1, 2001, the tax commissioner 71707
shall certify the amount of the fixed-sum levy loss to the county 71708
auditor of each county in which a school district with a fixed-sum 71709
levy loss has territory. 71710

Sec. 5727.85. ~~(A)~~ No determinations, computations, 71711
certifications, or payments shall be made under this section after 71712
June 30, 2015. 71713

(A) By the thirty-first day of July of each year, beginning 71714
in 2002 and ending in 2010, the department of education shall 71715
determine the following for each school district and each joint 71716
vocational school district: 71717

(1) The state education aid offset, which, except as provided 71718
in division (A)(1)(c) of this section, is the difference obtained 71719
by subtracting the amount described in division (A)(1)(b) of this 71720
section from the amount described in division (A)(1)(a) of this 71721
section: 71722

(a) The state education aid computed for the school district 71723
or joint vocational school district for the current fiscal year as 71724
of the thirty-first day of July; 71725

(b) The state education aid that would be computed for the 71726
school district or joint vocational school district for the 71727
current fiscal year as of the thirty-first day of July if the 71728
recognized valuation included the tax value loss for the school 71729
district or joint vocational school district; 71730

(c) The state education aid offset for fiscal year 2010 and 71731
fiscal year 2011 equals the greater of the state education aid 71732
offset calculated for that fiscal year under divisions (A)(1)(a) 71733
and (b) of this section or the state education aid offset 71734
calculated for fiscal year 2009. 71735

(2) For fiscal years 2008 through 2011, the greater of zero 71736
or the difference obtained by subtracting the state education aid 71737
offset determined under division (A)(1) of this section from the 71738
fixed-rate levy loss certified under division (J) of section 71739
5727.84 of the Revised Code for all taxing districts in each 71740

school district and joint vocational school district. 71741

By the fifth day of August of each such year, the department 71742
of education shall certify the amount so determined under division 71743
(A)(1) of this section to the director of budget and management. 71744

(B) Not later than the thirty-first day of October of the 71745
years 2006 through 2010, the department of education shall 71746
determine all of the following for each school district: 71747

(1) The amount obtained by subtracting the district's state 71748
education aid computed for fiscal year 2002 from the district's 71749
state education aid computed for the current fiscal year as of the 71750
fifteenth day of July, by including in the definition of 71751
recognized valuation the machinery and equipment, inventory, 71752
furniture and fixtures, and telephone property tax value losses, 71753
as defined in section 5751.20 of the Revised Code, for the school 71754
district or joint vocational school district for the preceding tax 71755
year; 71756

(2) The inflation-adjusted property tax loss. The 71757
inflation-adjusted property tax loss equals the fixed-rate levy 71758
loss, excluding the tax loss from levies within the ten-mill 71759
limitation to pay debt charges, determined under division ~~(G)~~(D) 71760
of section 5727.84 of the Revised Code for all taxing districts in 71761
each school district, plus the product obtained by multiplying 71762
that loss by the cumulative percentage increase in the consumer 71763
price index from January 1, 2002, to the thirtieth day of June of 71764
the current year. 71765

(3) The difference obtained by subtracting the amount 71766
computed under division (B)(1) from the amount of the 71767
inflation-adjusted property tax loss. If this difference is zero 71768
or a negative number, no further payments shall be made under 71769
division (C) of this section to the school district from the 71770
school district property tax replacement fund. 71771

(C) Beginning in 2002 for school districts and beginning in August 2011 for joint vocational school districts, the department of education shall pay from the school district property tax replacement fund to each school district all of the following:

(1) In February 2002, one-half of the fixed-rate levy loss certified under division ~~(J)~~(G) of section 5727.84 of the Revised Code between the twenty-first and twenty-eighth days of February.

(2) From August 2002 through February 2011, one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February, provided the difference computed under division (B)(3) of this section is not less than or equal to zero.

(3) For fiscal years 2012 and thereafter, the sum of the amounts in divisions (C)(3)(a) or (b) and (c) of this section shall be paid on or before the thirty-first day of August and the twenty-eighth day of February:

(a) If the ratio of 2011 current expense S.B. 3 allocation to total resources is equal to or less than the threshold per cent, zero;

(b) If the ratio of 2011 current expense S.B. 3 allocation to total resources is greater than the threshold per cent, fifty per cent of the difference of 2011 current expense S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent;

(c) Fifty per cent of the product of 2011 non-current expense S.B. 3 allocation multiplied by seventy-five per cent for fiscal year 2012 and fifty per cent for fiscal years 2013 and thereafter.

The department of education shall report to each school district the apportionment of the payments among the school district's funds based on the certifications under division (J) of section 5727.84 of the Revised Code.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

(E) Not later than January 1, 2002, for all taxing districts in each joint vocational school district, the tax commissioner shall certify to the department of education the fixed-rate levy loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 through February 2011, the department shall pay from the school district property tax replacement fund to the joint vocational school district one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February.

(F)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-half of the fixed-sum levy loss so certified for each year between the twenty-first and twenty-eighth days of August and of February.

(2) Beginning in 2003, by the thirty-first day of January of

each year, the tax commissioner shall review the certification 71835
originally made under division (F)(1) of this section. If the 71836
commissioner determines that a debt levy that had been scheduled 71837
to be reimbursed in the current year has expired, a revised 71838
certification for that and all subsequent years shall be made to 71839
the department of education. 71840

(G) If the balance of the half-mill equalization fund created 71841
under section 3318.18 of the Revised Code is insufficient to make 71842
the full amount of payments required under division (D) of that 71843
section, the department of education, at the end of the third 71844
quarter of the fiscal year, shall certify to the director of 71845
budget and management the amount of the deficiency, and the 71846
director shall transfer an amount equal to the deficiency from the 71847
school district property tax replacement fund to the half-mill 71848
equalization fund. 71849

(H) Beginning in August 2002, and ending in May 2011, the 71850
director of budget and management shall transfer from the school 71851
district property tax replacement fund to the general revenue fund 71852
each of the following: 71853

(1) Between the twenty-eighth day of August and the fifth day 71854
of September, the lesser of one-half of the amount certified for 71855
that fiscal year under division (A)(2) of this section or the 71856
balance in the school district property tax replacement fund; 71857

(2) Between the first and fifth days of May, the lesser of 71858
one-half of the amount certified for that fiscal year under 71859
division (A)(2) of this section or the balance in the school 71860
district property tax replacement fund. 71861

(I) On the first day of June each year, the director of 71862
budget and management shall transfer any balance remaining in the 71863
school district property tax replacement fund after the payments 71864
have been made under divisions (C), (D), (E), (F), (G), and (H) of 71865

this section to the half-mill equalization fund created under 71866
section 3318.18 of the Revised Code to the extent required to make 71867
any payments in the current fiscal year under that section, and 71868
shall transfer the remaining balance to the general revenue fund. 71869

(J) After fiscal year 2002, if the total amount in the school 71870
district property tax replacement fund is insufficient to make all 71871
payments under divisions (C), (D), (E), (F), and (G) of this 71872
section at the time the payments are to be made, the director of 71873
budget and management shall transfer from the general revenue fund 71874
to the school district property tax replacement fund the 71875
difference between the total amount to be paid and the total 71876
amount in the school district property tax replacement fund, 71877
except that no transfer shall be made by reason of a deficiency to 71878
the extent that it results from the amendment of section 5727.84 71879
of the Revised Code by Amended Substitute House Bill No. 95 of the 71880
125th general assembly. 71881

(K) If all of the territory of a school district or joint 71882
vocational school district is merged with an existing district, or 71883
if a part of the territory of a school district or joint 71884
vocational school district is transferred to an existing or new 71885
district, the department of education, in consultation with the 71886
tax commissioner, shall adjust the payments made under this 71887
section as follows: 71888

(1) For the merger of all of the territory of two or more 71889
districts, the total resources, 2011 current expense S.B. 3 71890
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 71891
S.B. 3 allocation, and fixed-sum levy loss of the successor 71892
district shall be equal to the sum of the total resources, 2011 71893
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 71894
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 71895
loss for each of the districts involved in the merger. 71896

(2) For the transfer of a part of one district's territory to 71897

an existing district, the amount of the total resources, 2011 71898
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 71899
and 2011 non-current expense S.B. 3 allocation that is transferred 71900
to the recipient district shall be an amount equal to the 71901
transferring district's total resources, 2011 current expense S.B. 71902
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 71903
expense S.B. 3 allocation times a fraction, the numerator of which 71904
is the number of pupils being transferred to the recipient 71905
district, measured, in the case of a school district, by formula 71906
ADM as that term is defined in section 3317.02 of the Revised Code 71907
or, in the case of a joint vocational school district, by formula 71908
ADM as defined for a joint vocational school district in that 71909
section, and the denominator of which is the average daily 71910
membership or formula ADM of the transferor district. Fixed-sum 71911
levy losses for both districts shall be determined under division 71912
(K)(4) of this section. 71913

(3) For the transfer of a part of the territory of one or 71914
more districts to create a new district: 71915

(a) If the new district is created on or after January 1, 71916
2000, but before January 1, 2005, the new district shall be paid 71917
its current fixed-rate levy loss through August 2009. In February 71918
2010, August 2010, and February 2011, the new district shall be 71919
paid fifty per cent of the lesser of: (i) the amount calculated 71920
under division (C)(2) of this section or (ii) an amount equal to 71921
seventy per cent of the new district's fixed-rate levy loss. 71922

Beginning in fiscal year 2012, the new district shall be paid 71923
as provided in division (C) of this section. 71924

Fixed-sum levy losses for the districts shall be determined 71925
under division (K)(4) of this section. 71926

(b) If the new district is created on or after January 1, 71927
2005, the new district shall be deemed not to have any fixed-rate 71928

levy loss or, except as provided in division (K)(4) of this 71929
section, fixed-sum levy loss. The district or districts from which 71930
the territory was transferred shall have no reduction in their 71931
fixed-rate levy loss, or, except as provided in division (K)(4) of 71932
this section, their fixed-sum levy loss. 71933

(4) If a recipient district under division (K)(2) of this 71934
section or a new district under division (K)(3)(a) or (b) of this 71935
section takes on debt from one or more of the districts from which 71936
territory was transferred, and any of the districts transferring 71937
the territory had fixed-sum levy losses, the department of 71938
education, in consultation with the tax commissioner, shall make 71939
an equitable division of the fixed-sum levy losses. 71940

Sec. 5727.86. ~~(A) No determinations, computations,~~ 71941
~~certifications, or payments shall be made under this section after~~ 71942
~~June 30, 2015.~~ 71943

(A) The tax commissioner shall compute the payments to be 71944
made to each local taxing unit, and to each public library that 71945
receives the proceeds of a tax levied under section 5705.23 of the 71946
Revised Code, for each year according to divisions (A)(1), (2), 71947
(3), and (4) and division (E) of this section, and shall 71948
distribute the payments in the manner prescribed by division (C) 71949
of this section. The calculation of the fixed-sum levy loss shall 71950
cover a time period sufficient to include all fixed-sum levies for 71951
which the tax commissioner determined, pursuant to division (H) of 71952
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 71953
to be reimbursed. 71954

(1) Except as provided in divisions (A)(3) and (4) of this 71955
section, the following amounts shall be paid on or before the 71956
thirty-first day of August and the twenty-eighth day of February: 71957

(a) For years 2002 through 2006, fifty per cent of the 71958
fixed-rate levy loss computed under division (G) of section 71959

5727.84 of the Revised Code;	71960
(b) For years 2007 through 2010, forty per cent of the fixed-rate levy loss computed under division (G) of section 5727.84 of the Revised Code;	71961 71962 71963
(c) For the payment in 2011 to be made on or before the twentieth day of February, the amount required to be paid in 2010 on or before the twentieth day of February;	71964 71965 71966
(d) For the payment in 2011 to be made on or before the thirty-first day of August, the sum of the amounts in divisions (A)(1)(d)(i) or (ii) and (iii) of this section:	71967 71968 71969
(i) If the ratio of fifty per cent of the taxing unit's 2010 S.B. 3 allocation to its total resources is equal to or less than the threshold per cent, zero;	71970 71971 71972
(ii) If the ratio of fifty per cent of the taxing unit's 2010 S.B. 3 allocation to its total resources is greater than the threshold per cent, the difference of fifty per cent of the 2010 S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent;	71973 71974 71975 71976 71977
(iii) In the case of a municipal corporation, fifty per cent of the product of its 2010 non-current expense S.B. 3 allocation multiplied by seventy-five per cent.	71978 71979 71980
(e) For 2012 and each year thereafter, the sum of the amounts in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	71981 71982
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is equal to or less than the threshold per cent, zero;	71983 71984 71985
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is greater than the threshold per cent, fifty per cent of the difference of the 2010 S.B. 3 allocation minus the product of total resources multiplied by the threshold	71986 71987 71988 71989

per cent; 71990

(iii) In the case of a municipal corporation, fifty per cent 71991
of the product of its 2010 non-current expense S.B. 3 allocation 71992
multiplied by fifty per cent for year 2012 and by twenty-five per 71993
cent for years 2013 and thereafter. 71994

(f) For the payment in 2012 to be made to a public library on 71995
or before the thirty-first day of August and for all such payments 71996
to be made in 2013 and thereafter, the amount in division 71997
(A)(1)(f)(i) or (ii) of this section: 71998

(i) If the ratio of S.B. 3 allocation for library purposes to 71999
total library resources is equal to or less than the threshold per 72000
cent, zero; 72001

(ii) If the ratio of S.B. 3 allocation for library purposes 72002
to total library resources is greater than the threshold per cent, 72003
fifty per cent of the difference of the S.B. 3 allocation for 72004
library purposes minus the product of total library resources 72005
multiplied by the threshold per cent. 72006

(2) For fixed-sum levy losses determined under division (H) 72007
of section 5727.84 of the Revised Code, payments shall be made in 72008
the amount of one hundred per cent of the fixed-sum levy loss for 72009
payments required to be made in 2002 and thereafter. 72010

(3) A local taxing unit in a county of less than two hundred 72011
fifty square miles that receives eighty per cent or more of its 72012
combined general fund and bond retirement fund revenues from 72013
property taxes and rollbacks based on 1997 actual revenues as 72014
presented in its 1999 tax budget, and in which electric companies 72015
and rural electric companies comprise over twenty per cent of its 72016
property valuation, shall receive one hundred per cent of its 72017
fixed-rate levy losses from electric company tax value losses 72018
certified under division (A) of this section in years 2002 to 72019
2010. Beginning in 2011, payments for such local taxing units 72020

shall be determined under division (A)(1) of this section. 72021

(4) For taxes levied within the ten-mill limitation or 72022
pursuant to a municipal charter for debt purposes in tax year 1998 72023
in the case of electric company tax value losses, and in tax year 72024
1999 in the case of natural gas company tax value losses, payments 72025
shall be made equal to one hundred per cent of the loss computed 72026
as if the tax were a fixed-rate levy, but those payments shall 72027
extend from 2011 through 2016 if the levy was charged and payable 72028
for debt purposes in tax year 2010. If the levy is not charged and 72029
payable for debt purposes in tax year 2010 or any following tax 72030
year before tax year 2016, payments for that levy shall be made 72031
under division (A)(1) of this section beginning with the first 72032
year after the year the levy is charged and payable for a purpose 72033
other than debt. For the purposes of this division, taxes levied 72034
pursuant to a municipal charter refer to taxes levied pursuant to 72035
a provision of a municipal charter that permits the tax to be 72036
levied without prior voter approval. 72037

(B) Beginning in 2003, by the thirty-first day of January of 72038
each year, the tax commissioner shall review the calculation 72039
originally made under division (A) of this section of the 72040
fixed-sum levy loss determined under division (H) of section 72041
5727.84 of the Revised Code. If the commissioner determines that a 72042
fixed-sum levy that had been scheduled to be reimbursed in the 72043
current year has expired, a revised calculation for that and all 72044
subsequent years shall be made. 72045

(C) Payments to local taxing units and public libraries 72046
required to be made under divisions (A) and (E) of this section 72047
shall be paid from the local government property tax replacement 72048
fund to the county undivided income tax fund in the proper county 72049
treasury. The county treasurer shall distribute amounts paid under 72050
division (A) of this section to the proper local taxing unit or 72051
public library as if they had been levied and collected as taxes, 72052

and the local taxing unit or public library shall apportion the 72053
amounts so received among its funds in the same proportions as if 72054
those amounts had been levied and collected as taxes. Except in 72055
the case of amounts distributed to the county as a local taxing 72056
unit, amounts distributed under division (E)(2) of this section 72057
shall be credited to the general fund of the local taxing unit 72058
that receives them. Amounts distributed to each county as a local 72059
taxing unit under division (E)(2) of this section shall be 72060
credited in the proportion that the current taxes charged and 72061
payable from each levy of or by the county bears to the total 72062
current taxes charged and payable from all levies of or by the 72063
county. 72064

(D) By February 5, 2002, the tax commissioner shall estimate 72065
the amount of money in the local government property tax 72066
replacement fund in excess of the amount necessary to make 72067
payments in that month under division (C) of this section. 72068
Notwithstanding division (A) of this section, the tax commissioner 72069
may pay any local taxing unit, from those excess funds, nine and 72070
four-tenths times the amount computed for 2002 under division 72071
(A)(1) of this section. A payment made under this division shall 72072
be in lieu of the payment to be made in February 2002 under 72073
division (A)(1) of this section. A local taxing unit receiving a 72074
payment under this division will no longer be entitled to any 72075
further payments under division (A)(1) of this section. A payment 72076
made under this division shall be paid from the local government 72077
property tax replacement fund to the county undivided income tax 72078
fund in the proper county treasury. The county treasurer shall 72079
distribute the payment to the proper local taxing unit as if it 72080
had been levied and collected as taxes, and the local taxing unit 72081
shall apportion the amounts so received among its funds in the 72082
same proportions as if those amounts had been levied and collected 72083
as taxes. 72084

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 through January 2011, if the amount credited to the local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the tax commissioner shall distribute the excess to each county as follows:

(a) One-half shall be distributed to each county in proportion to each county's population.

(b) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state.

(2) The amounts distributed to each county under division (E) of this section shall be distributed by the county auditor to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. If the amount that the county auditor determines to be distributed to a local taxing unit is less than five dollars, that amount shall not be distributed, and the amount not distributed shall remain credited to the county undivided income tax fund. At the time of the next distribution under division (E)(2) of this section, any amount that had not been distributed in the prior distribution shall be added to the amount available for the next distribution prior to calculation of the amount to be distributed. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county.

After January 2011, any amount that exceeds the amount needed to be distributed from the fund under division (A) of this section

in the following month shall be transferred to the general revenue fund. 72117
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(F) If the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill 95 of the 125th general assembly. 72119
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(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made. 72130
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Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 72140
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(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code; 72144
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(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code; 72146
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(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	72148 72149
(4) The nonrefundable job retention credit under division (B) (1) of section 122.171 of the Revised Code;	72150 72151
(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	72152 72153 72154
(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.	72155 72156
(7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u>	72157 72158 72159 72160 72161
(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	72162 72163
(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	72164 72165 72166 72167
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	72168 72169 72170 72171 72172 72173 72174 72175
Sec. 5733.0610. (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or	72176 72177

former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter in the order required under section 5733.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax year. The refundable credit shall not be claimed for any tax years following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable corporation franchise tax credit granted by the tax credit authority under division (B)(~~1~~) of section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5733.98 of the Revised Code.

Sec. 5735.40. (A) As used in this section:

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

(2) "Political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(B) Except as provided in division (B)(6) of section 5739.02 of the Revised Code when levying the tax imposed by that section in conjunction with sections 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, or as provided in section 5739.101 of the Revised Code, no political subdivision shall levy or collect any excise, license, privilege, or occupational tax on alternative fuel or on the buying, selling, handling, or consuming of alternative fuel.

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 72209
credit authority under section 122.17 or former division (B)(2) or 72210
(3) of section 122.171 of the Revised Code, as those divisions 72211
existed before the effective date of the amendment of this section 72212
by H.B. 64 of the 131st general assembly, may claim a refundable 72213
credit against the tax imposed under this chapter. For the purpose 72214
of making tax payments under this chapter, taxes equal to the 72215
amount of the refundable credit shall be considered to be paid on 72216
the first day of the tax period. 72217

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 72218
tax credit authority under division (B)(~~1~~) of section 122.171 of 72219
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 72220
against the tax imposed under this chapter. 72221

(C) Credits authorized in division (A) or (B) of this section 72222
shall not be claimed for any tax period beginning after the date 72223
on which a relocation of employment positions occurs in violation 72224
of an agreement entered into under section 122.17 or 122.171 of 72225
the Revised Code. 72226

(D) A taxpayer may claim any unused portion of the credit 72227
authorized under division (B) of section 5751.50 of the Revised 72228
Code against the tax imposed under this chapter. No credit shall 72229
be allowed under this division if the credit was available against 72230
the tax imposed under section 5751.02 of the Revised Code except 72231
to the extent the credit was not applied against that tax. 72232

(E) The amount of a credit claimed under division (B) or (D) 72233
of this section shall not exceed the tax otherwise due for the tax 72234
period. If the credit allowed under division (B) or (D) of this 72235
section exceeds the tax otherwise due, the excess may be carried 72236
forward to the extent authorized by section 122.171 of the Revised 72237
Code. 72238

If a taxpayer is authorized to claim credits under division 72239

(A) and either or both of divisions (B) and (D) of this section 72240
for the same tax period, the taxpayer shall claim the credit 72241
allowed under division (B) or (D) before the credit allowed under 72242
division (A) of this section. 72243

Sec. 5736.51. (A) As used in this section: 72244

(1) "Blend stocks" means blend stocks or additives that are 72245
sold for blending with motor fuel. 72246

(2) "Blended motor fuel" means motor fuel incorporating one 72247
or more blend stocks. 72248

(B) A taxpayer may claim a nonrefundable credit against the 72249
tax imposed under section 5736.02 of the Revised Code equal to 72250
taxes imposed under that section for which another supplier is 72251
liable on the basis of calculated gross receipts from that 72252
supplier's sale of blend stocks to the taxpayer on or after July 72253
1, 2015. The credit is available only on the basis of those blend 72254
stocks the taxpayer incorporates into blended motor fuel, the sale 72255
of which is subject to the tax imposed under that section. 72256

Sec. 5739.01. As used in this chapter: 72257

(A) "Person" includes individuals, receivers, assignees, 72258
trustees in bankruptcy, estates, firms, partnerships, 72259
associations, joint-stock companies, joint ventures, clubs, 72260
societies, corporations, the state and its political subdivisions, 72261
and combinations of individuals of any form. 72262

(B) "Sale" and "selling" include all of the following 72263
transactions for a consideration in any manner, whether absolutely 72264
or conditionally, whether for a price or rental, in money or by 72265
exchange, and by any means whatsoever: 72266

(1) All transactions by which title or possession, or both, 72267
of tangible personal property, is or is to be transferred, or a 72268

license to use or consume tangible personal property is or is to	72269
be granted;	72270
(2) All transactions by which lodging by a hotel is or is to	72271
be furnished to transient guests;	72272
(3) All transactions by which:	72273
(a) An item of tangible personal property is or is to be	72274
repaired, except property, the purchase of which would not be	72275
subject to the tax imposed by section 5739.02 of the Revised Code;	72276
(b) An item of tangible personal property is or is to be	72277
installed, except property, the purchase of which would not be	72278
subject to the tax imposed by section 5739.02 of the Revised Code	72279
or property that is or is to be incorporated into and will become	72280
a part of a production, transmission, transportation, or	72281
distribution system for the delivery of a public utility service;	72282
(c) The service of washing, cleaning, waxing, polishing, or	72283
painting a motor vehicle is or is to be furnished;	72284
(d) Until August 1, 2003, industrial laundry cleaning	72285
services are or are to be provided and, on and after August 1,	72286
2003, laundry and dry cleaning services are or are to be provided;	72287
(e) Automatic data processing, computer services, or	72288
electronic information services are or are to be provided for use	72289
in business when the true object of the transaction is the receipt	72290
by the consumer of automatic data processing, computer services,	72291
or electronic information services rather than the receipt of	72292
personal or professional services to which automatic data	72293
processing, computer services, or electronic information services	72294
are incidental or supplemental. Notwithstanding any other	72295
provision of this chapter, such transactions that occur between	72296
members of an affiliated group are not sales. An "affiliated	72297
group" means two or more persons related in such a way that one	72298
person owns or controls the business operation of another member	72299

of the group. In the case of corporations with stock, one 72300
corporation owns or controls another if it owns more than fifty 72301
per cent of the other corporation's common stock with voting 72302
rights. 72303

(f) Telecommunications service, including prepaid calling 72304
service, prepaid wireless calling service, or ancillary service, 72305
is or is to be provided, but not including coin-operated telephone 72306
service; 72307

(g) Landscaping and lawn care service is or is to be 72308
provided; 72309

(h) Private investigation and security service is or is to be 72310
provided; 72311

(i) Information services or tangible personal property is 72312
provided or ordered by means of a nine hundred telephone call; 72313

(j) Building maintenance and janitorial service is or is to 72314
be provided; 72315

(k) Employment service is or is to be provided; 72316

(l) Employment placement service is or is to be provided; 72317

(m) Exterminating service is or is to be provided; 72318

(n) Physical fitness facility service is or is to be 72319
provided; 72320

(o) Recreation and sports club service is or is to be 72321
provided; 72322

(p) On and after August 1, 2003, satellite broadcasting 72323
service is or is to be provided; 72324

(q) On and after August 1, 2003, personal care service is or 72325
is to be provided to an individual. As used in this division, 72326
"personal care service" includes skin care, the application of 72327
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 72328

piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal

property for a consideration for consumers who furnish either 72360
directly or indirectly the materials used in the production of 72361
fabrication work; and include the furnishing, preparing, or 72362
serving for a consideration of any tangible personal property 72363
consumed on the premises of the person furnishing, preparing, or 72364
serving such tangible personal property. Except as provided in 72365
section 5739.03 of the Revised Code, a construction contract 72366
pursuant to which tangible personal property is or is to be 72367
incorporated into a structure or improvement on and becoming a 72368
part of real property is not a sale of such tangible personal 72369
property. The construction contractor is the consumer of such 72370
tangible personal property, provided that the sale and 72371
installation of carpeting, the sale and installation of 72372
agricultural land tile, the sale and erection or installation of 72373
portable grain bins, or the provision of landscaping and lawn care 72374
service and the transfer of property as part of such service is 72375
never a construction contract. 72376

As used in division (B)(5) of this section: 72377

(a) "Agricultural land tile" means fired clay or concrete 72378
tile, or flexible or rigid perforated plastic pipe or tubing, 72379
incorporated or to be incorporated into a subsurface drainage 72380
system appurtenant to land used or to be used primarily in 72381
production by farming, agriculture, horticulture, or floriculture. 72382
The term does not include such materials when they are or are to 72383
be incorporated into a drainage system appurtenant to a building 72384
or structure even if the building or structure is used or to be 72385
used in such production. 72386

(b) "Portable grain bin" means a structure that is used or to 72387
be used by a person engaged in farming or agriculture to shelter 72388
the person's grain and that is designed to be disassembled without 72389
significant damage to its component parts. 72390

(6) All transactions in which all of the shares of stock of a 72391

closely held corporation are transferred, or an ownership interest 72392
in a pass-through entity, as defined in section 5733.04 of the 72393
Revised Code, is transferred, if the corporation or pass-through 72394
entity is not engaging in business and its entire assets consist 72395
of boats, planes, motor vehicles, or other tangible personal 72396
property operated primarily for the use and enjoyment of the 72397
shareholders or owners; 72398

(7) All transactions in which a warranty, maintenance or 72399
service contract, or similar agreement by which the vendor of the 72400
warranty, contract, or agreement agrees to repair or maintain the 72401
tangible personal property of the consumer is or is to be 72402
provided; 72403

(8) The transfer of copyrighted motion picture films used 72404
solely for advertising purposes, except that the transfer of such 72405
films for exhibition purposes is not a sale; 72406

(9) On and after August 1, 2003, all transactions by which 72407
tangible personal property is or is to be stored, except such 72408
property that the consumer of the storage holds for sale in the 72409
regular course of business; 72410

(10) All transactions in which "guaranteed auto protection" 72411
is provided whereby a person promises to pay to the consumer the 72412
difference between the amount the consumer receives from motor 72413
vehicle insurance and the amount the consumer owes to a person 72414
holding title to or a lien on the consumer's motor vehicle in the 72415
event the consumer's motor vehicle suffers a total loss under the 72416
terms of the motor vehicle insurance policy or is stolen and not 72417
recovered, if the protection and its price are included in the 72418
purchase or lease agreement; 72419

(11)(a) Except as provided in division (B)(11)(b) of this 72420
section, on and after October 1, 2009, all transactions by which 72421
health care services are paid for, reimbursed, provided, 72422

delivered, arranged for, or otherwise made available by a medicaid 72423
health insuring corporation pursuant to the corporation's contract 72424
with the state. 72425

(b) If the centers for medicare and medicaid services of the 72426
United States department of health and human services determines 72427
that the taxation of transactions described in division (B)(11)(a) 72428
of this section constitutes an impermissible health care-related 72429
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 72430
1396b(w), and regulations adopted thereunder, the medicaid 72431
director shall notify the tax commissioner of that determination. 72432
Beginning with the first day of the month following that 72433
notification, the transactions described in division (B)(11)(a) of 72434
this section are not sales for the purposes of this chapter or 72435
Chapter 5741. of the Revised Code. The tax commissioner shall 72436
order that the collection of taxes under sections 5739.02, 72437
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 72438
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code shall 72439
cease for transactions occurring on or after that date. 72440

(12) All transactions by which a specified digital product is 72441
provided for permanent use or less than permanent use, regardless 72442
of whether continued payment is required. 72443

Except as provided in this section, "sale" and "selling" do 72444
not include transfers of interest in leased property where the 72445
original lessee and the terms of the original lease agreement 72446
remain unchanged, or professional, insurance, or personal service 72447
transactions that involve the transfer of tangible personal 72448
property as an inconsequential element, for which no separate 72449
charges are made. 72450

(C) "Vendor" means the person providing the service or by 72451
whom the transfer effected or license given by a sale is or is to 72452
be made or given and, for sales described in division (B)(3)(i) of 72453
this section, the telecommunications service vendor that provides 72454

the nine hundred telephone service; if two or more persons are 72455
engaged in business at the same place of business under a single 72456
trade name in which all collections on account of sales by each 72457
are made, such persons shall constitute a single vendor. 72458

Physicians, dentists, hospitals, and veterinarians who are 72459
engaged in selling tangible personal property as received from 72460
others, such as eyeglasses, mouthwashes, dentifrices, or similar 72461
articles, are vendors. Veterinarians who are engaged in 72462
transferring to others for a consideration drugs, the dispensing 72463
of which does not require an order of a licensed veterinarian or 72464
physician under federal law, are vendors. 72465

(D)(1) "Consumer" means the person for whom the service is 72466
provided, to whom the transfer effected or license given by a sale 72467
is or is to be made or given, to whom the service described in 72468
division (B)(3)(f) or (i) of this section is charged, or to whom 72469
the admission is granted. 72470

(2) Physicians, dentists, hospitals, and blood banks operated 72471
by nonprofit institutions and persons licensed to practice 72472
veterinary medicine, surgery, and dentistry are consumers of all 72473
tangible personal property and services purchased by them in 72474
connection with the practice of medicine, dentistry, the rendition 72475
of hospital or blood bank service, or the practice of veterinary 72476
medicine, surgery, and dentistry. In addition to being consumers 72477
of drugs administered by them or by their assistants according to 72478
their direction, veterinarians also are consumers of drugs that 72479
under federal law may be dispensed only by or upon the order of a 72480
licensed veterinarian or physician, when transferred by them to 72481
others for a consideration to provide treatment to animals as 72482
directed by the veterinarian. 72483

(3) A person who performs a facility management, or similar 72484
service contract for a contractee is a consumer of all tangible 72485
personal property and services purchased for use in connection 72486

with the performance of such contract, regardless of whether title 72487
to any such property vests in the contractee. The purchase of such 72488
property and services is not subject to the exception for resale 72489
under division (E)(1) of this section. 72490

(4)(a) In the case of a person who purchases printed matter 72491
for the purpose of distributing it or having it distributed to the 72492
public or to a designated segment of the public, free of charge, 72493
that person is the consumer of that printed matter, and the 72494
purchase of that printed matter for that purpose is a sale. 72495

(b) In the case of a person who produces, rather than 72496
purchases, printed matter for the purpose of distributing it or 72497
having it distributed to the public or to a designated segment of 72498
the public, free of charge, that person is the consumer of all 72499
tangible personal property and services purchased for use or 72500
consumption in the production of that printed matter. That person 72501
is not entitled to claim exemption under division (B)(42)(f) of 72502
section 5739.02 of the Revised Code for any material incorporated 72503
into the printed matter or any equipment, supplies, or services 72504
primarily used to produce the printed matter. 72505

(c) The distribution of printed matter to the public or to a 72506
designated segment of the public, free of charge, is not a sale to 72507
the members of the public to whom the printed matter is 72508
distributed or to any persons who purchase space in the printed 72509
matter for advertising or other purposes. 72510

(5) A person who makes sales of any of the services listed in 72511
division (B)(3) of this section is the consumer of any tangible 72512
personal property used in performing the service. The purchase of 72513
that property is not subject to the resale exception under 72514
division (E)(1) of this section. 72515

(6) A person who engages in highway transportation for hire 72516
is the consumer of all packaging materials purchased by that 72517

person and used in performing the service, except for packaging 72518
materials sold by such person in a transaction separate from the 72519
service. 72520

(7) In the case of a transaction for health care services 72521
under division (B)(11) of this section, a medicaid health insuring 72522
corporation is the consumer of such services. The purchase of such 72523
services by a medicaid health insuring corporation is not subject 72524
to the exception for resale under division (E)(1) of this section 72525
or to the exemptions provided under divisions (B)(12), (18), (19), 72526
and (22) of section 5739.02 of the Revised Code. 72527

(E) "Retail sale" and "sales at retail" include all sales, 72528
except those in which the purpose of the consumer is to resell the 72529
thing transferred or benefit of the service provided, by a person 72530
engaging in business, in the form in which the same is, or is to 72531
be, received by the person. 72532

(F) "Business" includes any activity engaged in by any person 72533
with the object of gain, benefit, or advantage, either direct or 72534
indirect. "Business" does not include the activity of a person in 72535
managing and investing the person's own funds. 72536

(G) "Engaging in business" means commencing, conducting, or 72537
continuing in business, and liquidating a business when the 72538
liquidator thereof holds itself out to the public as conducting 72539
such business. Making a casual sale is not engaging in business. 72540

(H)(1)(a) "Price," except as provided in divisions (H)(2), 72541
(3), and (4) of this section, means the total amount of 72542
consideration, including cash, credit, property, and services, for 72543
which tangible personal property or services are sold, leased, or 72544
rented, valued in money, whether received in money or otherwise, 72545
without any deduction for any of the following: 72546

(i) The vendor's cost of the property sold; 72547

(ii) The cost of materials used, labor or service costs, 72548

interest, losses, all costs of transportation to the vendor, all 72549
taxes imposed on the vendor, including the tax imposed under 72550
Chapter 5751. of the Revised Code, and any other expense of the 72551
vendor; 72552

(iii) Charges by the vendor for any services necessary to 72553
complete the sale; 72554

(iv) On and after August 1, 2003, delivery charges. As used 72555
in this division, "delivery charges" means charges by the vendor 72556
for preparation and delivery to a location designated by the 72557
consumer of tangible personal property or a service, including 72558
transportation, shipping, postage, handling, crating, and packing. 72559

(v) Installation charges; 72560

(vi) Credit for any trade-in. 72561

(b) "Price" includes consideration received by the vendor 72562
from a third party, if the vendor actually receives the 72563
consideration from a party other than the consumer, and the 72564
consideration is directly related to a price reduction or discount 72565
on the sale; the vendor has an obligation to pass the price 72566
reduction or discount through to the consumer; the amount of the 72567
consideration attributable to the sale is fixed and determinable 72568
by the vendor at the time of the sale of the item to the consumer; 72569
and one of the following criteria is met: 72570

(i) The consumer presents a coupon, certificate, or other 72571
document to the vendor to claim a price reduction or discount 72572
where the coupon, certificate, or document is authorized, 72573
distributed, or granted by a third party with the understanding 72574
that the third party will reimburse any vendor to whom the coupon, 72575
certificate, or document is presented; 72576

(ii) The consumer identifies the consumer's self to the 72577
seller as a member of a group or organization entitled to a price 72578
reduction or discount. A preferred customer card that is available 72579

to any patron does not constitute membership in such a group or organization. 72580
72581

(iii) The price reduction or discount is identified as a 72582
third party price reduction or discount on the invoice received by 72583
the consumer, or on a coupon, certificate, or other document 72584
presented by the consumer. 72585

(c) "Price" does not include any of the following: 72586

(i) Discounts, including cash, term, or coupons that are not 72587
reimbursed by a third party that are allowed by a vendor and taken 72588
by a consumer on a sale; 72589

(ii) Interest, financing, and carrying charges from credit 72590
extended on the sale of tangible personal property or services, if 72591
the amount is separately stated on the invoice, bill of sale, or 72592
similar document given to the purchaser; 72593

(iii) Any taxes legally imposed directly on the consumer that 72594
are separately stated on the invoice, bill of sale, or similar 72595
document given to the consumer. For the purpose of this division, 72596
the tax imposed under Chapter 5751. of the Revised Code is not a 72597
tax directly on the consumer, even if the tax or a portion thereof 72598
is separately stated. 72599

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 72600
section, any discount allowed by an automobile manufacturer to its 72601
employee, or to the employee of a supplier, on the purchase of a 72602
new motor vehicle from a new motor vehicle dealer in this state. 72603

(v) The dollar value of a gift card that is not sold by a 72604
vendor or purchased by a consumer and that is redeemed by the 72605
consumer in purchasing tangible personal property or services if 72606
the vendor is not reimbursed and does not receive compensation 72607
from a third party to cover all or part of the gift card value. 72608
For the purposes of this division, a gift card is not sold by a 72609
vendor or purchased by a consumer if it is distributed pursuant to 72610

an awards, loyalty, or promotional program. Past and present 72611
purchases of tangible personal property or services by the 72612
consumer shall not be treated as consideration exchanged for a 72613
gift card. 72614

(2) In the case of a sale of any new motor vehicle by a new 72615
motor vehicle dealer, as defined in section 4517.01 of the Revised 72616
Code, in which another motor vehicle is accepted by the dealer as 72617
part of the consideration received, "price" has the same meaning 72618
as in division (H)(1) of this section, reduced by the credit 72619
afforded the consumer by the dealer for the motor vehicle received 72620
in trade. 72621

(3) In the case of a sale of any watercraft or outboard motor 72622
by a watercraft dealer licensed in accordance with section 72623
1547.543 of the Revised Code, in which another watercraft, 72624
watercraft and trailer, or outboard motor is accepted by the 72625
dealer as part of the consideration received, "price" has the same 72626
meaning as in division (H)(1) of this section, reduced by the 72627
credit afforded the consumer by the dealer for the watercraft, 72628
watercraft and trailer, or outboard motor received in trade. As 72629
used in this division, "watercraft" includes an outdrive unit 72630
attached to the watercraft. 72631

(4) In the case of transactions for health care services 72632
under division (B)(11) of this section, "price" means the amount 72633
of managed care premiums received each month by a medicaid health 72634
insuring corporation. 72635

(I) "Receipts" means the total amount of the prices of the 72636
sales of vendors, provided that the dollar value of gift cards 72637
distributed pursuant to an awards, loyalty, or promotional 72638
program, and cash discounts allowed and taken on sales at the time 72639
they are consummated are not included, minus any amount deducted 72640
as a bad debt pursuant to section 5739.121 of the Revised Code. 72641
"Receipts" does not include the sale price of property returned or 72642

services rejected by consumers when the full sale price and tax 72643
are refunded either in cash or by credit. 72644

(J) "Place of business" means any location at which a person 72645
engages in business. 72646

(K) "Premises" includes any real property or portion thereof 72647
upon which any person engages in selling tangible personal 72648
property at retail or making retail sales and also includes any 72649
real property or portion thereof designated for, or devoted to, 72650
use in conjunction with the business engaged in by such person. 72651

(L) "Casual sale" means a sale of an item of tangible 72652
personal property that was obtained by the person making the sale, 72653
through purchase or otherwise, for the person's own use and was 72654
previously subject to any state's taxing jurisdiction on its sale 72655
or use, and includes such items acquired for the seller's use that 72656
are sold by an auctioneer employed directly by the person for such 72657
purpose, provided the location of such sales is not the 72658
auctioneer's permanent place of business. As used in this 72659
division, "permanent place of business" includes any location 72660
where such auctioneer has conducted more than two auctions during 72661
the year. 72662

(M) "Hotel" means every establishment kept, used, maintained, 72663
advertised, or held out to the public to be a place where sleeping 72664
accommodations are offered to guests, in which five or more rooms 72665
are used for the accommodation of such guests, whether the rooms 72666
are in one or several structures, except as otherwise provided in 72667
division (G) of section 5739.09 of the Revised Code. 72668

(N) "Transient guests" means persons occupying a room or 72669
rooms for sleeping accommodations for less than thirty consecutive 72670
days. 72671

(O) "Making retail sales" means the effecting of transactions 72672
wherein one party is obligated to pay the price and the other 72673

party is obligated to provide a service or to transfer title to or 72674
possession of the item sold. "Making retail sales" does not 72675
include the preliminary acts of promoting or soliciting the retail 72676
sales, other than the distribution of printed matter which 72677
displays or describes and prices the item offered for sale, nor 72678
does it include delivery of a predetermined quantity of tangible 72679
personal property or transportation of property or personnel to or 72680
from a place where a service is performed. 72681

(P) "Used directly in the rendition of a public utility 72682
service" means that property that is to be incorporated into and 72683
will become a part of the consumer's production, transmission, 72684
transportation, or distribution system and that retains its 72685
classification as tangible personal property after such 72686
incorporation; fuel or power used in the production, transmission, 72687
transportation, or distribution system; and tangible personal 72688
property used in the repair and maintenance of the production, 72689
transmission, transportation, or distribution system, including 72690
only such motor vehicles as are specially designed and equipped 72691
for such use. Tangible personal property and services used 72692
primarily in providing highway transportation for hire are not 72693
used directly in the rendition of a public utility service. In 72694
this definition, "public utility" includes a citizen of the United 72695
States holding, and required to hold, a certificate of public 72696
convenience and necessity issued under 49 U.S.C. 41102. 72697

(Q) "Refining" means removing or separating a desirable 72698
product from raw or contaminated materials by distillation or 72699
physical, mechanical, or chemical processes. 72700

(R) "Assembly" and "assembling" mean attaching or fitting 72701
together parts to form a product, but do not include packaging a 72702
product. 72703

(S) "Manufacturing operation" means a process in which 72704
materials are changed, converted, or transformed into a different 72705

state or form from which they previously existed and includes 72706
refining materials, assembling parts, and preparing raw materials 72707
and parts by mixing, measuring, blending, or otherwise committing 72708
such materials or parts to the manufacturing process. 72709
"Manufacturing operation" does not include packaging. 72710

(T) "Fiscal officer" means, with respect to a regional 72711
transit authority, the secretary-treasurer thereof, and with 72712
respect to a county that is a transit authority, the fiscal 72713
officer of the county transit board if one is appointed pursuant 72714
to section 306.03 of the Revised Code or the county auditor if the 72715
board of county commissioners operates the county transit system. 72716
"Fiscal officer," with respect to a municipal corporation or 72717
township, has the same meaning as in section 5705.01 of the 72718
Revised Code. 72719

(U) "Transit authority" means a regional transit authority 72720
created pursuant to section 306.31 of the Revised Code or a county 72721
in which a county transit system is created pursuant to section 72722
306.01 of the Revised Code. For the purposes of this chapter, a 72723
transit authority must extend to at least the entire area of a 72724
single county. A transit authority that includes territory in more 72725
than one county must include all the area of the most populous 72726
county that is a part of such transit authority. County population 72727
shall be measured by the most recent census taken by the United 72728
States census bureau. 72729

(V) "Legislative authority" means, with respect to a regional 72730
transit authority, the board of trustees thereof, ~~and~~ with respect 72731
to a county that is a transit authority, the board of county 72732
commissioners, with respect to a township, the board of township 72733
trustees, and, with respect to a municipal corporation, the 72734
legislative authority of the municipal corporation. 72735

(W) "Territory of the transit authority" means all of the 72736
area included within the territorial boundaries of a transit 72737

authority as they from time to time exist. Such territorial 72738
boundaries must at all times include all the area of a single 72739
county or all the area of the most populous county that is a part 72740
of such transit authority. County population shall be measured by 72741
the most recent census taken by the United States census bureau. 72742

(X) "Providing a service" means providing or furnishing 72743
anything described in division (B)(3) of this section for 72744
consideration. 72745

(Y)(1)(a) "Automatic data processing" means processing of 72746
others' data, including keypunching or similar data entry services 72747
together with verification thereof, or providing access to 72748
computer equipment for the purpose of processing data. 72749

(b) "Computer services" means providing services consisting 72750
of specifying computer hardware configurations and evaluating 72751
technical processing characteristics, computer programming, and 72752
training of computer programmers and operators, provided in 72753
conjunction with and to support the sale, lease, or operation of 72754
taxable computer equipment or systems. 72755

(c) "Electronic information services" means providing access 72756
to computer equipment by means of telecommunications equipment for 72757
the purpose of either of the following: 72758

(i) Examining or acquiring data stored in or accessible to 72759
the computer equipment; 72760

(ii) Placing data into the computer equipment to be retrieved 72761
by designated recipients with access to the computer equipment. 72762

For transactions occurring on or after the effective date of 72763
the amendment of this section by H.B. 157 of the 127th general 72764
assembly, December 21, 2007, "electronic information services" 72765
does not include electronic publishing as defined in division 72766
(LLL) of this section. 72767

(d) "Automatic data processing, computer services, or
electronic information services" shall not include personal or
professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this
section, "personal and professional services" means all services
other than automatic data processing, computer services, or
electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax
matters, asset management, budgetary matters, quality control,
information security, and auditing and any other situation where
the service provider receives data or information and studies,
alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical
analysis of existing or potential computer hardware or software
needs and alternatives;

(e) Designing policies, procedures, and custom software for
collecting business information, and determining how data should
be summarized, sequenced, formatted, processed, controlled, and
reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how
business events and transactions are to be authorized, executed,
and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information
by a consumer reporting agency, as defined in the "Fair Credit
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or
as hereafter amended, including but not limited to gathering,

organizing, analyzing, recording, and furnishing such information 72798
by any oral, written, graphic, or electronic medium; 72799

(j) Providing debt collection services by any oral, written, 72800
graphic, or electronic means. 72801

The services listed in divisions (Y)(2)(a) to (j) of this 72802
section are not automatic data processing or computer services. 72803

(Z) "Highway transportation for hire" means the 72804
transportation of personal property belonging to others for 72805
consideration by any of the following: 72806

(1) The holder of a permit or certificate issued by this 72807
state or the United States authorizing the holder to engage in 72808
transportation of personal property belonging to others for 72809
consideration over or on highways, roadways, streets, or any 72810
similar public thoroughfare; 72811

(2) A person who engages in the transportation of personal 72812
property belonging to others for consideration over or on 72813
highways, roadways, streets, or any similar public thoroughfare 72814
but who could not have engaged in such transportation on December 72815
11, 1985, unless the person was the holder of a permit or 72816
certificate of the types described in division (Z)(1) of this 72817
section; 72818

(3) A person who leases a motor vehicle to and operates it 72819
for a person described by division (Z)(1) or (2) of this section. 72820

(AA)(1) "Telecommunications service" means the electronic 72821
transmission, conveyance, or routing of voice, data, audio, video, 72822
or any other information or signals to a point, or between or 72823
among points. "Telecommunications service" includes such 72824
transmission, conveyance, or routing in which computer processing 72825
applications are used to act on the form, code, or protocol of the 72826
content for purposes of transmission, conveyance, or routing 72827
without regard to whether the service is referred to as voice-over 72828

internet protocol service or is classified by the federal 72829
communications commission as enhanced or value-added. 72830
"Telecommunications service" does not include any of the 72831
following: 72832

(a) Data processing and information services that allow data 72833
to be generated, acquired, stored, processed, or retrieved and 72834
delivered by an electronic transmission to a consumer where the 72835
consumer's primary purpose for the underlying transaction is the 72836
processed data or information; 72837

(b) Installation or maintenance of wiring or equipment on a 72838
customer's premises; 72839

(c) Tangible personal property; 72840

(d) Advertising, including directory advertising; 72841

(e) Billing and collection services provided to third 72842
parties; 72843

(f) Internet access service; 72844

(g) Radio and television audio and video programming 72845
services, regardless of the medium, including the furnishing of 72846
transmission, conveyance, and routing of such services by the 72847
programming service provider. Radio and television audio and video 72848
programming services include, but are not limited to, cable 72849
service, as defined in 47 U.S.C. 522(6), and audio and video 72850
programming services delivered by commercial mobile radio service 72851
providers, as defined in 47 C.F.R. 20.3; 72852

(h) Ancillary service; 72853

(i) Digital products delivered electronically, including 72854
software, music, video, reading materials, or ring tones. 72855

(2) "Ancillary service" means a service that is associated 72856
with or incidental to the provision of telecommunications service, 72857
including conference bridging service, detailed telecommunications 72858

billing service, directory assistance, vertical service, and voice 72859
mail service. As used in this division: 72860

(a) "Conference bridging service" means an ancillary service 72861
that links two or more participants of an audio or video 72862
conference call, including providing a telephone number. 72863
"Conference bridging service" does not include telecommunications 72864
services used to reach the conference bridge. 72865

(b) "Detailed telecommunications billing service" means an 72866
ancillary service of separately stating information pertaining to 72867
individual calls on a customer's billing statement. 72868

(c) "Directory assistance" means an ancillary service of 72869
providing telephone number or address information. 72870

(d) "Vertical service" means an ancillary service that is 72871
offered in connection with one or more telecommunications 72872
services, which offers advanced calling features that allow 72873
customers to identify callers and manage multiple calls and call 72874
connections, including conference bridging service. 72875

(e) "Voice mail service" means an ancillary service that 72876
enables the customer to store, send, or receive recorded messages. 72877
"Voice mail service" does not include any vertical services that 72878
the customer may be required to have in order to utilize the voice 72879
mail service. 72880

(3) "900 service" means an inbound toll telecommunications 72881
service purchased by a subscriber that allows the subscriber's 72882
customers to call in to the subscriber's prerecorded announcement 72883
or live service, and which is typically marketed under the name 72884
"900 service" and any subsequent numbers designated by the federal 72885
communications commission. "900 service" does not include the 72886
charge for collection services provided by the seller of the 72887
telecommunications service to the subscriber, or services or 72888
products sold by the subscriber to the subscriber's customer. 72889

(4) "Prepaid calling service" means the right to access 72890
exclusively telecommunications services, which must be paid for in 72891
advance and which enables the origination of calls using an access 72892
number or authorization code, whether manually or electronically 72893
dialed, and that is sold in predetermined units or dollars of 72894
which the number declines with use in a known amount. 72895

(5) "Prepaid wireless calling service" means a 72896
telecommunications service that provides the right to utilize 72897
mobile telecommunications service as well as other 72898
non-telecommunications services, including the download of digital 72899
products delivered electronically, and content and ancillary 72900
services, that must be paid for in advance and that is sold in 72901
predetermined units or dollars of which the number declines with 72902
use in a known amount. 72903

(6) "Value-added non-voice data service" means a 72904
telecommunications service in which computer processing 72905
applications are used to act on the form, content, code, or 72906
protocol of the information or data primarily for a purpose other 72907
than transmission, conveyance, or routing. 72908

(7) "Coin-operated telephone service" means a 72909
telecommunications service paid for by inserting money into a 72910
telephone accepting direct deposits of money to operate. 72911

(8) "Customer" has the same meaning as in section 5739.034 of 72912
the Revised Code. 72913

(BB) "Laundry and dry cleaning services" means removing soil 72914
or dirt from towels, linens, articles of clothing, or other fabric 72915
items that belong to others and supplying towels, linens, articles 72916
of clothing, or other fabric items. "Laundry and dry cleaning 72917
services" does not include the provision of self-service 72918
facilities for use by consumers to remove soil or dirt from 72919
towels, linens, articles of clothing, or other fabric items. 72920

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, 72953
giving consultation or advice, playing or making a voice or other 72954
recording, making or keeping a record of the number of callers, 72955
and any other service provided to a consumer by means of a nine 72956
hundred telephone call, except when the nine hundred telephone 72957
call is the means by which the consumer makes a contribution to a 72958
recognized charity. 72959

(GG) "Research and development" means designing, creating, or 72960
formulating new or enhanced products, equipment, or manufacturing 72961
processes, and also means conducting scientific or technological 72962
inquiry and experimentation in the physical sciences with the goal 72963
of increasing scientific knowledge which may reveal the bases for 72964
new or enhanced products, equipment, or manufacturing processes. 72965

(HH) "Qualified research and development equipment" means 72966
capitalized tangible personal property, and leased personal 72967
property that would be capitalized if purchased, used by a person 72968
primarily to perform research and development. Tangible personal 72969
property primarily used in testing, as defined in division (A)(4) 72970
of section 5739.011 of the Revised Code, or used for recording or 72971
storing test results, is not qualified research and development 72972
equipment unless such property is primarily used by the consumer 72973
in testing the product, equipment, or manufacturing process being 72974
created, designed, or formulated by the consumer in the research 72975
and development activity or in recording or storing such test 72976
results. 72977

(II) "Building maintenance and janitorial service" means 72978
cleaning the interior or exterior of a building and any tangible 72979
personal property located therein or thereon, including any 72980
services incidental to such cleaning for which no separate charge 72981
is made. However, "building maintenance and janitorial service" 72982
does not include the providing of such service by a person who has 72983
less than five thousand dollars in sales of such service during 72984

the calendar year. 72985

(JJ) "Employment service" means providing or supplying 72986
personnel, on a temporary or long-term basis, to perform work or 72987
labor under the supervision or control of another, when the 72988
personnel so provided or supplied receive their wages, salary, or 72989
other compensation from the provider or supplier of the employment 72990
service or from a third party that provided or supplied the 72991
personnel to the provider or supplier. "Employment service" does 72992
not include: 72993

(1) Acting as a contractor or subcontractor, where the 72994
personnel performing the work are not under the direct control of 72995
the purchaser. 72996

(2) Medical and health care services. 72997

(3) Supplying personnel to a purchaser pursuant to a contract 72998
of at least one year between the service provider and the 72999
purchaser that specifies that each employee covered under the 73000
contract is assigned to the purchaser on a permanent basis. 73001

(4) Transactions between members of an affiliated group, as 73002
defined in division (B)(3)(e) of this section. 73003

(5) Transactions where the personnel so provided or supplied 73004
by a provider or supplier to a purchaser of an employment service 73005
are then provided or supplied by that purchaser to a third party 73006
as an employment service, except "employment service" does include 73007
the transaction between that purchaser and the third party. 73008

(KK) "Employment placement service" means locating or finding 73009
employment for a person or finding or locating an employee to fill 73010
an available position. 73011

(LL) "Exterminating service" means eradicating or attempting 73012
to eradicate vermin infestations from a building or structure, or 73013
the area surrounding a building or structure, and includes 73014

activities to inspect, detect, or prevent vermin infestation of a building or structure. 73015
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 73017
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 73024
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(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production. 73035
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(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling. 73042
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(QQ) "Horticulture" means the growing, cultivation, and 73046
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 73047
and nursery stock. As used in this division, "nursery stock" has 73048
the same meaning as in section 927.51 of the Revised Code. 73049

(RR) "Horticulture structure" means a building or structure 73050
used exclusively for the commercial growing, raising, or 73051
overwintering of horticultural products, and includes the area 73052
used for stocking, storing, and packing horticultural products 73053
when done in conjunction with the production of those products. 73054

(SS) "Newspaper" means an unbound publication bearing a title 73055
or name that is regularly published, at least as frequently as 73056
biweekly, and distributed from a fixed place of business to the 73057
public in a specific geographic area, and that contains a 73058
substantial amount of news matter of international, national, or 73059
local events of interest to the general public. 73060

(TT) "Professional racing team" means a person that employs 73061
at least twenty full-time employees for the purpose of conducting 73062
a motor vehicle racing business for profit. The person must 73063
conduct the business with the purpose of racing one or more motor 73064
racing vehicles in at least ten competitive professional racing 73065
events each year that comprise all or part of a motor racing 73066
series sanctioned by one or more motor racing sanctioning 73067
organizations. A "motor racing vehicle" means a vehicle for which 73068
the chassis, engine, and parts are designed exclusively for motor 73069
racing, and does not include a stock or production model vehicle 73070
that may be modified for use in racing. For the purposes of this 73071
division: 73072

(1) A "competitive professional racing event" is a motor 73073
vehicle racing event sanctioned by one or more motor racing 73074
sanctioning organizations, at which aggregate cash prizes in 73075
excess of eight hundred thousand dollars are awarded to the 73076
competitors. 73077

(2) "Full-time employee" means an individual who is employed 73078
for consideration for thirty-five or more hours a week, or who 73079
renders any other standard of service generally accepted by custom 73080
or specified by contract as full-time employment. 73081

(UU)(1) "Lease" or "rental" means any transfer of the 73082
possession or control of tangible personal property for a fixed or 73083
indefinite term, for consideration. "Lease" or "rental" includes 73084
future options to purchase or extend, and agreements described in 73085
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 73086
the amount of consideration may be increased or decreased by 73087
reference to the amount realized upon the sale or disposition of 73088
the property. "Lease" or "rental" does not include: 73089

(a) A transfer of possession or control of tangible personal 73090
property under a security agreement or a deferred payment plan 73091
that requires the transfer of title upon completion of the 73092
required payments; 73093

(b) A transfer of possession or control of tangible personal 73094
property under an agreement that requires the transfer of title 73095
upon completion of required payments and payment of an option 73096
price that does not exceed the greater of one hundred dollars or 73097
one per cent of the total required payments; 73098

(c) Providing tangible personal property along with an 73099
operator for a fixed or indefinite period of time, if the operator 73100
is necessary for the property to perform as designed. For purposes 73101
of this division, the operator must do more than maintain, 73102
inspect, or set up the tangible personal property. 73103

(2) "Lease" and "rental," as defined in division (UU) of this 73104
section, shall not apply to leases or rentals that exist before 73105
June 26, 2003. 73106

(3) "Lease" and "rental" have the same meaning as in division 73107
(UU)(1) of this section regardless of whether a transaction is 73108

characterized as a lease or rental under generally accepted 73109
accounting principles, the Internal Revenue Code, Title XIII of 73110
the Revised Code, or other federal, state, or local laws. 73111

(VV) "Mobile telecommunications service" has the same meaning 73112
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 73113
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 73114
on and after August 1, 2003, includes related fees and ancillary 73115
services, including universal service fees, detailed billing 73116
service, directory assistance, service initiation, voice mail 73117
service, and vertical services, such as caller ID and three-way 73118
calling. 73119

(WW) "Certified service provider" has the same meaning as in 73120
section 5740.01 of the Revised Code. 73121

(XX) "Satellite broadcasting service" means the distribution 73122
or broadcasting of programming or services by satellite directly 73123
to the subscriber's receiving equipment without the use of ground 73124
receiving or distribution equipment, except the subscriber's 73125
receiving equipment or equipment used in the uplink process to the 73126
satellite, and includes all service and rental charges, premium 73127
channels or other special services, installation and repair 73128
service charges, and any other charges having any connection with 73129
the provision of the satellite broadcasting service. 73130

(YY) "Tangible personal property" means personal property 73131
that can be seen, weighed, measured, felt, or touched, or that is 73132
in any other manner perceptible to the senses. For purposes of 73133
this chapter and Chapter 5741. of the Revised Code, "tangible 73134
personal property" includes motor vehicles, electricity, water, 73135
gas, steam, and prewritten computer software. 73136

(ZZ) "Direct mail" means printed material delivered or 73137
distributed by United States mail or other delivery service to a 73138
mass audience or to addressees on a mailing list provided by the 73139

consumer or at the direction of the consumer when the cost of the 73140
items are not billed directly to the recipients. "Direct mail" 73141
includes tangible personal property supplied directly or 73142
indirectly by the consumer to the direct mail vendor for inclusion 73143
in the package containing the printed material. "Direct mail" does 73144
not include multiple items of printed material delivered to a 73145
single address. 73146

(AAA) "Computer" means an electronic device that accepts 73147
information in digital or similar form and manipulates it for a 73148
result based on a sequence of instructions. 73149

(BBB) "Computer software" means a set of coded instructions 73150
designed to cause a computer or automatic data processing 73151
equipment to perform a task. 73152

(CCC) "Delivered electronically" means delivery of computer 73153
software from the seller to the purchaser by means other than 73154
tangible storage media. 73155

(DDD) "Prewritten computer software" means computer software, 73156
including prewritten upgrades, that is not designed and developed 73157
by the author or other creator to the specifications of a specific 73158
purchaser. The combining of two or more prewritten computer 73159
software programs or prewritten portions thereof does not cause 73160
the combination to be other than prewritten computer software. 73161
"Prewritten computer software" includes software designed and 73162
developed by the author or other creator to the specifications of 73163
a specific purchaser when it is sold to a person other than the 73164
purchaser. If a person modifies or enhances computer software of 73165
which the person is not the author or creator, the person shall be 73166
deemed to be the author or creator only of such person's 73167
modifications or enhancements. Prewritten computer software or a 73168
prewritten portion thereof that is modified or enhanced to any 73169
degree, where such modification or enhancement is designed and 73170
developed to the specifications of a specific purchaser, remains 73171

prewritten computer software; provided, however, that where there 73172
is a reasonable, separately stated charge or an invoice or other 73173
statement of the price given to the purchaser for the modification 73174
or enhancement, the modification or enhancement shall not 73175
constitute prewritten computer software. 73176

(EEE)(1) "Food" means substances, whether in liquid, 73177
concentrated, solid, frozen, dried, or dehydrated form, that are 73178
sold for ingestion or chewing by humans and are consumed for their 73179
taste or nutritional value. "Food" does not include alcoholic 73180
beverages, dietary supplements, soft drinks, or tobacco. 73181

(2) As used in division (EEE)(1) of this section: 73182

(a) "Alcoholic beverages" means beverages that are suitable 73183
for human consumption and contain one-half of one per cent or more 73184
of alcohol by volume. 73185

(b) "Dietary supplements" means any product, other than 73186
tobacco, that is intended to supplement the diet and that is 73187
intended for ingestion in tablet, capsule, powder, softgel, 73188
gelcap, or liquid form, or, if not intended for ingestion in such 73189
a form, is not represented as conventional food for use as a sole 73190
item of a meal or of the diet; that is required to be labeled as a 73191
dietary supplement, identifiable by the "supplement facts" box 73192
found on the label, as required by 21 C.F.R. 101.36; and that 73193
contains one or more of the following dietary ingredients: 73194

(i) A vitamin; 73195

(ii) A mineral; 73196

(iii) An herb or other botanical; 73197

(iv) An amino acid; 73198

(v) A dietary substance for use by humans to supplement the 73199
diet by increasing the total dietary intake; 73200

(vi) A concentrate, metabolite, constituent, extract, or 73201

combination of any ingredient described in divisions 73202
(EEE)(2)(b)(i) to (v) of this section. 73203

(c) "Soft drinks" means nonalcoholic beverages that contain 73204
natural or artificial sweeteners. "Soft drinks" does not include 73205
beverages that contain milk or milk products, soy, rice, or 73206
similar milk substitutes, or that contains greater than fifty per 73207
cent vegetable or fruit juice by volume. 73208

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 73209
tobacco, or any other item that contains tobacco. 73210

(FFF) "Drug" means a compound, substance, or preparation, and 73211
any component of a compound, substance, or preparation, other than 73212
food, dietary supplements, or alcoholic beverages that is 73213
recognized in the official United States pharmacopoeia, official 73214
homeopathic pharmacopoeia of the United States, or official 73215
national formulary, and supplements to them; is intended for use 73216
in the diagnosis, cure, mitigation, treatment, or prevention of 73217
disease; or is intended to affect the structure or any function of 73218
the body. 73219

(GGG) "Prescription" means an order, formula, or recipe 73220
issued in any form of oral, written, electronic, or other means of 73221
transmission by a duly licensed practitioner authorized by the 73222
laws of this state to issue a prescription. 73223

(HHH) "Durable medical equipment" means equipment, including 73224
repair and replacement parts for such equipment, that can 73225
withstand repeated use, is primarily and customarily used to serve 73226
a medical purpose, generally is not useful to a person in the 73227
absence of illness or injury, and is not worn in or on the body. 73228
"Durable medical equipment" does not include mobility enhancing 73229
equipment. 73230

(III) "Mobility enhancing equipment" means equipment, 73231
including repair and replacement parts for such equipment, that is 73232

primarily and customarily used to provide or increase the ability 73233
to move from one place to another and is appropriate for use 73234
either in a home or a motor vehicle, that is not generally used by 73235
persons with normal mobility, and that does not include any motor 73236
vehicle or equipment on a motor vehicle normally provided by a 73237
motor vehicle manufacturer. "Mobility enhancing equipment" does 73238
not include durable medical equipment. 73239

(JJJ) "Prosthetic device" means a replacement, corrective, or 73240
supportive device, including repair and replacement parts for the 73241
device, worn on or in the human body to artificially replace a 73242
missing portion of the body, prevent or correct physical deformity 73243
or malfunction, or support a weak or deformed portion of the body. 73244
As used in this division, "prosthetic device" does not include 73245
corrective eyeglasses, contact lenses, or dental prosthesis. 73246

(KKK)(1) "Fractional aircraft ownership program" means a 73247
program in which persons within an affiliated group sell and 73248
manage fractional ownership program aircraft, provided that at 73249
least one hundred airworthy aircraft are operated in the program 73250
and the program meets all of the following criteria: 73251

(a) Management services are provided by at least one program 73252
manager within an affiliated group on behalf of the fractional 73253
owners. 73254

(b) Each program aircraft is owned or possessed by at least 73255
one fractional owner. 73256

(c) Each fractional owner owns or possesses at least a 73257
one-sixteenth interest in at least one fixed-wing program 73258
aircraft. 73259

(d) A dry-lease aircraft interchange arrangement is in effect 73260
among all of the fractional owners. 73261

(e) Multi-year program agreements are in effect regarding the 73262
fractional ownership, management services, and dry-lease aircraft 73263

interchange arrangement aspects of the program. 73264

(2) As used in division (KKK)(1) of this section: 73265

(a) "Affiliated group" has the same meaning as in division 73266
(B)(3)(e) of this section. 73267

(b) "Fractional owner" means a person that owns or possesses 73268
at least a one-sixteenth interest in a program aircraft and has 73269
entered into the agreements described in division (KKK)(1)(e) of 73270
this section. 73271

(c) "Fractional ownership program aircraft" or "program 73272
aircraft" means a turbojet aircraft that is owned or possessed by 73273
a fractional owner and that has been included in a dry-lease 73274
aircraft interchange arrangement and agreement under divisions 73275
(KKK)(1)(d) and (e) of this section, or an aircraft a program 73276
manager owns or possesses primarily for use in a fractional 73277
aircraft ownership program. 73278

(d) "Management services" means administrative and aviation 73279
support services furnished under a fractional aircraft ownership 73280
program in accordance with a management services agreement under 73281
division (KKK)(1)(e) of this section, and offered by the program 73282
manager to the fractional owners, including, at a minimum, the 73283
establishment and implementation of safety guidelines; the 73284
coordination of the scheduling of the program aircraft and crews; 73285
program aircraft maintenance; program aircraft insurance; crew 73286
training for crews employed, furnished, or contracted by the 73287
program manager or the fractional owner; the satisfaction of 73288
record-keeping requirements; and the development and use of an 73289
operations manual and a maintenance manual for the fractional 73290
aircraft ownership program. 73291

(e) "Program manager" means the person that offers management 73292
services to fractional owners pursuant to a management services 73293
agreement under division (KKK)(1)(e) of this section. 73294

(LLL) "Electronic publishing" means providing access to one 73295
or more of the following primarily for business customers, 73296
including the federal government or a state government or a 73297
political subdivision thereof, to conduct research: news; 73298
business, financial, legal, consumer, or credit materials; 73299
editorials, columns, reader commentary, or features; photos or 73300
images; archival or research material; legal notices, identity 73301
verification, or public records; scientific, educational, 73302
instructional, technical, professional, trade, or other literary 73303
materials; or other similar information which has been gathered 73304
and made available by the provider to the consumer in an 73305
electronic format. Providing electronic publishing includes the 73306
functions necessary for the acquisition, formatting, editing, 73307
storage, and dissemination of data or information that is the 73308
subject of a sale. 73309

(MMM) "Medicaid health insuring corporation" means a health 73310
insuring corporation that holds a certificate of authority under 73311
Chapter 1751. of the Revised Code and is under contract with the 73312
department of job and family services pursuant to section 5111.17 73313
of the Revised Code. 73314

(NNN) "Managed care premium" means any premium, capitation, 73315
or other payment a medicaid health insuring corporation receives 73316
for providing or arranging for the provision of health care 73317
services to its members or enrollees residing in this state. 73318

(OOO) "Captive deer" means deer and other cervidae that have 73319
been legally acquired, or their offspring, that are privately 73320
owned for agricultural or farming purposes. 73321

(PPP) "Gift card" means a document, card, certificate, or 73322
other record, whether tangible or intangible, that may be redeemed 73323
by a consumer for a dollar value when making a purchase of 73324
tangible personal property or services. 73325

(QQQ) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book. 73326
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As used in division (QQQ) of this section: 73329

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any. 73330
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(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication. 73333
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(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book. 73338
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(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media. 73340
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(RRR) "Territory of the tourism development district" means all of the area included within the territorial boundaries of a tourism development district. 73342
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(SSS) "Tourism development district" means a district designated by a municipal corporation or township under section 5739.50 of the Revised Code. 73345
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73347

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the 73348
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expense of administering this chapter, an excise tax is hereby 73356
levied on each retail sale made in this state. 73357

(A)(1) The tax shall be collected as provided in section 73358
5739.025 of the Revised Code. The rate of the tax shall be five 73359
and three-fourths per cent. The tax applies and is collectible 73360
when the sale is made, regardless of the time when the price is 73361
paid or delivered. 73362

(2) In the case of the lease or rental, with a fixed term of 73363
more than thirty days or an indefinite term with a minimum period 73364
of more than thirty days, of any motor vehicles designed by the 73365
manufacturer to carry a load of not more than one ton, watercraft, 73366
outboard motor, or aircraft, or of any tangible personal property, 73367
other than motor vehicles designed by the manufacturer to carry a 73368
load of more than one ton, to be used by the lessee or renter 73369
primarily for business purposes, the tax shall be collected by the 73370
vendor at the time the lease or rental is consummated and shall be 73371
calculated by the vendor on the basis of the total amount to be 73372
paid by the lessee or renter under the lease agreement. If the 73373
total amount of the consideration for the lease or rental includes 73374
amounts that are not calculated at the time the lease or rental is 73375
executed, the tax shall be calculated and collected by the vendor 73376
at the time such amounts are billed to the lessee or renter. In 73377
the case of an open-end lease or rental, the tax shall be 73378
calculated by the vendor on the basis of the total amount to be 73379
paid during the initial fixed term of the lease or rental, and for 73380
each subsequent renewal period as it comes due. As used in this 73381
division, "motor vehicle" has the same meaning as in section 73382
4501.01 of the Revised Code, and "watercraft" includes an outdrive 73383
unit attached to the watercraft. 73384

A lease with a renewal clause and a termination penalty or 73385
similar provision that applies if the renewal clause is not 73386
exercised is presumed to be a sham transaction. In such a case, 73387

the tax shall be calculated and paid on the basis of the entire 73388
length of the lease period, including any renewal periods, until 73389
the termination penalty or similar provision no longer applies. 73390
The taxpayer shall bear the burden, by a preponderance of the 73391
evidence, that the transaction or series of transactions is not a 73392
sham transaction. 73393

(3) Except as provided in division (A)(2) of this section, in 73394
the case of a sale, the price of which consists in whole or in 73395
part of the lease or rental of tangible personal property, the tax 73396
shall be measured by the installments of that lease or rental. 73397

(4) In the case of a sale of a physical fitness facility 73398
service or recreation and sports club service, the price of which 73399
consists in whole or in part of a membership for the receipt of 73400
the benefit of the service, the tax applicable to the sale shall 73401
be measured by the installments thereof. 73402

(B) The tax does not apply to the following: 73403

(1) Sales to the state or any of its political subdivisions, 73404
or to any other state or its political subdivisions if the laws of 73405
that state exempt from taxation sales made to this state and its 73406
political subdivisions; 73407

(2) Sales of food for human consumption off the premises 73408
where sold; 73409

(3) Sales of food sold to students only in a cafeteria, 73410
dormitory, fraternity, or sorority maintained in a private, 73411
public, or parochial school, college, or university; 73412

(4) Sales of newspapers and sales or transfers of magazines 73413
distributed as controlled circulation publications; 73414

(5) The furnishing, preparing, or serving of meals without 73415
charge by an employer to an employee provided the employer records 73416
the meals as part compensation for services performed or work 73417

done; 73418

(6) Sales of motor fuel upon receipt, use, distribution, or 73419
sale of which in this state a tax is imposed by the law of this 73420
state, but this exemption shall not apply to the sale of motor 73421
fuel on which a refund of the tax is allowable under division (A) 73422
of section 5735.14 of the Revised Code; and the tax commissioner 73423
may deduct the amount of tax levied by this section applicable to 73424
the price of motor fuel when granting a refund of motor fuel tax 73425
pursuant to division (A) of section 5735.14 of the Revised Code 73426
and shall cause the amount deducted to be paid into the general 73427
revenue fund of this state; 73428

(7) Sales of natural gas by a natural gas company, of water 73429
by a water-works company, or of steam by a heating company, if in 73430
each case the thing sold is delivered to consumers through pipes 73431
or conduits, and all sales of communications services by a 73432
telegraph company, all terms as defined in section 5727.01 of the 73433
Revised Code, and sales of electricity delivered through wires; 73434

(8) Casual sales by a person, or auctioneer employed directly 73435
by the person to conduct such sales, except as to such sales of 73436
motor vehicles, watercraft or outboard motors required to be 73437
titled under section 1548.06 of the Revised Code, watercraft 73438
documented with the United States coast guard, snowmobiles, and 73439
all-purpose vehicles as defined in section 4519.01 of the Revised 73440
Code; 73441

(9)(a) Sales of services or tangible personal property, other 73442
than motor vehicles, mobile homes, and manufactured homes, by 73443
churches, organizations exempt from taxation under section 73444
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 73445
organizations operated exclusively for charitable purposes as 73446
defined in division (B)(12) of this section, provided that the 73447
number of days on which such tangible personal property or 73448
services, other than items never subject to the tax, are sold does 73449

not exceed six in any calendar year, except as otherwise provided 73450
in division (B)(9)(b) of this section. If the number of days on 73451
which such sales are made exceeds six in any calendar year, the 73452
church or organization shall be considered to be engaged in 73453
business and all subsequent sales by it shall be subject to the 73454
tax. In counting the number of days, all sales by groups within a 73455
church or within an organization shall be considered to be sales 73456
of that church or organization. 73457

(b) The limitation on the number of days on which tax-exempt 73458
sales may be made by a church or organization under division 73459
(B)(9)(a) of this section does not apply to sales made by student 73460
clubs and other groups of students of a primary or secondary 73461
school, or a parent-teacher association, booster group, or similar 73462
organization that raises money to support or fund curricular or 73463
extracurricular activities of a primary or secondary school. 73464

(c) Divisions (B)(9)(a) and (b) of this section do not apply 73465
to sales by a noncommercial educational radio or television 73466
broadcasting station. 73467

(10) Sales not within the taxing power of this state under 73468
the Constitution or laws of the United States or the Constitution 73469
of this state; 73470

(11) Except for transactions that are sales under division 73471
(B)(3)(r) of section 5739.01 of the Revised Code, the 73472
transportation of persons or property, unless the transportation 73473
is by a private investigation and security service; 73474

(12) Sales of tangible personal property or services to 73475
churches, to organizations exempt from taxation under section 73476
501(c)(3) of the Internal Revenue Code of 1986, and to any other 73477
nonprofit organizations operated exclusively for charitable 73478
purposes in this state, no part of the net income of which inures 73479
to the benefit of any private shareholder or individual, and no 73480

substantial part of the activities of which consists of carrying 73481
on propaganda or otherwise attempting to influence legislation; 73482
sales to offices administering one or more homes for the aged or 73483
one or more hospital facilities exempt under section 140.08 of the 73484
Revised Code; and sales to organizations described in division (D) 73485
of section 5709.12 of the Revised Code. 73486

"Charitable purposes" means the relief of poverty; the 73487
improvement of health through the alleviation of illness, disease, 73488
or injury; the operation of an organization exclusively for the 73489
provision of professional, laundry, printing, and purchasing 73490
services to hospitals or charitable institutions; the operation of 73491
a home for the aged, as defined in section 5701.13 of the Revised 73492
Code; the operation of a radio or television broadcasting station 73493
that is licensed by the federal communications commission as a 73494
noncommercial educational radio or television station; the 73495
operation of a nonprofit animal adoption service or a county 73496
humane society; the promotion of education by an institution of 73497
learning that maintains a faculty of qualified instructors, 73498
teaches regular continuous courses of study, and confers a 73499
recognized diploma upon completion of a specific curriculum; the 73500
operation of a parent-teacher association, booster group, or 73501
similar organization primarily engaged in the promotion and 73502
support of the curricular or extracurricular activities of a 73503
primary or secondary school; the operation of a community or area 73504
center in which presentations in music, dramatics, the arts, and 73505
related fields are made in order to foster public interest and 73506
education therein; the production of performances in music, 73507
dramatics, and the arts; or the promotion of education by an 73508
organization engaged in carrying on research in, or the 73509
dissemination of, scientific and technological knowledge and 73510
information primarily for the public. 73511

Nothing in this division shall be deemed to exempt sales to 73512

any organization for use in the operation or carrying on of a 73513
trade or business, or sales to a home for the aged for use in the 73514
operation of independent living facilities as defined in division 73515
(A) of section 5709.12 of the Revised Code. 73516

(13) Building and construction materials and services sold to 73517
construction contractors for incorporation into a structure or 73518
improvement to real property under a construction contract with 73519
this state or a political subdivision of this state, or with the 73520
United States government or any of its agencies; building and 73521
construction materials and services sold to construction 73522
contractors for incorporation into a structure or improvement to 73523
real property that are accepted for ownership by this state or any 73524
of its political subdivisions, or by the United States government 73525
or any of its agencies at the time of completion of the structures 73526
or improvements; building and construction materials sold to 73527
construction contractors for incorporation into a horticulture 73528
structure or livestock structure for a person engaged in the 73529
business of horticulture or producing livestock; building 73530
materials and services sold to a construction contractor for 73531
incorporation into a house of public worship or religious 73532
education, or a building used exclusively for charitable purposes 73533
under a construction contract with an organization whose purpose 73534
is as described in division (B)(12) of this section; building 73535
materials and services sold to a construction contractor for 73536
incorporation into a building under a construction contract with 73537
an organization exempt from taxation under section 501(c)(3) of 73538
the Internal Revenue Code of 1986 when the building is to be used 73539
exclusively for the organization's exempt purposes; building and 73540
construction materials sold for incorporation into the original 73541
construction of a sports facility under section 307.696 of the 73542
Revised Code; building and construction materials and services 73543
sold to a construction contractor for incorporation into real 73544
property outside this state if such materials and services, when 73545

sold to a construction contractor in the state in which the real 73546
property is located for incorporation into real property in that 73547
state, would be exempt from a tax on sales levied by that state; 73548
building and construction materials for incorporation into a 73549
transportation facility pursuant to a public-private agreement 73550
entered into under sections 5501.70 to 5501.83 of the Revised 73551
Code; and, until one calendar year after the construction of a 73552
convention center that qualifies for property tax exemption under 73553
section 5709.084 of the Revised Code is completed, building and 73554
construction materials and services sold to a construction 73555
contractor for incorporation into the real property comprising 73556
that convention center; 73557

(14) Sales of ships or vessels or rail rolling stock used or 73558
to be used principally in interstate or foreign commerce, and 73559
repairs, alterations, fuel, and lubricants for such ships or 73560
vessels or rail rolling stock; 73561

(15) Sales to persons primarily engaged in any of the 73562
activities mentioned in division (B)(42)(a), (g), or (h) of this 73563
section, to persons engaged in making retail sales, or to persons 73564
who purchase for sale from a manufacturer tangible personal 73565
property that was produced by the manufacturer in accordance with 73566
specific designs provided by the purchaser, of packages, including 73567
material, labels, and parts for packages, and of machinery, 73568
equipment, and material for use primarily in packaging tangible 73569
personal property produced for sale, including any machinery, 73570
equipment, and supplies used to make labels or packages, to 73571
prepare packages or products for labeling, or to label packages or 73572
products, by or on the order of the person doing the packaging, or 73573
sold at retail. "Packages" includes bags, baskets, cartons, 73574
crates, boxes, cans, bottles, bindings, wrappings, and other 73575
similar devices and containers, but does not include motor 73576
vehicles or bulk tanks, trailers, or similar devices attached to 73577

motor vehicles. "Packaging" means placing in a package. Division 73578
(B)(15) of this section does not apply to persons engaged in 73579
highway transportation for hire. 73580

(16) Sales of food to persons using supplemental nutrition 73581
assistance program benefits to purchase the food. As used in this 73582
division, "food" has the same meaning as in 7 U.S.C. 2012 and 73583
federal regulations adopted pursuant to the Food and Nutrition Act 73584
of 2008. 73585

(17) Sales to persons engaged in farming, agriculture, 73586
horticulture, or floriculture, of tangible personal property for 73587
use or consumption primarily in the production by farming, 73588
agriculture, horticulture, or floriculture of other tangible 73589
personal property for use or consumption primarily in the 73590
production of tangible personal property for sale by farming, 73591
agriculture, horticulture, or floriculture; or material and parts 73592
for incorporation into any such tangible personal property for use 73593
or consumption in production; and of tangible personal property 73594
for such use or consumption in the conditioning or holding of 73595
products produced by and for such use, consumption, or sale by 73596
persons engaged in farming, agriculture, horticulture, or 73597
floriculture, except where such property is incorporated into real 73598
property; 73599

(18) Sales of drugs for a human being that may be dispensed 73600
only pursuant to a prescription; insulin as recognized in the 73601
official United States pharmacopoeia; urine and blood testing 73602
materials when used by diabetics or persons with hypoglycemia to 73603
test for glucose or acetone; hypodermic syringes and needles when 73604
used by diabetics for insulin injections; epoetin alfa when 73605
purchased for use in the treatment of persons with medical 73606
disease; hospital beds when purchased by hospitals, nursing homes, 73607
or other medical facilities; and medical oxygen and medical 73608
oxygen-dispensing equipment when purchased by hospitals, nursing 73609

homes, or other medical facilities; 73610

(19) Sales of prosthetic devices, durable medical equipment 73611
for home use, or mobility enhancing equipment, when made pursuant 73612
to a prescription and when such devices or equipment are for use 73613
by a human being. 73614

(20) Sales of emergency and fire protection vehicles and 73615
equipment to nonprofit organizations for use solely in providing 73616
fire protection and emergency services, including trauma care and 73617
emergency medical services, for political subdivisions of the 73618
state; 73619

(21) Sales of tangible personal property manufactured in this 73620
state, if sold by the manufacturer in this state to a retailer for 73621
use in the retail business of the retailer outside of this state 73622
and if possession is taken from the manufacturer by the purchaser 73623
within this state for the sole purpose of immediately removing the 73624
same from this state in a vehicle owned by the purchaser; 73625

(22) Sales of services provided by the state or any of its 73626
political subdivisions, agencies, instrumentalities, institutions, 73627
or authorities, or by governmental entities of the state or any of 73628
its political subdivisions, agencies, instrumentalities, 73629
institutions, or authorities; 73630

(23) Sales of motor vehicles to nonresidents of this state 73631
under the circumstances described in division (B) of section 73632
5739.029 of the Revised Code; 73633

(24) Sales to persons engaged in the preparation of eggs for 73634
sale of tangible personal property used or consumed directly in 73635
such preparation, including such tangible personal property used 73636
for cleaning, sanitizing, preserving, grading, sorting, and 73637
classifying by size; packages, including material and parts for 73638
packages, and machinery, equipment, and material for use in 73639
packaging eggs for sale; and handling and transportation equipment 73640

and parts therefor, except motor vehicles licensed to operate on 73641
public highways, used in intraplant or interplant transfers or 73642
shipment of eggs in the process of preparation for sale, when the 73643
plant or plants within or between which such transfers or 73644
shipments occur are operated by the same person. "Packages" 73645
includes containers, cases, baskets, flats, fillers, filler flats, 73646
cartons, closure materials, labels, and labeling materials, and 73647
"packaging" means placing therein. 73648

(25)(a) Sales of water to a consumer for residential use; 73649

(b) Sales of water by a nonprofit corporation engaged 73650
exclusively in the treatment, distribution, and sale of water to 73651
consumers, if such water is delivered to consumers through pipes 73652
or tubing. 73653

(26) Fees charged for inspection or reinspection of motor 73654
vehicles under section 3704.14 of the Revised Code; 73655

(27) Sales to persons licensed to conduct a food service 73656
operation pursuant to section 3717.43 of the Revised Code, of 73657
tangible personal property primarily used directly for the 73658
following: 73659

(a) To prepare food for human consumption for sale; 73660

(b) To preserve food that has been or will be prepared for 73661
human consumption for sale by the food service operator, not 73662
including tangible personal property used to display food for 73663
selection by the consumer; 73664

(c) To clean tangible personal property used to prepare or 73665
serve food for human consumption for sale. 73666

(28) Sales of animals by nonprofit animal adoption services 73667
or county humane societies; 73668

(29) Sales of services to a corporation described in division 73669
(A) of section 5709.72 of the Revised Code, and sales of tangible 73670

personal property that qualifies for exemption from taxation under 73671
section 5709.72 of the Revised Code; 73672

(30) Sales and installation of agricultural land tile, as 73673
defined in division (B)(5)(a) of section 5739.01 of the Revised 73674
Code; 73675

(31) Sales and erection or installation of portable grain 73676
bins, as defined in division (B)(5)(b) of section 5739.01 of the 73677
Revised Code; 73678

(32) The sale, lease, repair, and maintenance of, parts for, 73679
or items attached to or incorporated in, motor vehicles that are 73680
primarily used for transporting tangible personal property 73681
belonging to others by a person engaged in highway transportation 73682
for hire, except for packages and packaging used for the 73683
transportation of tangible personal property; 73684

(33) Sales to the state headquarters of any veterans' 73685
organization in this state that is either incorporated and issued 73686
a charter by the congress of the United States or is recognized by 73687
the United States veterans administration, for use by the 73688
headquarters; 73689

(34) Sales to a telecommunications service vendor, mobile 73690
telecommunications service vendor, or satellite broadcasting 73691
service vendor of tangible personal property and services used 73692
directly and primarily in transmitting, receiving, switching, or 73693
recording any interactive, one- or two-way electromagnetic 73694
communications, including voice, image, data, and information, 73695
through the use of any medium, including, but not limited to, 73696
poles, wires, cables, switching equipment, computers, and record 73697
storage devices and media, and component parts for the tangible 73698
personal property. The exemption provided in this division shall 73699
be in lieu of all other exemptions under division (B)(42)(a) or 73700
(n) of this section to which the vendor may otherwise be entitled, 73701

based upon the use of the thing purchased in providing the 73702
telecommunications, mobile telecommunications, or satellite 73703
broadcasting service. 73704

(35)(a) Sales where the purpose of the consumer is to use or 73705
consume the things transferred in making retail sales and 73706
consisting of newspaper inserts, catalogues, coupons, flyers, gift 73707
certificates, or other advertising material that prices and 73708
describes tangible personal property offered for retail sale. 73709

(b) Sales to direct marketing vendors of preliminary 73710
materials such as photographs, artwork, and typesetting that will 73711
be used in printing advertising material; and of printed matter 73712
that offers free merchandise or chances to win sweepstake prizes 73713
and that is mailed to potential customers with advertising 73714
material described in division (B)(35)(a) of this section; 73715

(c) Sales of equipment such as telephones, computers, 73716
facsimile machines, and similar tangible personal property 73717
primarily used to accept orders for direct marketing retail sales. 73718

(d) Sales of automatic food vending machines that preserve 73719
food with a shelf life of forty-five days or less by refrigeration 73720
and dispense it to the consumer. 73721

For purposes of division (B)(35) of this section, "direct 73722
marketing" means the method of selling where consumers order 73723
tangible personal property by United States mail, delivery 73724
service, or telecommunication and the vendor delivers or ships the 73725
tangible personal property sold to the consumer from a warehouse, 73726
catalogue distribution center, or similar fulfillment facility by 73727
means of the United States mail, delivery service, or common 73728
carrier. 73729

(36) Sales to a person engaged in the business of 73730
horticulture or producing livestock of materials to be 73731
incorporated into a horticulture structure or livestock structure; 73732

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	73733 73734 73735 73736 73737
(38) Sales to a professional racing team of any of the following:	73738 73739
(a) Motor racing vehicles;	73740
(b) Repair services for motor racing vehicles;	73741
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	73742 73743 73744 73745 73746 73747 73748 73749
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	73750 73751 73752
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or	73753 73754 73755 73756 73757 73758 73759 73760 73761 73762 73763

distribution system, including only those motor vehicles as are 73764
specially designed and equipped for such use. The exemption 73765
provided in this division shall be in lieu of all other exemptions 73766
in division (B)(42)(a) or (n) of this section to which a provider 73767
of electricity may otherwise be entitled based on the use of the 73768
tangible personal property or service purchased in generating, 73769
transmitting, or distributing electricity. 73770

(41) Sales to a person providing services under division 73771
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 73772
personal property and services used directly and primarily in 73773
providing taxable services under that section. 73774

(42) Sales where the purpose of the purchaser is to do any of 73775
the following: 73776

(a) To incorporate the thing transferred as a material or a 73777
part into tangible personal property to be produced for sale by 73778
manufacturing, assembling, processing, or refining; or to use or 73779
consume the thing transferred directly in producing tangible 73780
personal property for sale by mining, including, without 73781
limitation, the extraction from the earth of all substances that 73782
are classed geologically as minerals, production of crude oil and 73783
natural gas, or directly in the rendition of a public utility 73784
service, except that the sales tax levied by this section shall be 73785
collected upon all meals, drinks, and food for human consumption 73786
sold when transporting persons. Persons engaged in rendering 73787
services in the exploration for, and production of, crude oil and 73788
natural gas for others are deemed engaged directly in the 73789
exploration for, and production of, crude oil and natural gas. 73790
This paragraph does not exempt from "retail sale" or "sales at 73791
retail" the sale of tangible personal property that is to be 73792
incorporated into a structure or improvement to real property. 73793

(b) To hold the thing transferred as security for the 73794
performance of an obligation of the vendor; 73795

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	73796 73797
(d) To use or consume the thing directly in commercial fishing;	73798 73799
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	73800 73801 73802 73803
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	73804 73805 73806 73807 73808
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	73809 73810 73811
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	73812 73813 73814 73815 73816 73817
(i) To use the thing transferred as qualified research and development equipment;	73818 73819
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	73820 73821 73822 73823 73824 73825 73826

by means of direct marketing. This division does not apply to 73827
motor vehicles registered for operation on the public highways. As 73828
used in this division, "affiliated group" has the same meaning as 73829
in division (B)(3)(e) of section 5739.01 of the Revised Code and 73830
"direct marketing" has the same meaning as in division (B)(35) of 73831
this section. 73832

(k) To use or consume the thing transferred to fulfill a 73833
contractual obligation incurred by a warrantor pursuant to a 73834
warranty provided as a part of the price of the tangible personal 73835
property sold or by a vendor of a warranty, maintenance or service 73836
contract, or similar agreement the provision of which is defined 73837
as a sale under division (B)(7) of section 5739.01 of the Revised 73838
Code; 73839

(l) To use or consume the thing transferred in the production 73840
of a newspaper for distribution to the public; 73841

(m) To use tangible personal property to perform a service 73842
listed in division (B)(3) of section 5739.01 of the Revised Code, 73843
if the property is or is to be permanently transferred to the 73844
consumer of the service as an integral part of the performance of 73845
the service; 73846

(n) To use or consume the thing transferred primarily in 73847
producing tangible personal property for sale by farming, 73848
agriculture, horticulture, or floriculture. Persons engaged in 73849
rendering farming, agriculture, horticulture, or floriculture 73850
services for others are deemed engaged primarily in farming, 73851
agriculture, horticulture, or floriculture. This paragraph does 73852
not exempt from "retail sale" or "sales at retail" the sale of 73853
tangible personal property that is to be incorporated into a 73854
structure or improvement to real property. 73855

(o) To use or consume the thing transferred in acquiring, 73856
formatting, editing, storing, and disseminating data or 73857

information by electronic publishing. 73858

As used in division (B)(42) of this section, "thing" includes 73859
all transactions included in divisions (B)(3)(a), (b), and (e) of 73860
section 5739.01 of the Revised Code. 73861

(43) Sales conducted through a coin operated device that 73862
activates vacuum equipment or equipment that dispenses water, 73863
whether or not in combination with soap or other cleaning agents 73864
or wax, to the consumer for the consumer's use on the premises in 73865
washing, cleaning, or waxing a motor vehicle, provided no other 73866
personal property or personal service is provided as part of the 73867
transaction. 73868

(44) Sales of replacement and modification parts for engines, 73869
airframes, instruments, and interiors in, and paint for, aircraft 73870
used primarily in a fractional aircraft ownership program, and 73871
sales of services for the repair, modification, and maintenance of 73872
such aircraft, and machinery, equipment, and supplies primarily 73873
used to provide those services. 73874

(45) Sales of telecommunications service that is used 73875
directly and primarily to perform the functions of a call center. 73876
As used in this division, "call center" means any physical 73877
location where telephone calls are placed or received in high 73878
volume for the purpose of making sales, marketing, customer 73879
service, technical support, or other specialized business 73880
activity, and that employs at least fifty individuals that engage 73881
in call center activities on a full-time basis, or sufficient 73882
individuals to fill fifty full-time equivalent positions. 73883

(46) Sales by a telecommunications service vendor of 900 73884
service to a subscriber. This division does not apply to 73885
information services, as defined in division (FF) of section 73886
5739.01 of the Revised Code. 73887

(47) Sales of value-added non-voice data service. This 73888

division does not apply to any similar service that is not 73889
otherwise a telecommunications service. 73890

(48)(a) Sales of machinery, equipment, and software to a 73891
qualified direct selling entity for use in a warehouse or 73892
distribution center primarily for storing, transporting, or 73893
otherwise handling inventory that is held for sale to independent 73894
salespersons who operate as direct sellers and that is held 73895
primarily for distribution outside this state; 73896

(b) As used in division (B)(48)(a) of this section: 73897

(i) "Direct seller" means a person selling consumer products 73898
to individuals for personal or household use and not from a fixed 73899
retail location, including selling such product at in-home product 73900
demonstrations, parties, and other one-on-one selling. 73901

(ii) "Qualified direct selling entity" means an entity 73902
selling to direct sellers at the time the entity enters into a tax 73903
credit agreement with the tax credit authority pursuant to section 73904
122.17 of the Revised Code, provided that the agreement was 73905
entered into on or after January 1, 2007. Neither contingencies 73906
relevant to the granting of, nor later developments with respect 73907
to, the tax credit shall impair the status of the qualified direct 73908
selling entity under division (B)(48) of this section after 73909
execution of the tax credit agreement by the tax credit authority. 73910

(c) Division (B)(48) of this section is limited to machinery, 73911
equipment, and software first stored, used, or consumed in this 73912
state within the period commencing June 24, 2008, and ending on 73913
the date that is five years after that date. 73914

(49) Sales of materials, parts, equipment, or engines used in 73915
the repair or maintenance of aircraft or avionics systems of such 73916
aircraft, and sales of repair, remodeling, replacement, or 73917
maintenance services in this state performed on aircraft or on an 73918
aircraft's avionics, engine, or component materials or parts. As 73919

used in division (B)(49) of this section, "aircraft" means 73920
aircraft of more than six thousand pounds maximum certified 73921
takeoff weight or used exclusively in general aviation. 73922

(50) Sales of full flight simulators that are used for pilot 73923
or flight-crew training, sales of repair or replacement parts or 73924
components, and sales of repair or maintenance services for such 73925
full flight simulators. "Full flight simulator" means a replica of 73926
a specific type, or make, model, and series of aircraft cockpit. 73927
It includes the assemblage of equipment and computer programs 73928
necessary to represent aircraft operations in ground and flight 73929
conditions, a visual system providing an out-of-the-cockpit view, 73930
and a system that provides cues at least equivalent to those of a 73931
three-degree-of-freedom motion system, and has the full range of 73932
capabilities of the systems installed in the device as described 73933
in appendices A and B of part 60 of chapter 1 of title 14 of the 73934
Code of Federal Regulations. 73935

(51) Any transfer or lease of tangible personal property 73936
between the state and JobsOhio in accordance with section 4313.02 73937
of the Revised Code. 73938

(52)(a) Sales to a qualifying corporation. 73939

(b) As used in division (B)(52) of this section: 73940

(i) "Qualifying corporation" means a nonprofit corporation 73941
organized in this state that leases from an eligible county land, 73942
buildings, structures, fixtures, and improvements to the land that 73943
are part of or used in a public recreational facility used by a 73944
major league professional athletic team or a class A to class AAA 73945
minor league affiliate of a major league professional athletic 73946
team for a significant portion of the team's home schedule, 73947
provided the following apply: 73948

(I) The facility is leased from the eligible county pursuant 73949
to a lease that requires substantially all of the revenue from the 73950

operation of the business or activity conducted by the nonprofit 73951
corporation at the facility in excess of operating costs, capital 73952
expenditures, and reserves to be paid to the eligible county at 73953
least once per calendar year. 73954

(II) Upon dissolution and liquidation of the nonprofit 73955
corporation, all of its net assets are distributable to the board 73956
of commissioners of the eligible county from which the corporation 73957
leases the facility. 73958

(ii) "Eligible county" has the same meaning as in section 73959
307.695 of the Revised Code. 73960

(53) Sales to or by a cable service provider, video service 73961
provider, or radio or television broadcast station regulated by 73962
the federal government of cable service or programming, video 73963
service or programming, audio service or programming, or 73964
electronically transferred digital audiovisual or audio work. As 73965
used in division (B)(53) of this section, "cable service" and 73966
"cable service provider" have the same meanings as in section 73967
1332.01 of the Revised Code, and "video service," "video service 73968
provider," and "video programming" have the same meanings as in 73969
section 1332.21 of the Revised Code. 73970

(C) For the purpose of the proper administration of this 73971
chapter, and to prevent the evasion of the tax, it is presumed 73972
that all sales made in this state are subject to the tax until the 73973
contrary is established. 73974

(D) The levy of this tax on retail sales of recreation and 73975
sports club service shall not prevent a municipal corporation from 73976
levying any tax on recreation and sports club dues or on any 73977
income generated by recreation and sports club dues. 73978

(E) The tax collected by the vendor from the consumer under 73979
this chapter is not part of the price, but is a tax collection for 73980
the benefit of the state, and of counties levying an additional 73981

sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and, of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code, and of municipal corporations and townships levying an additional sales tax pursuant to section 5739.024 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county or supporting criminal and administrative justice services in the county, or both, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent at any multiple of one-fourth of one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent at any multiple of one-fourth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice services, the resolution shall state the rate or amount of the tax to be apportioned to each such purpose. The rate or amount may be different for each year the tax is to be levied, but the rates or

amounts actually apportioned each year shall not be different from 74014
that stated in the resolution for that year. If the resolution is 74015
adopted as an emergency measure necessary for the immediate 74016
preservation of the public peace, health, or safety, it must 74017
receive an affirmative vote of all of the members of the board of 74018
county commissioners and shall state the reasons for such 74019
necessity. The board shall deliver a certified copy of the 74020
resolution to the tax commissioner, not later than the sixty-fifth 74021
day prior to the date on which the tax is to become effective, 74022
which shall be the first day of the calendar quarter. 74023

Prior to the adoption of any resolution under this section, 74024
the board of county commissioners shall conduct two public 74025
hearings on the resolution, the second hearing to be not less than 74026
three nor more than ten days after the first. Notice of the date, 74027
time, and place of the hearings shall be given by publication in a 74028
newspaper of general circulation in the county, or as provided in 74029
section 7.16 of the Revised Code, once a week on the same day of 74030
the week for two consecutive weeks, the second publication being 74031
not less than ten nor more than thirty days prior to the first 74032
hearing. 74033

Except as provided in division (B)(3) of this section, the 74034
resolution shall be subject to a referendum as provided in 74035
sections 305.31 to 305.41 of the Revised Code. 74036

If a petition for a referendum is filed, the county auditor 74037
with whom the petition was filed shall, within five days, notify 74038
the board of county commissioners and the tax commissioner of the 74039
filing of the petition by certified mail. If the board of 74040
elections with which the petition was filed declares the petition 74041
invalid, the board of elections, within five days, shall notify 74042
the board of county commissioners and the tax commissioner of that 74043
declaration by certified mail. If the petition is declared to be 74044
invalid, the effective date of the tax or increased rate of tax 74045

levied by this section shall be the first day of a calendar 74046
quarter following the expiration of sixty-five days from the date 74047
the commissioner receives notice from the board of elections that 74048
the petition is invalid. 74049

(B)(1) A resolution that is not adopted as an emergency 74050
measure may direct the board of elections to submit the question 74051
of levying the tax or increasing the rate of tax to the electors 74052
of the county at a special election held on the date specified by 74053
the board of county commissioners in the resolution, provided that 74054
the election occurs not less than ninety days after a certified 74055
copy of such resolution is transmitted to the board of elections 74056
and the election is not held in February or August of any year. 74057
Upon transmission of the resolution to the board of elections, the 74058
board of county commissioners shall notify the tax commissioner in 74059
writing of the levy question to be submitted to the electors. No 74060
resolution adopted under this division shall go into effect unless 74061
approved by a majority of those voting upon it, and, except as 74062
provided in division (B)(3) of this section, shall become 74063
effective on the first day of a calendar quarter following the 74064
expiration of sixty-five days from the date the tax commissioner 74065
receives notice from the board of elections of the affirmative 74066
vote. 74067

(2) A resolution that is adopted as an emergency measure 74068
shall go into effect as provided in division (A) of this section, 74069
but may direct the board of elections to submit the question of 74070
repealing the tax or increase in the rate of the tax to the 74071
electors of the county at the next general election in the county 74072
occurring not less than ninety days after a certified copy of the 74073
resolution is transmitted to the board of elections. Upon 74074
transmission of the resolution to the board of elections, the 74075
board of county commissioners shall notify the tax commissioner in 74076
writing of the levy question to be submitted to the electors. The 74077

ballot question shall be the same as that prescribed in section 74078
5739.022 of the Revised Code. The board of elections shall notify 74079
the board of county commissioners and the tax commissioner of the 74080
result of the election immediately after the result has been 74081
declared. If a majority of the qualified electors voting on the 74082
question of repealing the tax or increase in the rate of the tax 74083
vote for repeal of the tax or repeal of the increase, the board of 74084
county commissioners, on the first day of a calendar quarter 74085
following the expiration of sixty-five days after the date the 74086
board and tax commissioner receive notice of the result of the 74087
election, shall, in the case of a repeal of the tax, cease to levy 74088
the tax, or, in the case of a repeal of an increase in the rate of 74089
the tax, cease to levy the increased rate and levy the tax at the 74090
rate at which it was imposed immediately prior to the increase in 74091
rate. 74092

(3) If a vendor makes a sale in this state by printed catalog 74093
and the consumer computed the tax on the sale based on local rates 74094
published in the catalog, any tax levied or repealed or rate 74095
changed under this section shall not apply to such a sale until 74096
the first day of a calendar quarter following the expiration of 74097
one hundred twenty days from the date of notice by the tax 74098
commissioner pursuant to division (H) of this section. 74099

(C) If a resolution is rejected at a referendum or if a 74100
resolution adopted after January 1, 1982, as an emergency measure 74101
is repealed by the electors pursuant to division (B)(2) of this 74102
section or section 5739.022 of the Revised Code, then for one year 74103
after the date of the election at which the resolution was 74104
rejected or repealed the board of county commissioners may not 74105
adopt any resolution authorized by this section as an emergency 74106
measure. 74107

(D) The board of county commissioners, at any time while a 74108
tax levied under this section is in effect, may by resolution 74109

reduce the rate at which the tax is levied to a lower rate 74110
authorized by this section. Any reduction in the rate at which the 74111
tax is levied shall be made effective on the first day of a 74112
calendar quarter next following the sixty-fifth day after a 74113
certified copy of the resolution is delivered to the tax 74114
commissioner. 74115

(E) The tax on every retail sale subject to a tax levied 74116
pursuant to this section shall be in addition to the tax levied by 74117
section 5739.02 of the Revised Code and any tax levied pursuant to 74118
section 5739.023, 5739.024, or 5739.026 of the Revised Code. 74119

A county that levies a tax pursuant to this section shall 74120
levy a tax at the same rate pursuant to section 5741.021 of the 74121
Revised Code. 74122

The additional tax levied by the county shall be collected 74123
pursuant to section 5739.025 of the Revised Code. If the 74124
additional tax or some portion thereof is levied for the purpose 74125
of criminal and administrative justice services, the revenue from 74126
the tax, or the amount or rate apportioned to that purpose, shall 74127
be credited to a special fund created in the county treasury for 74128
receipt of that revenue. 74129

Any tax levied pursuant to this section is subject to the 74130
exemptions provided in section 5739.02 of the Revised Code and in 74131
addition shall not be applicable to sales not within the taxing 74132
power of a county under the Constitution of the United States or 74133
the Ohio Constitution. 74134

(F) For purposes of this section, a copy of a resolution is 74135
"certified" when it contains a written statement attesting that 74136
the copy is a true and exact reproduction of the original 74137
resolution. 74138

(G) If a board of commissioners intends to adopt a resolution 74139
to levy a tax in whole or in part for the purpose of criminal and 74140

administrative justice services, the board shall prepare and make 74141
available at the first public hearing at which the resolution is 74142
considered a statement containing the following information: 74143

(1) For each of the two preceding fiscal years, the amount of 74144
expenditures made by the county from the county general fund for 74145
the purpose of criminal and administrative justice services; 74146

(2) For the fiscal year in which the resolution is adopted, 74147
the board's estimate of the amount of expenditures to be made by 74148
the county from the county general fund for the purpose of 74149
criminal and administrative justice services; 74150

(3) For each of the two fiscal years after the fiscal year in 74151
which the resolution is adopted, the board's preliminary plan for 74152
expenditures to be made from the county general fund for the 74153
purpose of criminal and administrative justice services, both 74154
under the assumption that the tax will be imposed for that purpose 74155
and under the assumption that the tax would not be imposed for 74156
that purpose, and for expenditures to be made from the special 74157
fund created under division (E) of this section under the 74158
assumption that the tax will be imposed for that purpose. 74159

The board shall prepare the statement and the preliminary 74160
plan using the best information available to the board at the time 74161
the statement is prepared. Neither the statement nor the 74162
preliminary plan shall be used as a basis to challenge the 74163
validity of the tax in any court of competent jurisdiction, nor 74164
shall the statement or preliminary plan limit the authority of the 74165
board to appropriate, pursuant to section 5705.38 of the Revised 74166
Code, an amount different from that specified in the preliminary 74167
plan. 74168

(H) Upon receipt from a board of county commissioners of a 74169
certified copy of a resolution required by division (A) or (D) of 74170
this section, or from the board of elections of a notice of the 74171

results of an election required by division (A) or (B)(1) or (2) 74172
of this section, the tax commissioner shall provide notice of a 74173
tax rate change in a manner that is reasonably accessible to all 74174
affected vendors. The commissioner shall provide this notice at 74175
least sixty days prior to the effective date of the rate change. 74176
The commissioner, by rule, may establish the method by which 74177
notice will be provided. 74178

(I) As used in this section, "criminal and administrative 74179
justice services" means the exercise by the county sheriff of all 74180
powers and duties vested in that office by law; the exercise by 74181
the county prosecuting attorney of all powers and duties vested in 74182
that office by law; the exercise by any court in the county of all 74183
powers and duties vested in that court; the exercise by the clerk 74184
of the court of common pleas, any clerk of a municipal court 74185
having jurisdiction throughout the county, or the clerk of any 74186
county court of all powers and duties vested in the clerk by law 74187
except, in the case of the clerk of the court of common pleas, the 74188
titling of motor vehicles or watercraft pursuant to Chapter 1548. 74189
or 4505. of the Revised Code; the exercise by the county coroner 74190
of all powers and duties vested in that office by law; making 74191
payments to any other public agency or a private, nonprofit 74192
agency, the purposes of which in the county include the diversion, 74193
adjudication, detention, or rehabilitation of criminals or 74194
juvenile offenders; the operation and maintenance of any detention 74195
facility, as defined in section 2921.01 of the Revised Code; and 74196
the construction, acquisition, equipping, or repair of such a 74197
detention facility, including the payment of any debt charges 74198
incurred in the issuance of securities pursuant to Chapter 133. of 74199
the Revised Code for the purpose of constructing, acquiring, 74200
equipping, or repairing such a facility. 74201

Sec. 5739.023. (A)(1) For the purpose of providing additional 74202
general revenues for a transit authority and paying the expenses 74203

of administering such levy, any transit authority as defined in 74204
division (U) of section 5739.01 of the Revised Code may levy a tax 74205
upon every retail sale made in the territory of the transit 74206
authority, except sales of watercraft and outboard motors required 74207
to be titled pursuant to Chapter 1548. of the Revised Code and 74208
sales of motor vehicles, at a rate of not more than one and 74209
one-half per cent at any multiple of one-fourth of one per cent 74210
and may increase the existing rate of tax to not more than one and 74211
one-half per cent at any multiple of one-fourth of one per cent. 74212
The tax shall be levied and the rate increased pursuant to a 74213
resolution of the legislative authority of the transit authority 74214
and a certified copy of the resolution shall be delivered by the 74215
fiscal officer to the board of elections as provided in section 74216
3505.071 of the Revised Code and to the tax commissioner. The 74217
resolution shall specify the number of years for which the tax is 74218
to be in effect or that the tax is for a continuing period of 74219
time, and the date of the election on the question of the tax 74220
pursuant to section 306.70 of the Revised Code. The board of 74221
elections shall certify the results of the election to the transit 74222
authority and tax commissioner. 74223

(2) Except as provided in division (C) of this section, the 74224
tax levied by the resolution shall become effective on the first 74225
day of a calendar quarter next following the sixty-fifth day 74226
following the date the tax commissioner receives from the board of 74227
elections the certification of the results of the election on the 74228
question of the tax. 74229

(B) The legislative authority may, at any time while the tax 74230
is in effect, by resolution fix the rate of the tax at any rate 74231
authorized by this section and not in excess of that approved by 74232
the voters pursuant to section 306.70 of the Revised Code. Except 74233
as provided in division (C) of this section, any change in the 74234
rate of the tax shall be made effective on the first day of a 74235

calendar quarter next following the sixty-fifth day following the 74236
date the tax commissioner receives the certification of the 74237
resolution; provided, that in any case where bonds, or notes in 74238
anticipation of bonds, of a regional transit authority have been 74239
issued under section 306.40 of the Revised Code without a vote of 74240
the electors while the tax proposed to be reduced was in effect, 74241
the board of trustees of the regional transit authority shall 74242
continue to levy and collect under authority of the original 74243
election authorizing the tax a rate of tax that the board of 74244
trustees reasonably estimates will produce an amount in that year 74245
equal to the amount of principal of and interest on those bonds as 74246
is payable in that year. 74247

(C) Upon receipt from the board of elections of the 74248
certification of the results of the election required by division 74249
(A) of this section, or from the legislative authority of the 74250
certification of a resolution under division (B) of this section, 74251
the tax commissioner shall provide notice of a tax rate change in 74252
a manner that is reasonably accessible to all affected vendors. 74253
The commissioner shall provide this notice at least sixty days 74254
prior to the effective date of the rate change. The commissioner, 74255
by rule, may establish the method by which notice will be 74256
provided. 74257

(D) If a vendor makes a sale in this state by printed catalog 74258
and the consumer computed the tax on the sale based on local rates 74259
published in the catalog, any tax levied or rate changed under 74260
this section shall not apply to such a sale until the first day of 74261
a calendar quarter following the expiration of one hundred twenty 74262
days from the date of notice by the tax commissioner pursuant to 74263
division (C) of this section. 74264

(E) The tax on every retail sale subject to a tax levied 74265
pursuant to this section is in addition to the tax levied by 74266
section 5739.02 of the Revised Code and any tax levied pursuant to 74267

section 5739.021, 5739.024, or 5739.026 of the Revised Code. 74268

(F) The additional tax levied by the transit authority shall 74269
be collected pursuant to section 5739.025 of the Revised Code. 74270

(G) Any tax levied pursuant to this section is subject to the 74271
exemptions provided in section 5739.02 of the Revised Code and in 74272
addition shall not be applicable to sales not within the taxing 74273
power of a transit authority under the constitution of the United 74274
States or the constitution of this state. 74275

(H) The rate of a tax levied under this section is subject to 74276
reduction under section 5739.028 of the Revised Code, if a ballot 74277
question is approved by voters pursuant to that section. 74278

Sec. 5739.024. (A) For the purpose of fostering and 74279
developing tourism within a tourism development district and 74280
paying the expenses of administering the levy, the legislative 74281
authority of a municipal corporation or township may levy a tax 74282
upon every retail sale made in the territory of a tourism 74283
development district created by the municipal corporation or 74284
township, except sales of watercraft and outboard motors required 74285
to be titled pursuant to Chapter 1548. of the Revised Code and 74286
sales of motor vehicles, at a rate of not more than one and 74287
one-half per cent at any multiple of one-fourth of one per cent, 74288
and may increase the existing rate of tax to not more than one and 74289
one-half per cent at any multiple of one-fourth of one per cent. 74290

The tax shall be levied and the rate increased pursuant to an 74291
ordinance or resolution of the legislative authority, and a 74292
certified copy of the ordinance or resolution shall be delivered 74293
by the applicable fiscal officer to the tax commissioner and the 74294
legislative authority of the county in which the tourism 74295
development district is located. The ordinance or resolution shall 74296
specify the number of years for which the tax is to be in effect 74297
or that the tax is for a continuing period of time. Within thirty 74298

days after receiving that certification, the legislative authority 74299
of a county may adopt a resolution expressing the legislative 74300
authority's approval of the tax levied or the rate increased by 74301
the municipal corporation or township and send a certified copy of 74302
that resolution to the tax commissioner. 74303

A tax levied by a resolution or ordinance pursuant to this 74304
section shall become effective on the first day of a calendar 74305
quarter next following the sixty-fifth day following the date the 74306
tax commissioner receives the certification of the resolution from 74307
the legislative authority of the county. Any change in the rate of 74308
the tax shall be made effective on the first day of a calendar 74309
quarter next following the sixty-fifth day following the date the 74310
tax commissioner receives the certification of that resolution. 74311

(B) Upon receipt from the legislative authority of a county 74312
of the certification of a resolution under division (A) of this 74313
section, the tax commissioner shall provide notice of a tax rate 74314
change in a manner that is reasonably accessible to all affected 74315
vendors. The commissioner shall provide this notice at least sixty 74316
days before the effective date of the rate change. The 74317
commissioner, by rule, may establish the method by which notice 74318
will be provided. 74319

(C) If a vendor makes a sale in this state by printed catalog 74320
and the consumer computed the tax on the sale based on local rates 74321
published in the catalog, any tax levied or rate changed under 74322
this section shall not apply to such a sale until the first day of 74323
a calendar quarter following the expiration of one hundred twenty 74324
days from the date of notice by the tax commissioner pursuant to 74325
division (B) of this section. 74326

(D) The tax on every retail sale subject to a tax levied 74327
pursuant to this section is in addition to the tax levied by 74328
section 5739.02 of the Revised Code and any tax levied pursuant to 74329
section 5739.021, 5739.023, or 5739.026 of the Revised Code. 74330

(E) A tax levied pursuant to this section shall be collected 74331
pursuant to section 5739.025 of the Revised Code. 74332

(F) Any tax levied pursuant to this section is subject to the 74333
exemptions provided in section 5739.02 of the Revised Code. 74334

Sec. 5739.025. As used in this section, "local tax" means a 74335
tax imposed pursuant to section 5739.021, 5739.023, 5739.024, 74336
5739.026, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 74337
Revised Code. 74338

(A) The taxes levied by sections 5739.02 and 5741.02 of the 74339
Revised Code shall be collected as follows: 74340

(1) On and after July 1, 2003, and on or before June 30, 74341
2005, in accordance with the following schedule: 74342

If the price	The amount of	74343	
is at least	But not more than	the tax is	74344
\$.01	\$.15	No tax	74345
.16	.16	1¢	74346
.17	.33	2¢	74347
.34	.50	3¢	74348
.51	.66	4¢	74349
.67	.83	5¢	74350
.84	1.00	6¢	74351

If the price exceeds one dollar, the tax is six cents on each 74352
one dollar. If the price exceeds one dollar or a multiple thereof 74353
by not more than seventeen cents, the amount of tax is six cents 74354
for each one dollar plus one cent. If the price exceeds one dollar 74355
or a multiple thereof by more than seventeen cents, the amount of 74356
tax is six cents for each one dollar plus the amount of tax for 74357
prices eighteen cents through ninety-nine cents in accordance with 74358
the schedule above. 74359

(2) On and after July 1, 2005, and on and before December 31, 74360

2005, in accordance with the following schedule:			74361
If the price	But not	The amount	74362
is at least	more than	of the tax is	74363
\$.01	\$.15	No tax	74364
.16	.18	1¢	74365
.19	.36	2¢	74366
.37	.54	3¢	74367
.55	.72	4¢	74368
.73	.90	5¢	74369
.91	1.09	6¢	74370
1.10	1.27	7¢	74371
1.28	1.46	8¢	74372
1.47	1.64	9¢	74373
1.65	1.82	10¢	74374
1.83	2.00	11¢	74375

 If the price exceeds two dollars, the tax is eleven cents on 74376
each two dollars. If the price exceeds two dollars or a multiple 74377
thereof by not more than eighteen cents, the amount of tax is 74378
eleven cents for each two dollars plus one cent. If the price 74379
exceeds two dollars or a multiple thereof by more than eighteen 74380
cents, the amount of tax is eleven cents for each two dollars plus 74381
the amount of tax for prices nineteen cents through one dollar and 74382
ninety-nine cents in accordance with the schedule above. 74383

 (B) On and after July 1, 2003, and on and before June 30, 74384
2005, the combined taxes levied by sections 5739.02 and 5741.02 74385
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 74386
5741.022, and 5741.023 of the Revised Code shall be collected in 74387
accordance with the following schedules: 74388

 (1) When the combined rate of state and local tax is six and 74389
one-fourth per cent: 74390

If the price		The amount of	74391
is at least	But not more than	the tax is	74392

\$.01	\$.15	No tax	74393
.16	.16	1¢	74394
.17	.32	2¢	74395
.33	.48	3¢	74396
.49	.64	4¢	74397
.65	.80	5¢	74398
.81	.96	6¢	74399
.97	1.12	7¢	74400
1.13	1.28	8¢	74401
1.29	1.44	9¢	74402
1.45	1.60	10¢	74403
1.61	1.76	11¢	74404
1.77	1.92	12¢	74405
1.93	2.08	13¢	74406
2.09	2.24	14¢	74407
2.25	2.40	15¢	74408
2.41	2.56	16¢	74409
2.57	2.72	17¢	74410
2.73	2.88	18¢	74411
2.89	3.04	19¢	74412
3.05	3.20	20¢	74413
3.21	3.36	21¢	74414
3.37	3.52	22¢	74415
3.53	3.68	23¢	74416
3.69	3.84	24¢	74417
3.85	4.00	25¢	74418

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents

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through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of state and local tax is six and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	74430
.16	.30	2¢	74431
.31	.46	3¢	74432
.47	.61	4¢	74433
.62	.76	5¢	74434
.77	.92	6¢	74435
.93	1.07	7¢	74436
1.08	1.23	8¢	74437
1.24	1.38	9¢	74438
1.39	1.53	10¢	74439
1.54	1.69	11¢	74440
1.70	1.84	12¢	74441
1.85	2.00	13¢	74442

If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of state and local tax is six and three-fourths per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	74453

.16	.29	2¢	74458
.30	.44	3¢	74459
.45	.59	4¢	74460
.60	.74	5¢	74461
.75	.88	6¢	74462
.89	1.03	7¢	74463
1.04	1.18	8¢	74464
1.19	1.33	9¢	74465
1.34	1.48	10¢	74466
1.49	1.62	11¢	74467
1.63	1.77	12¢	74468
1.78	1.92	13¢	74469
1.93	2.07	14¢	74470
2.08	2.22	15¢	74471
2.23	2.37	16¢	74472
2.38	2.51	17¢	74473
2.52	2.66	18¢	74474
2.67	2.81	19¢	74475
2.82	2.96	20¢	74476
2.97	3.11	21¢	74477
3.12	3.25	22¢	74478
3.26	3.40	23¢	74479
3.41	3.55	24¢	74480
3.56	3.70	25¢	74481
3.71	3.85	26¢	74482
3.86	4.00	27¢	74483

If the price exceeds four dollars, the tax is twenty-seven 74484
cents on each four dollars. If the price exceeds four dollars or a 74485
multiple thereof by not more than fourteen cents, the amount of 74486
tax is twenty-seven cents for each four dollars plus one cent. If 74487
the price exceeds four dollars or a multiple thereof by more than 74488
fourteen but by not more than twenty-nine cents, the amount of tax 74489
is twenty-seven cents for each four dollars plus two cents. If the 74490

price exceeds four dollars or a multiple thereof by more than 74491
twenty-nine cents the amount of tax is twenty-seven cents for each 74492
four dollars plus the amount of tax for prices thirty cents 74493
through three dollars and ninety-nine cents in accordance with the 74494
schedule above. 74495

(4) When the combined rate of state and local tax is seven 74496
per cent: 74497

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74500
.16	.28	2¢	74501
.29	.42	3¢	74502
.43	.57	4¢	74503
.58	.71	5¢	74504
.72	.85	6¢	74505
.86	1.00	7¢	74506

If the price exceeds one dollar, the tax is seven cents on 74507
each one dollar. If the price exceeds one dollar or a multiple 74508
thereof by not more than fifteen cents, the amount of tax is seven 74509
cents for each one dollar plus one cent. If the price exceeds one 74510
dollar or a multiple thereof by more than fifteen cents, the 74511
amount of tax is seven cents for each one dollar plus the amount 74512
of tax for prices sixteen cents through ninety-nine cents in 74513
accordance with the schedule above. 74514

(5) When the combined rate of state and local tax is seven 74515
and one-fourth per cent: 74516

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74519
.16	.27	2¢	74520
.28	.41	3¢	74521
.42	.55	4¢	74522

.56	.68	5¢	74523
.69	.82	6¢	74524
.83	.96	7¢	74525
.97	1.10	8¢	74526
1.11	1.24	9¢	74527
1.25	1.37	10¢	74528
1.38	1.51	11¢	74529
1.52	1.65	12¢	74530
1.66	1.79	13¢	74531
1.80	1.93	14¢	74532
1.94	2.06	15¢	74533
2.07	2.20	16¢	74534
2.21	2.34	17¢	74535
2.35	2.48	18¢	74536
2.49	2.62	19¢	74537
2.63	2.75	20¢	74538
2.76	2.89	21¢	74539
2.90	3.03	22¢	74540
3.04	3.17	23¢	74541
3.18	3.31	24¢	74542
3.32	3.44	25¢	74543
3.45	3.58	26¢	74544
3.59	3.72	27¢	74545
3.73	3.86	28¢	74546
3.87	4.00	29¢	74547

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more

than twenty-seven cents, the amount of tax is twenty-nine cents 74556
for each four dollars plus the amount of tax for prices 74557
twenty-eight cents through three dollars and ninety-nine cents in 74558
accordance with the schedule above. 74559

(6) When the combined rate of state and local tax is seven 74560
and one-half per cent: 74561

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74564
.16	.26	2¢	74565
.27	.40	3¢	74566
.41	.53	4¢	74567
.54	.65	5¢	74568
.66	.80	6¢	74569
.81	.93	7¢	74570
.94	1.06	8¢	74571
1.07	1.20	9¢	74572
1.21	1.33	10¢	74573
1.34	1.46	11¢	74574
1.47	1.60	12¢	74575
1.61	1.73	13¢	74576
1.74	1.86	14¢	74577
1.87	2.00	15¢	74578

If the price exceeds two dollars, the tax is fifteen cents on 74579
each two dollars. If the price exceeds two dollars or a multiple 74580
thereof by not more than fifteen cents, the amount of tax is 74581
fifteen cents for each two dollars plus one cent. If the price 74582
exceeds two dollars or a multiple thereof by more than fifteen 74583
cents, the amount of tax is fifteen cents for each two dollars 74584
plus the amount of tax for prices sixteen cents through one dollar 74585
and ninety-nine cents in accordance with the schedule above. 74586

(7) When the combined rate of state and local tax is seven 74587

and three-fourths per cent:			74588
If the price		The amount of	74589
is at least	But not more than	the tax is	74590
\$.01	\$.15	No tax	74591
.16	.25	2¢	74592
.26	.38	3¢	74593
.39	.51	4¢	74594
.52	.64	5¢	74595
.65	.77	6¢	74596
.78	.90	7¢	74597
.91	1.03	8¢	74598
1.04	1.16	9¢	74599
1.17	1.29	10¢	74600
1.30	1.41	11¢	74601
1.42	1.54	12¢	74602
1.55	1.67	13¢	74603
1.68	1.80	14¢	74604
1.81	1.93	15¢	74605
1.94	2.06	16¢	74606
2.07	2.19	17¢	74607
2.20	2.32	18¢	74608
2.33	2.45	19¢	74609
2.46	2.58	20¢	74610
2.59	2.70	21¢	74611
2.71	2.83	22¢	74612
2.84	2.96	23¢	74613
2.97	3.09	24¢	74614
3.10	3.22	25¢	74615
3.23	3.35	26¢	74616
3.36	3.48	27¢	74617
3.49	3.61	28¢	74618
3.62	3.74	29¢	74619
3.75	3.87	30¢	74620

a multiple thereof by more than twenty-five cents, the amount of 74653
tax is eight cents for each one dollar plus the amount of tax for 74654
prices twenty-six cents through ninety-nine cents in accordance 74655
with the schedule above. 74656

(9) When the combined rate of state and local tax is eight 74657
and one-fourth per cent: 74658

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74661
.16	.24	2¢	74662
.25	.36	3¢	74663
.37	.48	4¢	74664
.49	.60	5¢	74665
.61	.72	6¢	74666
.73	.84	7¢	74667
.85	.96	8¢	74668
.97	1.09	9¢	74669
1.10	1.21	10¢	74670
1.22	1.33	11¢	74671
1.34	1.45	12¢	74672
1.46	1.57	13¢	74673
1.58	1.69	14¢	74674
1.70	1.81	15¢	74675
1.82	1.93	16¢	74676
1.94	2.06	17¢	74677
2.07	2.18	18¢	74678
2.19	2.30	19¢	74679
2.31	2.42	20¢	74680
2.43	2.54	21¢	74681
2.55	2.66	22¢	74682
2.67	2.78	23¢	74683
2.79	2.90	24¢	74684

2.91	3.03	25¢	74685
3.04	3.15	26¢	74686
3.16	3.27	27¢	74687
3.28	3.39	28¢	74688
3.40	3.51	29¢	74689
3.52	3.63	30¢	74690
3.64	3.75	31¢	74691
3.76	3.87	32¢	74692
3.88	4.00	33¢	74693

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight and one-half per cent:

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74710
.16	.23	2¢	74711
.24	.35	3¢	74712
.36	.47	4¢	74713
.48	.58	5¢	74714
.59	.70	6¢	74715
.71	.82	7¢	74716

.83	.94	8¢	74717
.95	1.05	9¢	74718
1.06	1.17	10¢	74719
1.18	1.29	11¢	74720
1.30	1.41	12¢	74721
1.42	1.52	13¢	74722
1.53	1.64	14¢	74723
1.65	1.76	15¢	74724
1.77	1.88	16¢	74725
1.89	2.00	17¢	74726

If the price exceeds two dollars, the tax is seventeen cents 74727
on each two dollars. If the price exceeds two dollars or a 74728
multiple thereof by not more than eleven cents, the amount of tax 74729
is seventeen cents for each two dollars plus one cent. If the 74730
price exceeds two dollars or a multiple thereof by more than 74731
eleven cents but by not more than twenty-three cents, the amount 74732
of tax is seventeen cents for each two dollars plus two cents. If 74733
the price exceeds two dollars or a multiple thereof by more than 74734
twenty-three cents, the amount of tax is seventeen cents for each 74735
two dollars plus the amount of tax for prices twenty-four cents 74736
through one dollar and ninety-nine cents in accordance with the 74737
schedule above. 74738

(11) When the combined rate of state and local tax is eight 74739
and three-fourths per cent: 74740

If the price		The amount of	74741
is at least	But not more than	the tax is	74742
\$.01	\$.15	No tax	74743
.16	.22	2¢	74744
.23	.34	3¢	74745
.35	.45	4¢	74746
.46	.57	5¢	74747
.58	.68	6¢	74748

.69	.80	7¢	74749
.81	.91	8¢	74750
.92	1.02	9¢	74751
1.03	1.14	10¢	74752
1.15	1.25	11¢	74753
1.26	1.37	12¢	74754
1.38	1.48	13¢	74755
1.49	1.60	14¢	74756
1.61	1.71	15¢	74757
1.72	1.82	16¢	74758
1.83	1.94	17¢	74759
1.95	2.05	18¢	74760
2.06	2.17	19¢	74761
2.18	2.28	20¢	74762
2.29	2.40	21¢	74763
2.41	2.51	22¢	74764
2.52	2.62	23¢	74765
2.63	2.74	24¢	74766
2.75	2.85	25¢	74767
2.86	2.97	26¢	74768
2.98	3.08	27¢	74769
3.09	3.20	28¢	74770
3.21	3.31	29¢	74771
3.32	3.42	30¢	74772
3.43	3.54	31¢	74773
3.55	3.65	32¢	74774
3.66	3.77	33¢	74775
3.78	3.88	34¢	74776
3.89	4.00	35¢	74777

If the price exceeds four dollars, the tax is thirty-five 74778
cents on each four dollars. If the price exceeds four dollars or a 74779
multiple thereof by not more than eleven cents, the amount of tax 74780
is thirty-five cents for each four dollars plus one cent. If the 74781

price exceeds four dollars or a multiple thereof by more than 74782
eleven cents but by not more than twenty-two cents, the amount of 74783
tax is thirty-five cents for each four dollars plus two cents. If 74784
the price exceeds four dollars or a multiple thereof by more than 74785
twenty-two cents, the amount of tax is thirty-five cents for each 74786
four dollars plus the amount of tax for prices twenty-three cents 74787
through three dollars and ninety-nine cents in accordance with the 74788
schedule above. 74789

(12) When the combined rate of state and local tax is nine 74790
per cent: 74791

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	74794
.16	.22	2¢	74795
.23	.33	3¢	74796
.34	.44	4¢	74797
.45	.55	5¢	74798
.56	.66	6¢	74799
.67	.77	7¢	74800
.78	.88	8¢	74801
.89	1.00	9¢	74802

If the price exceeds one dollar, the tax is nine cents on 74803
each one dollar. If the price exceeds one dollar or a multiple 74804
thereof by not more than eleven cents, the amount of tax is nine 74805
cents for each one dollar plus one cent. If the price exceeds one 74806
dollar or a multiple thereof by more than eleven cents but by not 74807
more than twenty-two cents, the amount of tax is nine cents for 74808
each one dollar plus two cents. If the price exceeds one dollar or 74809
a multiple thereof by more than twenty-two cents, the amount of 74810
tax is nine cents for each one dollar plus the amount of tax for 74811
prices twenty-three cents through ninety-nine cents in accordance 74812
with the schedule above. 74813

(C) On and after July 1, 2005, and on and before December 31, 74814
2005, the combined taxes levied by sections 5739.02 and 5741.02 74815
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 74816
5741.022, and 5741.023 of the Revised Code shall be collected in 74817
accordance with the following schedules: 74818

(1) When the total rate of local tax is one-fourth per cent: 74819

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	74822
.16	.17	1¢	74823
.18	.34	2¢	74824
.35	.52	3¢	74825
.53	.69	4¢	74826
.70	.86	5¢	74827
.87	1.04	6¢	74828
1.05	1.21	7¢	74829
1.22	1.39	8¢	74830
1.40	1.56	9¢	74831
1.57	1.73	10¢	74832
1.74	1.91	11¢	74833
1.92	2.08	12¢	74834
2.09	2.26	13¢	74835
2.27	2.43	14¢	74836
2.44	2.60	15¢	74837
2.61	2.78	16¢	74838
2.79	2.95	17¢	74839
2.96	3.13	18¢	74840
3.14	3.30	19¢	74841
3.31	3.47	20¢	74842
3.48	3.65	21¢	74843
3.66	3.82	22¢	74844
3.83	4.00	23¢	74845

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of local tax is one-half per cent:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.17	1¢
.18	.34	2¢
.35	.50	3¢
.51	.67	4¢
.68	.83	5¢
.84	1.00	6¢

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of local tax is three-fourths per cent:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax

.16	.16	1¢	74878
.17	.32	2¢	74879
.33	.48	3¢	74880
.49	.64	4¢	74881
.65	.80	5¢	74882
.81	.96	6¢	74883
.97	1.12	7¢	74884
1.13	1.28	8¢	74885
1.29	1.44	9¢	74886
1.45	1.60	10¢	74887
1.61	1.76	11¢	74888
1.77	1.92	12¢	74889
1.93	2.08	13¢	74890
2.09	2.24	14¢	74891
2.25	2.40	15¢	74892
2.41	2.56	16¢	74893
2.57	2.72	17¢	74894
2.73	2.88	18¢	74895
2.89	3.04	19¢	74896
3.05	3.20	20¢	74897
3.21	3.36	21¢	74898
3.37	3.52	22¢	74899
3.53	3.68	23¢	74900
3.69	3.84	24¢	74901
3.85	4.00	25¢	74902

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the

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schedule above. 74911

(4) When the combined rate of local tax is one per cent: 74912

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	74915
.16	.30	2¢	74916
.31	.46	3¢	74917
.47	.61	4¢	74918
.62	.76	5¢	74919
.77	.92	6¢	74920
.93	1.07	7¢	74921
1.08	1.23	8¢	74922
1.24	1.38	9¢	74923
1.39	1.53	10¢	74924
1.54	1.69	11¢	74925
1.70	1.84	12¢	74926
1.85	2.00	13¢	74927

If the price exceeds two dollars, the tax is thirteen cents 74928
on each two dollars. If the price exceeds two dollars or a 74929
multiple thereof by not more than fifteen cents, the amount of tax 74930
is thirteen cents for each two dollars plus one cent. If the price 74931
exceeds two dollars or a multiple thereof by more than fifteen 74932
cents, the amount of tax is thirteen cents for each two dollars 74933
plus the amount of tax for prices sixteen cents through one dollar 74934
and ninety-nine cents in accordance with the schedule above. 74935

(5) When the combined rate of local tax is one and one-fourth 74936
per cent: 74937

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	74940
.16	.29	2¢	74941
.30	.44	3¢	74942

.45	.59	4¢	74943
.60	.74	5¢	74944
.75	.88	6¢	74945
.89	1.03	7¢	74946
1.04	1.18	8¢	74947
1.19	1.33	9¢	74948
1.34	1.48	10¢	74949
1.49	1.62	11¢	74950
1.63	1.77	12¢	74951
1.78	1.92	13¢	74952
1.93	2.07	14¢	74953
2.08	2.22	15¢	74954
2.23	2.37	16¢	74955
2.38	2.51	17¢	74956
2.52	2.66	18¢	74957
2.67	2.81	19¢	74958
2.82	2.96	20¢	74959
2.97	3.11	21¢	74960
3.12	3.25	22¢	74961
3.26	3.40	23¢	74962
3.41	3.55	24¢	74963
3.56	3.70	25¢	74964
3.71	3.85	26¢	74965
3.86	4.00	27¢	74966

If the price exceeds four dollars, the tax is twenty-seven 74967
cents on each four dollars. If the price exceeds four dollars or a 74968
multiple thereof by not more than fourteen cents, the amount of 74969
tax is twenty-seven cents for each four dollars plus one cent. If 74970
the price exceeds four dollars or a multiple thereof by more than 74971
fourteen but by not more than twenty-nine cents, the amount of tax 74972
is twenty-seven cents for each four dollars plus two cents. If the 74973
price exceeds four dollars or a multiple thereof by more than 74974
twenty-nine cents the amount of tax is twenty-seven cents for each 74975

four dollars plus the amount of tax for prices thirty cents 74976
through three dollars and ninety-nine cents in accordance with the 74977
schedule above. 74978

(6) When the combined rate of local tax is one and one-half 74979
per cent: 74980

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	74981
.16	.28	2¢	74982
.29	.42	3¢	74983
.43	.57	4¢	74984
.58	.71	5¢	74985
.72	.85	6¢	74986
.86	1.00	7¢	74987

If the price exceeds one dollar, the tax is seven cents on 74990
each one dollar. If the price exceeds one dollar or a multiple 74991
thereof by not more than fifteen cents, the amount of tax is seven 74992
cents for each one dollar plus one cent. If the price exceeds one 74993
dollar or a multiple thereof by more than fifteen cents, the 74994
amount of tax is seven cents for each one dollar plus the amount 74995
of tax for prices sixteen cents through ninety-nine cents in 74996
accordance with the schedule above. 74997

(7) When the combined rate of local tax is one and 74998
three-fourths per cent: 74999

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	75000
.16	.27	2¢	75001
.28	.41	3¢	75002
.42	.55	4¢	75003
.56	.68	5¢	75004
.69	.82	6¢	75005

.83	.96	7¢	75008
.97	1.10	8¢	75009
1.11	1.24	9¢	75010
1.25	1.37	10¢	75011
1.38	1.51	11¢	75012
1.52	1.65	12¢	75013
1.66	1.79	13¢	75014
1.80	1.93	14¢	75015
1.94	2.06	15¢	75016
2.07	2.20	16¢	75017
2.21	2.34	17¢	75018
2.35	2.48	18¢	75019
2.49	2.62	19¢	75020
2.63	2.75	20¢	75021
2.76	2.89	21¢	75022
2.90	3.03	22¢	75023
3.04	3.17	23¢	75024
3.18	3.31	24¢	75025
3.32	3.44	25¢	75026
3.45	3.58	26¢	75027
3.59	3.72	27¢	75028
3.73	3.86	28¢	75029
3.87	4.00	29¢	75030

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices

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twenty-eight cents through three dollars and ninety-nine cents in 75041
accordance with the schedule above. 75042

(8) When the combined rate of local tax is two per cent: 75043

If the price	But not	The amount	
			75044

is at least	more than	of the tax is	75045
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\$.01	\$.15	No tax	75046
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.16	.26	2¢	75047
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.27	.40	3¢	75048
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.41	.53	4¢	75049
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.54	.65	5¢	75050
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.66	.80	6¢	75051
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.81	.93	7¢	75052
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.94	1.06	8¢	75053
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1.07	1.20	9¢	75054
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1.21	1.33	10¢	75055
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1.34	1.46	11¢	75056
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1.47	1.60	12¢	75057
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1.61	1.73	13¢	75058
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1.74	1.86	14¢	75059
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1.87	2.00	15¢	75060
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If the price exceeds two dollars, the tax is fifteen cents on 75061

each two dollars. If the price exceeds two dollars or a multiple 75062

thereof by not more than fifteen cents, the amount of tax is 75063

fifteen cents for each two dollars plus one cent. If the price 75064

exceeds two dollars or a multiple thereof by more than fifteen 75065

cents, the amount of tax is fifteen cents for each two dollars 75066

plus the amount of tax for prices sixteen cents through one dollar 75067

and ninety-nine cents in accordance with the schedule above. 75068

(9) When the combined rate of local tax is two and one-fourth 75069

per cent: 75070

If the price	But not	The amount	75071
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is at least	more than	of the tax is	75072
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\$.01	\$.15	No tax	75073
.16	.25	2¢	75074
.26	.38	3¢	75075
.39	.51	4¢	75076
.52	.64	5¢	75077
.65	.77	6¢	75078
.78	.90	7¢	75079
.91	1.03	8¢	75080
1.04	1.16	9¢	75081
1.17	1.29	10¢	75082
1.30	1.41	11¢	75083
1.42	1.54	12¢	75084
1.55	1.67	13¢	75085
1.68	1.80	14¢	75086
1.81	1.93	15¢	75087
1.94	2.06	16¢	75088
2.07	2.19	17¢	75089
2.20	2.32	18¢	75090
2.33	2.45	19¢	75091
2.46	2.58	20¢	75092
2.59	2.70	21¢	75093
2.71	2.83	22¢	75094
2.84	2.96	23¢	75095
2.97	3.09	24¢	75096
3.10	3.22	25¢	75097
3.23	3.35	26¢	75098
3.36	3.48	27¢	75099
3.49	3.61	28¢	75100
3.62	3.74	29¢	75101
3.75	3.87	30¢	75102
3.88	4.00	31¢	75103

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a

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multiple thereof by not more than twelve cents, the amount of tax 75106
 is thirty-one cents for each four dollars plus one cent. If the 75107
 price exceeds four dollars or a multiple thereof by more than 75108
 twelve cents but not more than twenty-five cents, the amount of 75109
 tax is thirty-one cents for each four dollars plus two cents. If 75110
 the price exceeds four dollars or a multiple thereof by more than 75111
 twenty-five cents, the amount of tax is thirty-one cents for each 75112
 four dollars plus the amount of tax for prices twenty-six cents 75113
 through three dollars and ninety-nine cents in accordance with the 75114
 schedule above. 75115

(10) When the combined rate of local tax is two and one-half 75116
 per cent: 75117

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	75118
.16	.25	2¢	75119
.26	.37	3¢	75120
.38	.50	4¢	75121
.51	.62	5¢	75122
.63	.75	6¢	75123
.76	.87	7¢	75124
.88	1.00	8¢	75125

If the price exceeds one dollar, the tax is eight cents on 75128
 each one dollar. If the price exceeds one dollar or a multiple 75129
 thereof by not more than twelve cents, the amount of tax is eight 75130
 cents for each one dollar plus one cent. If the price exceeds one 75131
 dollar or a multiple thereof by more than twelve cents but not 75132
 more than twenty-five cents, the amount of tax is eight cents for 75133
 each one dollar plus two cents. If the price exceeds one dollar or 75134
 a multiple thereof by more than twenty-five cents, the amount of 75135
 tax is eight cents for each one dollar plus the amount of tax for 75136
 prices twenty-six cents through ninety-nine cents in accordance 75137

with the schedule above. 75138

(11) When the combined rate of local tax is two and 75139
three-fourths per cent: 75140

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	75141
.16	.24	2¢	75142
.25	.36	3¢	75143
.37	.48	4¢	75144
.49	.60	5¢	75145
.61	.72	6¢	75146
.73	.84	7¢	75147
.85	.96	8¢	75148
.97	1.09	9¢	75149
1.10	1.21	10¢	75150
1.22	1.33	11¢	75151
1.34	1.45	12¢	75152
1.46	1.57	13¢	75153
1.58	1.69	14¢	75154
1.70	1.81	15¢	75155
1.82	1.93	16¢	75156
1.94	2.06	17¢	75157
2.07	2.18	18¢	75158
2.19	2.30	19¢	75159
2.31	2.42	20¢	75160
2.43	2.54	21¢	75161
2.55	2.66	22¢	75162
2.67	2.78	23¢	75163
2.79	2.90	24¢	75164
2.91	3.03	25¢	75165
3.04	3.15	26¢	75166
3.16	3.27	27¢	75167

3.28	3.39	28¢	75170
3.40	3.51	29¢	75171
3.52	3.63	30¢	75172
3.64	3.75	31¢	75173
3.76	3.87	32¢	75174
3.88	4.00	33¢	75175

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of local tax is three per cent: 75188

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	75191
.16	.23	2¢	75192
.24	.35	3¢	75193
.36	.47	4¢	75194
.48	.58	5¢	75195
.59	.70	6¢	75196
.71	.82	7¢	75197
.83	.94	8¢	75198
.95	1.05	9¢	75199
1.06	1.17	10¢	75200
1.18	1.29	11¢	75201

1.30	1.41	12¢	75202
1.42	1.52	13¢	75203
1.53	1.64	14¢	75204
1.65	1.76	15¢	75205
1.77	1.88	16¢	75206
1.89	2.00	17¢	75207

If the price exceeds two dollars, the tax is seventeen cents 75208
on each two dollars. If the price exceeds two dollars or a 75209
multiple thereof by not more than eleven cents, the amount of tax 75210
is seventeen cents for each two dollars plus one cent. If the 75211
price exceeds two dollars or a multiple thereof by more than 75212
eleven cents but not more than twenty-three cents, the amount of 75213
tax is seventeen cents for each two dollars plus two cents. If the 75214
price exceeds two dollars or a multiple thereof by more than 75215
twenty-three cents, the amount of tax is seventeen cents for each 75216
two dollars plus the amount of tax for prices twenty-four cents 75217
through one dollar and ninety-nine cents in accordance with the 75218
schedule above. 75219

(D) In lieu of collecting the tax pursuant to the schedules 75220
set forth in divisions (A), (B), and (C) of this section, a vendor 75221
may compute the tax on each sale as follows: 75222

(1) On sales of fifteen cents or less, no tax shall apply. 75223

(2) On sales in excess of fifteen cents, multiply the price 75224
by the aggregate rate of taxes in effect under sections 5739.02 75225
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 75226
5741.022, and 5741.023 of the Revised Code. The computation shall 75227
be carried out to six decimal places. If the result is a 75228
fractional amount of a cent, the calculated tax shall be increased 75229
to the next highest cent and that amount shall be collected by the 75230
vendor. 75231

(E) On and after January 1, 2006, a vendor shall compute the 75232
tax on each sale by multiplying the price by the aggregate rate of 75233

taxes in effect under sections 5739.02 and 5741.02, and sections 75234
5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 75235
5741.023, and 5741.024 of the Revised Code. The computation shall 75236
be carried out to three decimal places. If the result is a 75237
fractional amount of a cent, the calculated tax shall be rounded 75238
to a whole cent using a method that rounds up to the next cent 75239
whenever the third decimal place is greater than four. A vendor 75240
may elect to compute the tax due on a transaction on an item or an 75241
invoice basis. 75242

(F) In auditing a vendor, the tax commissioner shall consider 75243
the method prescribed by this section that was used by the vendor 75244
in determining and collecting the tax due under this chapter on 75245
taxable transactions. If the vendor correctly collects and remits 75246
the tax due under this chapter in accordance with the schedules in 75247
divisions (A), (B), and (C) of this section or in accordance with 75248
the computation prescribed in division (D) or (E) of this section, 75249
the commissioner shall not assess any additional tax on those 75250
transactions. 75251

(G)(1) With respect to a sale of a fractional ownership 75252
program aircraft used primarily in a fractional aircraft ownership 75253
program, including all accessories attached to such aircraft, the 75254
tax shall be calculated pursuant to divisions (A) to (E) of this 75255
section, provided that the tax commissioner shall modify those 75256
calculations so that the maximum tax on each program aircraft is 75257
eight hundred dollars. In the case of a sale of a fractional 75258
interest that is less than one hundred per cent of the program 75259
aircraft, the tax charged on the transaction shall be eight 75260
hundred dollars multiplied by a fraction, the numerator of which 75261
is the percentage of ownership or possession in the aircraft being 75262
purchased in the transaction, and the denominator of which is one 75263
hundred per cent. 75264

(2) Notwithstanding any other provision of law to the 75265

contrary, the tax calculated under division (G)(1) of this section 75266
and paid with respect to the sale of a fractional ownership 75267
program aircraft used primarily in a fractional aircraft ownership 75268
program shall be credited to the general revenue fund. 75269

Sec. 5739.026. (A) A board of county commissioners may levy a 75270
tax of one-fourth or one-half of one per cent on every retail sale 75271
in the county, except sales of watercraft and outboard motors 75272
required to be titled pursuant to Chapter 1548. of the Revised 75273
Code and sales of motor vehicles, and may increase an existing 75274
rate of one-fourth of one per cent to one-half of one per cent, to 75275
pay the expenses of administering the tax and, except as provided 75276
in division (A)(6) of this section, for any one or more of the 75277
following purposes provided that the aggregate levy for all such 75278
purposes does not exceed one-half of one per cent: 75279

(1) To provide additional revenues for the payment of bonds 75280
or notes issued in anticipation of bonds issued by a convention 75281
facilities authority established by the board of county 75282
commissioners under Chapter 351. of the Revised Code and to 75283
provide additional operating revenues for the convention 75284
facilities authority; 75285

(2) To provide additional revenues for a transit authority 75286
operating in the county; 75287

(3) To provide additional revenue for the county's general 75288
fund; 75289

(4) To provide additional revenue for permanent improvements 75290
within the county to be distributed by the community improvements 75291
board in accordance with section 307.283 and to pay principal, 75292
interest, and premium on bonds issued under section 307.284 of the 75293
Revised Code; 75294

(5) To provide additional revenue for the acquisition, 75295

construction, equipping, or repair of any specific permanent 75296
improvement or any class or group of permanent improvements, which 75297
improvement or class or group of improvements shall be enumerated 75298
in the resolution required by division (D) of this section, and to 75299
pay principal, interest, premium, and other costs associated with 75300
the issuance of bonds or notes in anticipation of bonds issued 75301
pursuant to Chapter 133. of the Revised Code for the acquisition, 75302
construction, equipping, or repair of the specific permanent 75303
improvement or class or group of permanent improvements; 75304

(6) To provide revenue for the implementation and operation 75305
of a 9-1-1 system in the county. If the tax is levied or the rate 75306
increased exclusively for such purpose, the tax shall not be 75307
levied or the rate increased for more than five years. At the end 75308
of the last year the tax is levied or the rate increased, any 75309
balance remaining in the special fund established for such purpose 75310
shall remain in that fund and be used exclusively for such purpose 75311
until the fund is completely expended, and, notwithstanding 75312
section 5705.16 of the Revised Code, the board of county 75313
commissioners shall not petition for the transfer of money from 75314
such special fund, and the tax commissioner shall not approve such 75315
a petition. 75316

If the tax is levied or the rate increased for such purpose 75317
for more than five years, the board of county commissioners also 75318
shall levy the tax or increase the rate of the tax for one or more 75319
of the purposes described in divisions (A)(1) to (5) of this 75320
section and shall prescribe the method for allocating the revenues 75321
from the tax each year in the manner required by division (C) of 75322
this section. 75323

(7) To provide additional revenue for the operation or 75324
maintenance of a detention facility, as that term is defined under 75325
division (F) of section 2921.01 of the Revised Code; 75326

(8) To provide revenue to finance the construction or 75327

renovation of a sports facility, but only if the tax is levied for 75328
that purpose in the manner prescribed by section 5739.028 of the 75329
Revised Code. 75330

As used in division (A)(8) of this section: 75331

(a) "Sports facility" means a facility intended to house 75332
major league professional athletic teams. 75333

(b) "Constructing" or "construction" includes providing 75334
fixtures, furnishings, and equipment. 75335

(9) To provide additional revenue for the acquisition of 75336
agricultural easements, as defined in section 5301.67 of the 75337
Revised Code; to pay principal, interest, and premium on bonds 75338
issued under section 133.60 of the Revised Code; and for the 75339
supervision and enforcement of agricultural easements held by the 75340
county; 75341

(10) To provide revenue for the provision of ambulance, 75342
paramedic, or other emergency medical services; 75343

(11) To provide revenue for the operation of a lake 75344
facilities authority and the remediation of an impacted watershed 75345
by a lake facilities authority, as provided in Chapter 353. of the 75346
Revised Code. 75347

Pursuant to section 755.171 of the Revised Code, a board of 75348
county commissioners may pledge and contribute revenue from a tax 75349
levied for the purpose of division (A)(5) of this section to the 75350
payment of debt charges on bonds issued under section 755.17 of 75351
the Revised Code. 75352

The rate of tax shall be a multiple of one-fourth of one per 75353
cent, unless a portion of the rate of an existing tax levied under 75354
section 5739.023 of the Revised Code has been reduced, and the 75355
rate of tax levied under this section has been increased, pursuant 75356
to section 5739.028 of the Revised Code, in which case the 75357

aggregate of the rates of tax levied under this section and 75358
section 5739.023 of the Revised Code shall be a multiple of 75359
one-fourth of one per cent. The tax shall be levied and the rate 75360
increased pursuant to a resolution adopted by a majority of the 75361
members of the board. The board shall deliver a certified copy of 75362
the resolution to the tax commissioner, not later than the 75363
sixty-fifth day prior to the date on which the tax is to become 75364
effective, which shall be the first day of a calendar quarter. 75365

Prior to the adoption of any resolution to levy the tax or to 75366
increase the rate of tax exclusively for the purpose set forth in 75367
division (A)(3) of this section, the board of county commissioners 75368
shall conduct two public hearings on the resolution, the second 75369
hearing to be no fewer than three nor more than ten days after the 75370
first. Notice of the date, time, and place of the hearings shall 75371
be given by publication in a newspaper of general circulation in 75372
the county, or as provided in section 7.16 of the Revised Code, 75373
once a week on the same day of the week for two consecutive weeks. 75374
The second publication shall be no fewer than ten nor more than 75375
thirty days prior to the first hearing. Except as provided in 75376
division (E) of this section, the resolution shall be subject to a 75377
referendum as provided in sections 305.31 to 305.41 of the Revised 75378
Code. If the resolution is adopted as an emergency measure 75379
necessary for the immediate preservation of the public peace, 75380
health, or safety, it must receive an affirmative vote of all of 75381
the members of the board of county commissioners and shall state 75382
the reasons for the necessity. 75383

If the tax is for more than one of the purposes set forth in 75384
divisions (A)(1) to (7), (9), and (10) of this section, or is 75385
exclusively for one of the purposes set forth in division (A)(1), 75386
(2), (4), (5), (6), (7), (9), or (10) of this section, the 75387
resolution shall not go into effect unless it is approved by a 75388
majority of the electors voting on the question of the tax. 75389

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate 75454
of tax shall state the rate of the tax or the rate of the 75455
increase; the purpose or purposes for which it is to be levied; 75456
the number of years for which it is to be levied or that it is for 75457
a continuing period of time; the allocation method required by 75458
division (C) of this section; and if required to be submitted to 75459
the electors of the county under division (A) of this section, the 75460
date of the election at which the proposal shall be submitted to 75461
the electors of the county, which shall be not less than ninety 75462
days after the certification of a copy of the resolution to the 75463
board of elections and, if the tax is to be levied exclusively for 75464
the purpose set forth in division (A)(3) of this section, shall 75465
not occur in February or August of any year. Upon certification of 75466
the resolution to the board of elections, the board of county 75467
commissioners shall notify the tax commissioner in writing of the 75468
levy question to be submitted to the electors. If approved by a 75469
majority of the electors, the tax shall become effective on the 75470
first day of a calendar quarter next following the sixty-fifth day 75471
following the date the board of county commissioners and tax 75472
commissioner receive from the board of elections the certification 75473
of the results of the election, except as provided in division (E) 75474
of this section. 75475

(2)(a) A resolution specifying that the tax is to be used 75476
exclusively for the purpose set forth in division (A)(3) of this 75477
section that is not adopted as an emergency measure may direct the 75478
board of elections to submit the question of levying the tax or 75479
increasing the rate of the tax to the electors of the county at a 75480
special election held on the date specified by the board of county 75481
commissioners in the resolution, provided that the election occurs 75482
not less than ninety days after the resolution is certified to the 75483
board of elections and the election is not held in February or 75484
August of any year. Upon certification of the resolution to the 75485
board of elections, the board of county commissioners shall notify 75486

the tax commissioner in writing of the levy question to be 75487
submitted to the electors. No resolution adopted under division 75488
(D)(2)(a) of this section shall go into effect unless approved by 75489
a majority of those voting upon it and, except as provided in 75490
division (E) of this section, not until the first day of a 75491
calendar quarter following the expiration of sixty-five days from 75492
the date the tax commissioner receives notice from the board of 75493
elections of the affirmative vote. 75494

(b) A resolution specifying that the tax is to be used 75495
exclusively for the purpose set forth in division (A)(3) of this 75496
section that is adopted as an emergency measure shall become 75497
effective as provided in division (A) of this section, but may 75498
direct the board of elections to submit the question of repealing 75499
the tax or increase in the rate of the tax to the electors of the 75500
county at the next general election in the county occurring not 75501
less than ninety days after the resolution is certified to the 75502
board of elections. Upon certification of the resolution to the 75503
board of elections, the board of county commissioners shall notify 75504
the tax commissioner in writing of the levy question to be 75505
submitted to the electors. The ballot question shall be the same 75506
as that prescribed in section 5739.022 of the Revised Code. The 75507
board of elections shall notify the board of county commissioners 75508
and the tax commissioner of the result of the election immediately 75509
after the result has been declared. If a majority of the qualified 75510
electors voting on the question of repealing the tax or increase 75511
in the rate of the tax vote for repeal of the tax or repeal of the 75512
increase, the board of county commissioners, on the first day of a 75513
calendar quarter following the expiration of sixty-five days after 75514
the date the board and tax commissioner received notice of the 75515
result of the election, shall, in the case of a repeal of the tax, 75516
cease to levy the tax, or, in the case of a repeal of an increase 75517
in the rate of the tax, cease to levy the increased rate and levy 75518
the tax at the rate at which it was imposed immediately prior to 75519

the increase in rate. 75520

(c) A board of county commissioners, by resolution, may 75521
reduce the rate of a tax levied exclusively for the purpose set 75522
forth in division (A)(3) of this section to a lower rate 75523
authorized by this section. Any such reduction shall be made 75524
effective on the first day of the calendar quarter next following 75525
the sixty-fifth day after the tax commissioner receives a 75526
certified copy of the resolution from the board. 75527

(E) If a vendor makes a sale in this state by printed catalog 75528
and the consumer computed the tax on the sale based on local rates 75529
published in the catalog, any tax levied or repealed or rate 75530
changed under this section shall not apply to such a sale until 75531
the first day of a calendar quarter following the expiration of 75532
one hundred twenty days from the date of notice by the tax 75533
commissioner pursuant to division (G) of this section. 75534

(F) The tax levied pursuant to this section shall be in 75535
addition to the tax levied by section 5739.02 of the Revised Code 75536
and any tax levied pursuant to section 5739.021 ~~or~~, 5739.023, or 75537
5739.024 of the Revised Code. 75538

A county that levies a tax pursuant to this section shall 75539
levy a tax at the same rate pursuant to section 5741.023 of the 75540
Revised Code. 75541

The additional tax levied by the county shall be collected 75542
pursuant to section 5739.025 of the Revised Code. 75543

Any tax levied pursuant to this section is subject to the 75544
exemptions provided in section 5739.02 of the Revised Code and in 75545
addition shall not be applicable to sales not within the taxing 75546
power of a county under the Constitution of the United States or 75547
the Ohio Constitution. 75548

(G) Upon receipt from a board of county commissioners of a 75549
certified copy of a resolution required by division (A) of this 75550

section, or from the board of elections a notice of the results of 75551
an election required by division (D)(1), (2)(a), (b), or (c) of 75552
this section, the tax commissioner shall provide notice of a tax 75553
rate change in a manner that is reasonably accessible to all 75554
affected vendors. The commissioner shall provide this notice at 75555
least sixty days prior to the effective date of the rate change. 75556
The commissioner, by rule, may establish the method by which 75557
notice will be provided. 75558

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 75559
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 75560
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, the tax 75561
due on the sale to a consumer who is a nonresident of this state 75562
of a watercraft or outboard motor required to be titled pursuant 75563
to Chapter 1548. of the Revised Code, or on the sale of a 75564
watercraft documented or to be documented with the United States 75565
coast guard, shall be the lesser of the combined tax rate in 75566
effect at the location of the vendor or the sales, use, or similar 75567
excise tax that the consumer would owe in the state of the 75568
consumer's intended titling, registration, or use of the 75569
watercraft or outboard motor, if all of the following apply: 75570

(1) The consumer immediately will remove the watercraft or 75571
outboard motor from this state for use outside this state; 75572

(2) The consumer will title or register the watercraft or 75573
outboard motor in another state, if such titling or registration 75574
is required; 75575

(3) The consumer will pay all applicable sales, use, or 75576
similar excise taxes due in the state of titling, registration, or 75577
use; 75578

(4) The state of titling, registration, or use grants a 75579
credit against its sales, use, or similar excise tax for tax paid 75580
to this state; 75581

(5) The consumer executes the affidavit specified in division 75582
(C) of this section. 75583

The vendor shall collect the tax and remit it to the state in 75584
the manner specified by the tax commissioner. 75585

(B) If all of the conditions specified in division (A) of 75586
this section exist, except that the state of titling, 75587
registration, or use does not grant a credit for sales or use tax 75588
paid to this state, or that the consumer's ownership or use of the 75589
watercraft or outboard motor is exempt or otherwise not taxable in 75590
such other state, the consumer may take title to and possession of 75591
the watercraft or outboard motor without payment of any sales or 75592
use tax to this state. 75593

(C) Every nonresident consumer who purchases a watercraft or 75594
outboard motor, as described in division (A) of this section, for 75595
immediate removal from this state shall execute an affidavit in 75596
triplicate, in such form as the tax commissioner specifies, 75597
affirming such facts and specifying the consumer's tax liability 75598
in the intended state of titling, registration, or use. The 75599
affidavit shall be given to the vendor. The vendor shall retain a 75600
copy of the affidavit and file another copy with the clerk of the 75601
court of common pleas if the vendor is procuring an Ohio title on 75602
behalf of the consumer. The original copy of the affidavit shall 75603
be filed with the tax commissioner in the manner prescribed by the 75604
tax commissioner. 75605

(D) If the vendor procures a title on behalf of the 75606
nonresident consumer from the clerk of the court of common pleas 75607
of the county where the vendor is located on the sale of a 75608
watercraft or outboard motor, the vendor shall file the affidavit 75609
specified in division (C) of this section with the clerk. The 75610
clerk shall issue the title without requiring payment of a sales 75611
or use tax. 75612

(E) If the watercraft or outboard motor is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, for purposes of this section the state of residence of the consumer shall be the state of residence of the principal shareholder.

(F) For purposes of this section, the consideration received for watercraft trailers not required to be titled pursuant to Chapter 4505. of the Revised Code and other accessories, which are transferred to a nonresident consumer with the watercraft or outboard motor, is part of the price of the watercraft or outboard motor, provided that such consideration is included in the price of the watercraft or outboard motor as reported by the vendor. Tangible personal property sold separately to the nonresident consumer shall be taxed as otherwise provided in this chapter and Chapter 5741. of the Revised Code.

(G) A vendor who in good faith accepts an affidavit provided by a nonresident consumer pursuant to division (C) of this section may rely upon the representations made in the affidavit.

(H) All provisions of this chapter and of Chapter 5741. of the Revised Code that are not inconsistent with this section apply to transactions described in this section.

(I) Any vendor who makes sales described in this section shall file with the tax commissioner any supplemental report or return the tax commissioner considers necessary for the efficient administration and enforcement of this section.

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, ~~5739.024~~, 5739.026, 5741.02, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor

vehicle dealer to a consumer that is a nonresident of this state 75644
shall be the lesser of the amount of tax that would be due under 75645
this chapter and Chapter 5741. of the Revised Code if the total 75646
combined rate were six per cent, or the amount of tax that would 75647
be due to the state in which the consumer titles or registers the 75648
motor vehicle or to which the consumer removes the vehicle for 75649
use. 75650

(B) No tax is due under this section, any other section of 75651
this chapter, or Chapter 5741. of the Revised Code under any of 75652
the following circumstances: 75653

(1)(a) The consumer intends to immediately remove the motor 75654
vehicle from this state for use outside this state; 75655

(b) Upon removal of the motor vehicle from this state, the 75656
consumer intends to title or register the vehicle in another state 75657
if such titling or registration is required; 75658

(c) The consumer executes an affidavit as required under 75659
division (C) of this section affirming the consumer's intentions 75660
under divisions (B)(1)(a) and (b) of this section; and 75661

(d) The state in which the consumer titles or registers the 75662
motor vehicle or to which the consumer removes the vehicle for use 75663
provides an exemption under circumstances substantially similar to 75664
those described in division (B)(1) of this section. 75665

(2) The state in which the consumer titles or registers the 75666
motor vehicle or to which the consumer removes the vehicle for use 75667
does not provide a credit against its sales or use tax or similar 75668
excise tax for sales or use tax paid to this state. 75669

(3) The state in which the consumer titles or registers the 75670
motor vehicle or to which the consumer removes the vehicle for use 75671
does not impose a sales or use tax or similar excise tax on the 75672
ownership or use of motor vehicles. 75673

(C) Any nonresident consumer that purchases a motor vehicle 75674
from a motor vehicle dealer in this state under the circumstances 75675
described in divisions (B)(1)(a) and (b) of this section shall 75676
execute an affidavit affirming the intentions described in those 75677
divisions. The affidavit shall be executed in triplicate and in 75678
the form specified by the tax commissioner. The affidavit shall be 75679
given to the motor vehicle dealer. 75680

A motor vehicle dealer that accepts in good faith an 75681
affidavit presented under this division by a nonresident consumer 75682
may rely upon the representations made in the affidavit. 75683

(D) A motor vehicle dealer making a sale subject to the tax 75684
under division (A) of this section shall collect the tax due 75685
unless the sale is subject to the exception under division (B) of 75686
this section or unless the sale is not otherwise subject to taxes 75687
levied under sections 5739.02, 5739.021, 5739.023, 5739.024, 75688
5739.026, 5741.02, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 75689
of the Revised Code. In the case of a sale under the circumstances 75690
described in division (B)(1) of this section, the dealer shall 75691
retain one copy of the affidavit and file the original and the 75692
other copy with the clerk of the court of common pleas. If tax is 75693
due under division (A) of this section, the dealer shall remit the 75694
tax collected to the clerk at the time the dealer obtains the Ohio 75695
certificate of title in the name of the consumer as required under 75696
section 4505.06 of the Revised Code. The clerk shall forward the 75697
original affidavit to the tax commissioner in the manner 75698
prescribed by the commissioner. 75699

Unless a sale is excepted from taxation under division (B) of 75700
this section, upon receipt of an application for certificate of 75701
title a clerk of the court of common pleas shall collect the sales 75702
tax due under division (A) of this section. The clerk shall remit 75703
the tax collected to the tax commissioner in the manner prescribed 75704
by the commissioner. 75705

(E) If a motor vehicle is purchased by a corporation 75706
described in division (B)(6) of section 5739.01 of the Revised 75707
Code, the state of residence of the consumer for the purposes of 75708
this section is the state of residence of the corporation's 75709
principal shareholder. 75710

(F) Any provision of this chapter or of Chapter 5741. of the 75711
Revised Code that is not inconsistent with this section applies to 75712
sales described in division (A) of this section. 75713

(G) As used in this section: 75714

(1) For the purposes of this section only, the sale or 75715
purchase of a motor vehicle does not include a lease or rental of 75716
a motor vehicle subject to division (A)(2) or (3) of section 75717
5739.02 or division (A)(2) or (3) of section 5741.02 of the 75718
Revised Code; 75719

(2) "State," except in reference to "this state," means any 75720
state, district, commonwealth, or territory of the United States 75721
and any province of Canada. 75722

Sec. 5739.03. (A) Except as provided in section 5739.05 or 75723
section 5739.051 of the Revised Code, the tax imposed by or 75724
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 75725
5739.026 of the Revised Code shall be paid by the consumer to the 75726
vendor, and each vendor shall collect from the consumer, as a 75727
trustee for the state of Ohio, the full and exact amount of the 75728
tax payable on each taxable sale, in the manner and at the times 75729
provided as follows: 75730

(1) If the price is, at or prior to the provision of the 75731
service or the delivery of possession of the thing sold to the 75732
consumer, paid in currency passed from hand to hand by the 75733
consumer or the consumer's agent to the vendor or the vendor's 75734
agent, the vendor or the vendor's agent shall collect the tax with 75735

and at the same time as the price; 75736

(2) If the price is otherwise paid or to be paid, the vendor 75737
or the vendor's agent shall, at or prior to the provision of the 75738
service or the delivery of possession of the thing sold to the 75739
consumer, charge the tax imposed by or pursuant to section 75740
5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised 75741
Code to the account of the consumer, which amount shall be 75742
collected by the vendor from the consumer in addition to the 75743
price. Such sale shall be reported on and the amount of the tax 75744
applicable thereto shall be remitted with the return for the 75745
period in which the sale is made, and the amount of the tax shall 75746
become a legal charge in favor of the vendor and against the 75747
consumer. 75748

(B)(1)(a) If any sale is claimed to be exempt under division 75749
(E) of section 5739.01 of the Revised Code or under section 75750
5739.02 of the Revised Code, with the exception of divisions 75751
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 75752
consumer must provide to the vendor, and the vendor must obtain 75753
from the consumer, a certificate specifying the reason that the 75754
sale is not legally subject to the tax. The certificate shall be 75755
in such form, and shall be provided either in a hard copy form or 75756
electronic form, as the tax commissioner prescribes. 75757

(b) A vendor that obtains a fully completed exemption 75758
certificate from a consumer is relieved of liability for 75759
collecting and remitting tax on any sale covered by that 75760
certificate. If it is determined the exemption was improperly 75761
claimed, the consumer shall be liable for any tax due on that sale 75762
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 75763
or Chapter 5741. of the Revised Code. Relief under this division 75764
from liability does not apply to any of the following: 75765

(i) A vendor that fraudulently fails to collect tax; 75766

(ii) A vendor that solicits consumers to participate in the 75767
unlawful claim of an exemption; 75768

(iii) A vendor that accepts an exemption certificate from a 75769
consumer that claims an exemption based on who purchases or who 75770
sells property or a service, when the subject of the transaction 75771
sought to be covered by the exemption certificate is actually 75772
received by the consumer at a location operated by the vendor in 75773
this state, and this state has posted to its web site an exemption 75774
certificate form that clearly and affirmatively indicates that the 75775
claimed exemption is not available in this state; 75776

(iv) A vendor that accepts an exemption certificate from a 75777
consumer who claims a multiple points of use exemption under 75778
division (D) of section 5739.033 of the Revised Code, if the item 75779
purchased is tangible personal property, other than prewritten 75780
computer software. 75781

(2) The vendor shall maintain records, including exemption 75782
certificates, of all sales on which a consumer has claimed an 75783
exemption, and provide them to the tax commissioner on request. 75784

(3) The tax commissioner may establish an identification 75785
system whereby the commissioner issues an identification number to 75786
a consumer that is exempt from payment of the tax. The consumer 75787
must present the number to the vendor, if any sale is claimed to 75788
be exempt as provided in this section. 75789

(4) If no certificate is provided or obtained within ninety 75790
days after the date on which such sale is consummated, it shall be 75791
presumed that the tax applies. Failure to have so provided or 75792
obtained a certificate shall not preclude a vendor, within one 75793
hundred twenty days after the tax commissioner gives written 75794
notice of intent to levy an assessment, from either establishing 75795
that the sale is not subject to the tax, or obtaining, in good 75796
faith, a fully completed exemption certificate. 75797

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the

contractor or vendor to ascertain the resulting classification of 75830
all materials purchased or fabricated by the contractor or vendor 75831
and transferred to the contractee. This requirement applies to a 75832
contractee regardless of whether the contractee holds a direct 75833
payment permit under section 5739.031 of the Revised Code or 75834
provides to the contractor or vendor an exemption certificate as 75835
provided under this section. 75836

For the purposes of the taxes levied by this chapter and 75837
Chapter 5741. of the Revised Code, the contractor or vendor may in 75838
good faith rely on the contractee's certification. Notwithstanding 75839
division (B) of section 5739.01 of the Revised Code, if the tax 75840
commissioner determines that certain property certified by the 75841
contractee as tangible personal property pursuant to this division 75842
is, in fact, real property, the contractee shall be considered to 75843
be the consumer of all materials so incorporated into that real 75844
property and shall be liable for the applicable tax, and the 75845
contractor or vendor shall be excused from any liability on those 75846
materials. 75847

If a contractee fails to provide such certification upon the 75848
request of the contractor or vendor, the contractor or vendor 75849
shall comply with the provisions of this chapter and Chapter 5741. 75850
of the Revised Code without the certification. If the tax 75851
commissioner determines that such compliance has been performed in 75852
good faith and that certain property treated as tangible personal 75853
property by the contractor or vendor is, in fact, real property, 75854
the contractee shall be considered to be the consumer of all 75855
materials so incorporated into that real property and shall be 75856
liable for the applicable tax, and the construction contractor or 75857
vendor shall be excused from any liability on those materials. 75858

This division does not apply to any contract or agreement 75859
where the tax commissioner determines as a fact that a 75860
certification under this division was made solely on the decision 75861

or advice of the contractor or vendor. 75862

(D) Notwithstanding division (B) of section 5739.01 of the 75863
Revised Code, whenever the total rate of tax imposed under this 75864
chapter is increased after the date after a construction contract 75865
is entered into, the contractee shall reimburse the construction 75866
contractor for any additional tax paid on tangible property 75867
consumed or services received pursuant to the contract. 75868

(E) A vendor who files a petition for reassessment contesting 75869
the assessment of tax on sales for which the vendor obtained no 75870
valid exemption certificates and for which the vendor failed to 75871
establish that the sales were properly not subject to the tax 75872
during the one-hundred-twenty-day period allowed under division 75873
(B) of this section, may present to the tax commissioner 75874
additional evidence to prove that the sales were properly subject 75875
to a claim of exception or exemption. The vendor shall file such 75876
evidence within ninety days of the receipt by the vendor of the 75877
notice of assessment, except that, upon application and for 75878
reasonable cause, the period for submitting such evidence shall be 75879
extended thirty days. 75880

The commissioner shall consider such additional evidence in 75881
reaching the final determination on the assessment and petition 75882
for reassessment. 75883

(F) Whenever a vendor refunds the price, minus any separately 75884
stated delivery charge, of an item of tangible personal property 75885
on which the tax imposed under this chapter has been paid, the 75886
vendor shall also refund the amount of tax paid, minus the amount 75887
of tax attributable to the delivery charge. 75888

Sec. 5739.031. (A) Upon application, the tax commissioner may 75889
issue a direct payment permit that authorizes a consumer to pay 75890
the sales tax levied by or pursuant to section 5739.02, 5739.021, 75891
5739.023, 5739.024, or 5739.026 of the Revised Code or the use tax 75892

levied by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 75893
5741.023, or 5741.024 of the Revised Code directly to the state 75894
and waives the collection of the tax by the vendor or seller if 75895
payment directly to the state would improve compliance and 75896
increase the efficiency of the administration of the tax. The 75897
commissioner may adopt rules establishing the criteria for the 75898
issuance of such permits. 75899

(B) Each permit holder, on or before the twenty-third day of 75900
each month, shall make and file with the treasurer of state a 75901
return for the preceding month in such form as is prescribed by 75902
the tax commissioner and shall pay the tax shown on the return to 75903
be due. The return shall show the sum of the prices of taxable 75904
merchandise used and taxable services received, the amount of tax 75905
due from the permit holder, and such other information as the 75906
commissioner deems necessary. The commissioner, upon written 75907
request by the permit holder, may extend the time for making and 75908
filing returns and paying the tax. If the commissioner determines 75909
that a permit holder's tax liability is not such as to merit 75910
monthly filing, the commissioner may authorize the permit holder 75911
to file returns and pay the tax at less frequent intervals. The 75912
treasurer of state shall show on the return the date it was filed 75913
and the amount of the payment remitted to the treasurer. 75914
Thereafter, the treasurer immediately shall transmit all returns 75915
filed under this section to the tax commissioner. 75916

Any permit holder required to file a return and pay the tax 75917
under this section whose total payment for any calendar year 75918
equals or exceeds the amount shown in section 5739.032 of the 75919
Revised Code shall make each payment required by this section in 75920
the second ensuing and each succeeding year by electronic funds 75921
transfer as prescribed by, and on or before the dates specified 75922
in, section 5739.032 of the Revised Code, except as otherwise 75923
prescribed by that section. 75924

(C) For purposes of reporting and remitting the tax, the price of tangible personal property or services purchased by, or of tangible personal property produced by, the permit holder shall be determined under division (G) of section 5741.01 of the Revised Code. Except as otherwise provided in division (E) of section 5739.033 of the Revised Code, the situs of any purchase transaction made by the permit holder is the location where the tangible personal property or service is received by the permit holder.

(D) It shall be the duty of every permit holder required to make a return and pay its tax under this section to keep and preserve suitable records of purchases together with invoices of purchases, bills of lading, asset ledgers, depreciation schedules, transfer journals, and such other primary and secondary records and documents in such form as the commissioner requires. All such records and other documents shall be open during business hours to the inspection of the tax commissioner, and shall be preserved for a period of four years, unless the commissioner, in writing, has authorized their destruction or disposal at an earlier date, or by order or by reason of a waiver of the four-year time limitation pursuant to section 5739.16 of the Revised Code requires that they be kept longer.

(E) A permit granted pursuant to this section shall continue to be valid until surrendered by the holder or canceled for cause by the tax commissioner.

(F) Persons who hold a direct payment permit that has not been canceled shall not be required to issue exemption certificates and shall not be required to pay the tax as prescribed in sections 5739.03, 5739.033, and 5741.12 of the Revised Code. Such persons shall notify vendors and sellers from whom purchases of tangible personal property or services are made, of their direct payment permit number and that the tax is being

paid directly to the state. Upon receipt of such notice, such 75957
vendor or seller shall be absolved from all duties and liabilities 75958
imposed by section 5739.03 or 5741.04 of the Revised Code with 75959
respect to sales of tangible personal property or services to such 75960
permit holder. 75961

Vendors and sellers who make sales upon which the tax is not 75962
collected by reason of the provisions of this section shall 75963
maintain records in such manner that the amount involved and 75964
identity of the purchaser may be ascertained. The receipts from 75965
such sales shall not be subject to the tax levied in section 75966
5739.10 of the Revised Code. 75967

Upon the cancellation or surrender of a direct payment 75968
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 75969
of the Revised Code shall immediately apply to all purchases made 75970
subsequent to such cancellation or surrender by the person who 75971
previously held such permit, and such person shall so notify 75972
vendors and sellers from whom purchases of tangible personal 75973
property or services are made, in writing, prior to or at the time 75974
of the first purchase after such cancellation or surrender. Upon 75975
receipt of such notice, the vendor shall be subject to the 75976
provisions of sections 5739.03 and 5739.10 of the Revised Code and 75977
the seller shall be subject to the provisions of section 5741.04 75978
of the Revised Code, with respect to all sales subsequently made 75979
to such person. Failure of any such person to notify vendors or 75980
sellers from whom purchases of tangible personal property or 75981
services are made of the cancellation or surrender of a direct 75982
payment permit shall be considered as a refusal to pay the tax by 75983
the person required to issue such notice. 75984

Sec. 5739.033. (A) The amount of tax due pursuant to sections 75985
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 75986
Code is the sum of the taxes imposed pursuant to those sections at 75987

the sourcing location of the sale as determined under this section 75988
or, if applicable, under division (C) of section 5739.031 or 75989
section 5739.034 of the Revised Code. This section applies only to 75990
a vendor's or seller's obligation to collect and remit sales taxes 75991
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 75992
of the Revised Code or use taxes under section 5741.02, 5741.021, 75993
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code. Division 75994
(A) of this section does not apply in determining the jurisdiction 75995
for which sellers are required to collect the use tax under 75996
section 5741.05 of the Revised Code. This section does not affect 75997
the obligation of a consumer to remit use taxes on the storage, 75998
use, or other consumption of tangible personal property or on the 75999
benefit realized of any service provided, to the jurisdiction of 76000
that storage, use, or consumption, or benefit realized. 76001

76002

(B)(1) Beginning January 1, 2010, retail sales, excluding the 76003
lease or rental, of tangible personal property or digital goods 76004
shall be sourced to the location where the vendor receives an 76005
order for the sale of such property or goods if: 76006

(a) The vendor receives the order in this state and the 76007
consumer receives the property or goods in this state; 76008

(b) The location where the consumer receives the property or 76009
goods is determined under division (C)(2), (3), or (4) of this 76010
section; and 76011

(c) The record-keeping system used by the vendor to calculate 76012
the tax imposed captures the location where the order is received 76013
at the time the order is received. 76014

(2) A consumer has no additional liability to this state 76015
under this chapter or Chapter 5741. of the Revised Code for tax, 76016
penalty, or interest on a sale for which the consumer remits tax 76017
to the vendor in the amount invoiced by the vendor if the invoice 76018

amount is calculated at either the rate applicable to the location 76019
where the consumer receives the property or digital good or at the 76020
rate applicable to the location where the order is received by the 76021
vendor. A consumer may rely on a written representation by the 76022
vendor as to the location where the order for the sale was 76023
received by the vendor. If the consumer does not have a written 76024
representation by the vendor as to the location where the order 76025
was received by the vendor, the consumer may use a location 76026
indicated by a business address for the vendor that is available 76027
from records that are maintained in the ordinary course of the 76028
consumer's business to determine the rate applicable to the 76029
location where the order was received. 76030

(3) For the purposes of division (B) of this section, the 76031
location where an order is received by or on behalf of a vendor 76032
means the physical location of the vendor or a third party such as 76033
an established outlet, office location, or automated order receipt 76034
system operated by or on behalf of the vendor, where an order is 76035
initially received by or on behalf of the vendor, and not where 76036
the order may be subsequently accepted, completed, or fulfilled. 76037
An order is received when all necessary information to determine 76038
whether the order can be accepted has been received by or on 76039
behalf of the vendor. The location from which the property or 76040
digital good is shipped shall not be used to determine the 76041
location where the order is received by the vendor. 76042

(4) For the purposes of division (B) of this section, if 76043
services subject to taxation under this chapter or Chapter 5741. 76044
of the Revised Code are sold with tangible personal property or 76045
digital goods pursuant to a single contract or in the same 76046
transaction, the services are billed on the same billing statement 76047
or invoice, and, because of the application of division (B) of 76048
this section, the transaction would be sourced to more than one 76049
jurisdiction, the situs of the transaction shall be the location 76050

where the order is received by or on behalf of the vendor. 76051

(C) Except for sales, other than leases, of titled motor 76052
vehicles, titled watercraft, or titled outboard motors as provided 76053
in section 5741.05 of the Revised Code, or as otherwise provided 76054
in this section and section 5739.034 of the Revised Code, all 76055
sales shall be sourced as follows: 76056

(1) If the consumer or a donee designated by the consumer 76057
receives tangible personal property or a service at a vendor's 76058
place of business, the sale shall be sourced to that place of 76059
business. 76060

(2) When the tangible personal property or service is not 76061
received at a vendor's place of business, the sale shall be 76062
sourced to the location known to the vendor where the consumer or 76063
the donee designated by the consumer receives the tangible 76064
personal property or service, including the location indicated by 76065
instructions for delivery to the consumer or the consumer's donee. 76066

(3) If divisions (C)(1) and (2) of this section do not apply, 76067
the sale shall be sourced to the location indicated by an address 76068
for the consumer that is available from the vendor's business 76069
records that are maintained in the ordinary course of the vendor's 76070
business, when use of that address does not constitute bad faith. 76071

(4) If divisions (C)(1), (2), and (3) of this section do not 76072
apply, the sale shall be sourced to the location indicated by an 76073
address for the consumer obtained during the consummation of the 76074
sale, including the address associated with the consumer's payment 76075
instrument, if no other address is available, when use of that 76076
address does not constitute bad faith. 76077

(5) If divisions (C)(1), (2), (3), and (4) of this section do 76078
not apply, including in the circumstance where the vendor is 76079
without sufficient information to apply any of those divisions, 76080
the sale shall be sourced to the address from which tangible 76081

personal property was shipped, or from which the service was 76082
provided, disregarding any location that merely provided the 76083
electronic transfer of the property sold or service provided. 76084

(6) As used in division (C) of this section, "receive" means 76085
taking possession of tangible personal property or making first 76086
use of a service. "Receive" does not include possession by a 76087
shipping company on behalf of a consumer. 76088

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 76089
section, a business consumer that is not a holder of a direct 76090
payment permit granted under section 5739.031 of the Revised Code, 76091
that purchases a digital good, computer software, except computer 76092
software received in person by a business consumer at a vendor's 76093
place of business, or a service, and that knows at the time of 76094
purchase that such digital good, software, or service will be 76095
concurrently available for use in more than one taxing 76096
jurisdiction shall deliver to the vendor in conjunction with its 76097
purchase an exemption certificate claiming multiple points of use, 76098
or shall meet the requirements of division (D)(2) of this section. 76099
On receipt of the exemption certificate claiming multiple points 76100
of use, the vendor is relieved of its obligation to collect, pay, 76101
or remit the tax due, and the business consumer must pay the tax 76102
directly to the state. 76103

(b) A business consumer that delivers the exemption 76104
certificate claiming multiple points of use to a vendor may use 76105
any reasonable, consistent, and uniform method of apportioning the 76106
tax due on the digital good, computer software, or service that is 76107
supported by the consumer's business records as they existed at 76108
the time of the sale. The business consumer shall report and pay 76109
the appropriate tax to each jurisdiction where concurrent use 76110
occurs. The tax due shall be calculated as if the apportioned 76111
amount of the digital good, computer software, or service had been 76112
delivered to each jurisdiction to which the sale is apportioned 76113

under this division. 76114

(c) The exemption certificate claiming multiple points of use 76115
shall remain in effect for all future sales by the vendor to the 76116
business consumer until it is revoked in writing by the business 76117
consumer, except as to the business consumer's specific 76118
apportionment of a subsequent sale under division (D)(1)(b) of 76119
this section and the facts existing at the time of the sale. 76120

(2) When the vendor knows that a digital good, computer 76121
software, or service sold will be concurrently available for use 76122
by the business consumer in more than one jurisdiction, but the 76123
business consumer does not provide an exemption certificate 76124
claiming multiple points of use as required by division (D)(1) of 76125
this section, the vendor may work with the business consumer to 76126
produce the correct apportionment. Governed by the principles of 76127
division (D)(1)(b) of this section, the vendor and business 76128
consumer may use any reasonable, but consistent and uniform, 76129
method of apportionment that is supported by the vendor's and 76130
business consumer's books and records as they exist at the time 76131
the sale is reported for purposes of the taxes levied under this 76132
chapter. If the business consumer certifies to the accuracy of the 76133
apportionment and the vendor accepts the certification, the vendor 76134
shall collect and remit the tax accordingly. In the absence of bad 76135
faith, the vendor is relieved of any further obligation to collect 76136
tax on any transaction where the vendor has collected tax pursuant 76137
to the information certified by the business consumer. 76138

(3) When the vendor knows that the digital good, computer 76139
software, or service will be concurrently available for use in 76140
more than one jurisdiction, and the business consumer does not 76141
have a direct pay permit and does not provide to the vendor an 76142
exemption certificate claiming multiple points of use as required 76143
in division (D)(1) of this section, or certification pursuant to 76144
division (D)(2) of this section, the vendor shall collect and 76145

remit the tax based on division (C) of this section. 76146

(4) Nothing in this section shall limit a person's obligation 76147
for sales or use tax to any state in which a digital good, 76148
computer software, or service is concurrently available for use, 76149
nor limit a person's ability under local, state, or federal law, 76150
to claim a credit for sales or use taxes legally due and paid to 76151
other jurisdictions. 76152

(E) A person who holds a direct payment permit issued under 76153
section 5739.031 of the Revised Code is not required to deliver an 76154
exemption certificate claiming multiple points of use to a vendor. 76155
But such permit holder shall comply with division (D)(2) of this 76156
section in apportioning the tax due on a digital good, computer 76157
software, or a service for use in business that will be 76158
concurrently available for use in more than one taxing 76159
jurisdiction. 76160

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 76161
section, the consumer of direct mail that is not a holder of a 76162
direct payment permit shall provide to the vendor in conjunction 76163
with the sale either an exemption certificate claiming direct mail 76164
prescribed by the tax commissioner, or information to show the 76165
jurisdictions to which the direct mail is delivered to recipients. 76166

(2) Upon receipt of such exemption certificate, the vendor is 76167
relieved of all obligations to collect, pay, or remit the 76168
applicable tax and the consumer is obligated to pay that tax on a 76169
direct pay basis. An exemption certificate claiming direct mail 76170
shall remain in effect for all future sales of direct mail by the 76171
vendor to the consumer until it is revoked in writing. 76172

(3) Upon receipt of information from the consumer showing the 76173
jurisdictions to which the direct mail is delivered to recipients, 76174
the vendor shall collect the tax according to the delivery 76175
information provided by the consumer. In the absence of bad faith, 76176

the vendor is relieved of any further obligation to collect tax on 76177
any transaction where the vendor has collected tax pursuant to the 76178
delivery information provided by the consumer. 76179

(4) If the consumer of direct mail does not have a direct 76180
payment permit and does not provide the vendor with either an 76181
exemption certificate claiming direct mail or delivery information 76182
as required by division (F)(1) of this section, the vendor shall 76183
collect the tax according to division (C)(5) of this section. 76184
Nothing in division (F)(4) of this section shall limit a 76185
consumer's obligation to pay sales or use tax to any state to 76186
which the direct mail is delivered. 76187

(5) If a consumer of direct mail provides the vendor with 76188
documentation of direct payment authority, the consumer shall not 76189
be required to provide an exemption certificate claiming direct 76190
mail or delivery information to the vendor. 76191

(G) If the vendor provides lodging to transient guests as 76192
specified in division (B)(2) of section 5739.01 of the Revised 76193
Code, the sale shall be sourced to the location where the lodging 76194
is located. 76195

(H)(1) As used in this division and division (I) of this 76196
section, "transportation equipment" means any of the following: 76197

(a) Locomotives and railcars that are utilized for the 76198
carriage of persons or property in interstate commerce. 76199

(b) Trucks and truck-tractors with a gross vehicle weight 76200
rating of greater than ten thousand pounds, trailers, 76201
semi-trailers, or passenger buses that are registered through the 76202
international registration plan and are operated under authority 76203
of a carrier authorized and certificated by the United States 76204
department of transportation or another federal authority to 76205
engage in the carriage of persons or property in interstate 76206
commerce. 76207

(c) Aircraft that are operated by air carriers authorized and certified by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease

or rental shall be sourced as follows: 76238

(i) An accelerated tax payment on a lease or rental that is 76239
taxed pursuant to division (A)(2) of section 5739.02 of the 76240
Revised Code shall be sourced pursuant to division (C) of this 76241
section at the time the lease or rental is consummated. Any 76242
subsequent taxable charges on the lease or rental shall be sourced 76243
to the primary property location for the period in which the 76244
charges are incurred. 76245

(ii) For a lease or rental that is taxed pursuant to division 76246
(A)(3) of section 5739.02 of the Revised Code, the initial lease 76247
or rental installment shall be sourced pursuant to division (C) of 76248
this section. Each subsequent installment shall be sourced to the 76249
primary property location for the period covered by the 76250
installment. 76251

(3) As used in division (I) of this section, "primary 76252
property location" means an address for tangible personal property 76253
provided by the lessee or renter that is available to the lessor 76254
or owner from its records maintained in the ordinary course of 76255
business, when use of that address does not constitute bad faith. 76256

(J) If the vendor provides a service specified in division 76257
(B)(11) of section 5739.01 of the Revised Code, the situs of the 76258
sale is the location of the enrollee for whom a medicaid health 76259
insurance corporation receives managed care premiums. Such sales 76260
shall be sourced to the locations of the enrollees in the same 76261
proportion as the managed care premiums received by the medicaid 76262
health insuring corporation on behalf of enrollees located in a 76263
particular taxing jurisdiction in Ohio as compared to all managed 76264
care premiums received by the medicaid health insuring 76265
corporation. 76266

Sec. 5739.034. (A) As used in this section: 76267

(1) "Air-to-ground radiotelephone service" means a radio service, as defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.

(2) "Call-by-call basis" means any method of charging for telecommunications services where the price is measured by individual calls.

(3) "Customer" means the person or entity that contracts with a seller of telecommunications service. If the end user of telecommunications service is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service. "Customer" does not include a reseller of telecommunications service or of mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area.

(4) "End user" means the person who utilizes the telecommunications service. In the case of a person other than an individual, "end user" means the individual who utilizes the service on behalf of the person.

(5) "Home service provider" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C. 124(5), as amended.

(6) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider.

(7) "Post-paid calling service" means the telecommunications

service obtained by making a payment on a call-by-call basis 76299
either through the use of a credit card or payment mechanism such 76300
as a bank card, travel card, credit card, or debit card, or by 76301
charge made to a telephone number that is not associated with the 76302
origination or termination of the telecommunications service. 76303
"Post-paid calling service" includes a telecommunications service, 76304
except a prepaid wireless calling service, that would be a prepaid 76305
calling service, but for the fact that it is not exclusively a 76306
telecommunications service. 76307

(8) "Prepaid calling service" and "prepaid wireless calling 76308
service" have the same meanings as in section 5739.01 of the 76309
Revised Code. 76310

(9) "Service address" means: 76311

(a) The location of the telecommunications equipment to which 76312
a customer's call is charged and from which the call originates or 76313
terminates, regardless of where the call is billed or paid. 76314

(b) If the location in division (A)(9)(a) of this section is 76315
not known, "service address" means the origination point of the 76316
signal of the telecommunications service first identified by 76317
either the seller's telecommunications system or in information 76318
received by the seller from its service provider, where the system 76319
used to transport such signals is not that of the seller. 76320

(c) If the locations in divisions (A)(9)(a) and (b) of this 76321
section are not known, "service address" means the location of the 76322
customer's place of primary use. 76323

(10) "Private communication service" means a 76324
telecommunications service that entitles a customer to exclusive 76325
or priority use of a communications channel or group of channels 76326
between or among termination points, regardless of the manner in 76327
which the channel or channels are connected, and includes 76328
switching capacity, extension lines, stations, and any other 76329

associated services that are provided in connection with the use of such channel or channels.

(B) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised Code on sales of telecommunications service, information service, or mobile telecommunications service, is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section.

(C) Except for the telecommunications services described in division (E) of this section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction, or each level of taxing jurisdiction where the call either originates or terminates and in which the service address also is located.

(D) Except for the telecommunications services described in division (E) of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use.

(E) The sale of the following telecommunications services shall be sourced to each level of taxing jurisdiction, as follows:

(1) A sale of mobile telecommunications service, other than air-to-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act.

(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by the service provider's telecommunications system, or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.

(3) A sale of prepaid calling service or prepaid wireless calling service shall be sourced under division (C) of section 5739.033 of the Revised Code. But in the case of prepaid wireless calling service, in lieu of sourcing the sale of the service under division (C)(5) of section 5739.033 of the Revised Code, the service provider may elect to source the sale to the location associated with the mobile telephone number.

(4) A sale of a private communication service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which the customer channel termination point is located;

(b) Service where all customer channel termination points are located entirely within one jurisdiction or level of jurisdiction shall be sourced in the jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segments of a channel are separately charged shall be sourced fifty per cent in each level of jurisdiction in which the customer channel termination points are located;

(d) Service for segments of a channel located in more than one jurisdiction or level of jurisdiction and which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in the jurisdiction by the total number of customer channel termination points.

Sec. 5739.04. If modification of a county's jurisdictional boundaries ~~or~~, a transit authority's territory, or a tourism

development district's territory results in a change in the tax 76391
rate levied under section 5739.021, 5739.023, 5739.024, or 76392
5739.026 of the Revised Code, the tax commissioner, within thirty 76393
days of such change, shall notify any vendor or the vendor's 76394
certified service provider, if the vendor has selected one, of 76395
such change. The rate change shall not apply to sales made by such 76396
vendor until the first day of a calendar quarter following the 76397
expiration of sixty days from the date of notice by the 76398
commissioner. 76399

Sec. 5739.05. (A) The tax commissioner shall enforce and 76400
administer sections 5739.01 to 5739.31 of the Revised Code, which 76401
are hereby declared to be sections which the commissioner is 76402
required to administer within the meaning of sections 5703.17 to 76403
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 76404
commissioner may adopt and promulgate, in accordance with sections 76405
119.01 to 119.13 of the Revised Code, such rules as the 76406
commissioner deems necessary to administer sections 5739.01 to 76407
5739.31 of the Revised Code. 76408

(B) Upon application, the commissioner may authorize a vendor 76409
to pay on a predetermined basis the tax levied by or pursuant to 76410
section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the 76411
Revised Code upon sales of things produced or distributed or 76412
services provided by such vendor, and the commissioner may waive 76413
the collection of the tax from the consumer. The commissioner 76414
shall not grant such authority unless the commissioner finds that 76415
the granting of the authority would improve compliance and 76416
increase the efficiency of the administration of the tax. The 76417
person to whom such authority is granted shall post a notice, if 76418
required by the commissioner, at the location where the product is 76419
offered for sale that the tax is included in the selling price. 76420
The commissioner may adopt rules to administer this division. 76421

(C) Upon application, the commissioner may authorize a vendor 76422
to remit, on the basis of a prearranged agreement under this 76423
division, the tax levied by section 5739.02 or pursuant to section 76424
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. The 76425
proportions and ratios in a prearranged agreement shall be 76426
determined either by a test check conducted by the commissioner 76427
under terms and conditions agreed to by the commissioner and the 76428
vendor or by any other method agreed upon by the vendor and the 76429
commissioner. If the parties are unable to agree to the terms and 76430
conditions of the test check or other method, the application 76431
shall be denied. 76432

If used, the test check shall determine the proportion that 76433
taxable retail sales bear to all of the vendor's retail sales and 76434
the ratio which the tax required to be collected under sections 76435
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 76436
Code bears to the receipts from the vendor's taxable retail sales. 76437

The vendor's liability for remitting the tax shall be based 76438
solely upon the proportions and ratios established in the 76439
agreement until such time that the vendor or the commissioner 76440
believes that the nature of the vendor's business has so changed 76441
as to make the agreement no longer representative. The 76442
commissioner may give notice to the vendor at any time that the 76443
authorization is revoked or the vendor may notify the commissioner 76444
that the vendor no longer elects to report under the 76445
authorization. Such notice shall be delivered to the other party 76446
personally or by registered mail. The revocation or cancellation 76447
is effective the last day of the month in which the vendor or the 76448
commissioner receives the notice. 76449

Sec. 5739.051. (A) The tax commissioner shall issue a direct 76450
payment permit to a medicaid health insuring corporation that 76451
authorizes the medicaid health insuring corporation to pay all 76452

taxes due on sales described in division (B)(11) of section 76453
5739.01 of the Revised Code directly to the state. Each medicaid 76454
health insuring corporation shall pay pursuant to such direct 76455
payment authority all sales tax levied on such sales by sections 76456
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 76457
Code and all use tax levied on such sales pursuant to sections 76458
5741.02, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the 76459
Revised Code, unless division (B)(11)(b) of section 5739.01 of the 76460
Revised Code applies. 76461

(B) Each medicaid health insuring corporation shall, on or 76462
before the twenty-third day of each month, file a return for the 76463
preceding month on a form prescribed by the tax commissioner and 76464
shall pay the tax shown on the return to be due, unless division 76465
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 76466
return shall show the amount of tax due from the medicaid health 76467
care insuring corporation for the period covered by the return and 76468
other such information as the commissioner deems necessary. Upon 76469
written request, the commissioner may extend the time for filing 76470
the return and paying the tax. The commissioner may require each 76471
medicaid health insuring corporation to file returns and remit 76472
payment by electronic means as provided in section 5739.032 of the 76473
Revised Code. 76474

Sec. 5739.061. (A) As used in this section, "origin-based 76475
sourcing requirements" means the manner in which intrastate sales 76476
are to be sourced under division (B)(1) of section 5739.033 of the 76477
Revised Code. 76478

(B) On and after July 1, 2009, a vendor that received 76479
temporary compensation under section 5739.123 of the Revised Code 76480
as that section existed before its repeal by H.B. 429 of the 127th 76481
general assembly may apply for compensation to assist the vendor 76482
in complying with the origin-based sourcing requirements. The 76483

vendor shall file an application in accordance with division (C) 76484
of this section. The compensation shall be a one-time payment 76485
equal to the actual total costs the vendor incurred in complying 76486
with the origin-based sourcing requirements, not to exceed one 76487
thousand dollars for vendors that were required to comply with 76488
divisions (C) to (I) of section 5739.033 of the Revised Code 76489
before the effective date of this section, and six hundred dollars 76490
for vendors that irrevocably elected to comply with divisions (C) 76491
to (I) of that section before the effective date of this section. 76492
In no event shall a vendor receive compensation that exceeds its 76493
total cost of complying with the origin-based sourcing 76494
requirements. 76495

(C) To be considered for compensation under this section, a 76496
vendor shall file an application with the tax commissioner on a 76497
form prescribed by the commissioner. The commissioner shall 76498
determine the amount of compensation to which the vendor is 76499
entitled, and if that amount is equal to or greater than the 76500
amount claimed on the application, the commissioner shall certify 76501
that amount to the director of budget and management and the 76502
treasurer of state for payment from the general revenue fund. If 76503
the commissioner determines that the amount of compensation to 76504
which the vendor is entitled is less than the amount claimed on 76505
the vendor's application, the commissioner shall proceed in 76506
accordance with section 5703.70 of the Revised Code. 76507

(D) The compensation provided under this section shall not 76508
reduce the amount required to be returned to counties, municipal 76509
corporations, townships, and transit authorities under section 76510
5739.21 of the Revised Code. 76511

Sec. 5739.09. (A)(1) A board of county commissioners may, by 76512
resolution adopted by a majority of the members of the board, levy 76513
an excise tax not to exceed three per cent on transactions by 76514

which lodging by a hotel is or is to be furnished to transient 76515
guests. The board shall establish all regulations necessary to 76516
provide for the administration and allocation of the tax. The 76517
regulations may prescribe the time for payment of the tax, and may 76518
provide for the imposition of a penalty or interest, or both, for 76519
late payments, provided that the penalty does not exceed ten per 76520
cent of the amount of tax due, and the rate at which interest 76521
accrues does not exceed the rate per annum prescribed pursuant to 76522
section 5703.47 of the Revised Code. Except as provided in 76523
divisions (A)(2), (3), (4), (5), (6), ~~and (7)~~, and (8) of this 76524
section, the regulations shall provide, after deducting the real 76525
and actual costs of administering the tax, for the return to each 76526
municipal corporation or township that does not levy an excise tax 76527
on the transactions, a uniform percentage of the tax collected in 76528
the municipal corporation or in the unincorporated portion of the 76529
township from each transaction, not to exceed thirty-three and 76530
one-third per cent. The remainder of the revenue arising from the 76531
tax shall be deposited in a separate fund and shall be spent 76532
solely to make contributions to the convention and visitors' 76533
bureau operating within the county, including a pledge and 76534
contribution of any portion of the remainder pursuant to an 76535
agreement authorized by section 307.678 or 307.695 of the Revised 76536
Code, provided that if the board of county commissioners of an 76537
eligible county as defined in section 307.678 or 307.695 of the 76538
Revised Code adopts a resolution amending a resolution levying a 76539
tax under this division to provide that revenue from the tax shall 76540
be used by the board as described in either division (D) of 76541
section 307.678 or division (H) of section 307.695 of the Revised 76542
Code, the remainder of the revenue shall be used as described in 76543
the resolution making that amendment. Except as provided in 76544
division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (8) or (H) of this 76545
section, on and after May 10, 1994, a board of county 76546
commissioners may not levy an excise tax pursuant to this division 76547

in any municipal corporation or township located wholly or partly 76548
within the county that has in effect an ordinance or resolution 76549
levying an excise tax pursuant to division (B) of this section. 76550
The board of a county that has levied a tax under division (C) of 76551
this section may, by resolution adopted within ninety days after 76552
July 15, 1985, by a majority of the members of the board, amend 76553
the resolution levying a tax under this division to provide for a 76554
portion of that tax to be pledged and contributed in accordance 76555
with an agreement entered into under section 307.695 of the 76556
Revised Code. A tax, any revenue from which is pledged pursuant to 76557
such an agreement, shall remain in effect at the rate at which it 76558
is imposed for the duration of the period for which the revenue 76559
from the tax has been so pledged. 76560

The board of county commissioners of an eligible county as 76561
defined in section 307.695 of the Revised Code may, by resolution 76562
adopted by a majority of the members of the board, amend a 76563
resolution levying a tax under this division to provide that the 76564
revenue from the tax shall be used by the board as described in 76565
division (H) of section 307.695 of the Revised Code, in which case 76566
the tax shall remain in effect at the rate at which it was imposed 76567
for the duration of any agreement entered into by the board under 76568
section 307.695 of the Revised Code, the duration during which any 76569
securities issued by the board under that section are outstanding, 76570
or the duration of the period during which the board owns a 76571
project as defined in section 307.695 of the Revised Code, 76572
whichever duration is longest. 76573

The board of county commissioners of an eligible county as 76574
defined in section 307.678 of the Revised Code may, by resolution, 76575
amend a resolution levying a tax under this division to provide 76576
that revenue from the tax, not to exceed five hundred thousand 76577
dollars each year, may be used as described in division (D) of 76578
section 307.678 of the Revised Code. 76579

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under 76613
division (A)(1) of this section on March 18, 1999, at a rate of 76614
three per cent may, by resolution adopted not later than 76615
forty-five days after March 18, 1999, amend the resolution levying 76616
the tax to provide for all of the following: 76617

(a) That the rate of the tax shall be increased by not more 76618
than an additional four per cent on each transaction; 76619

(b) That all of the revenue from the increase in the rate 76620
shall be pledged and contributed to a convention facilities 76621
authority established by the board of county commissioners under 76622
Chapter 351. of the Revised Code on or before November 15, 1998, 76623
and used to pay costs of constructing, maintaining, operating, and 76624
promoting a facility in the county, including paying bonds, or 76625
notes issued in anticipation of bonds, as provided by that 76626
chapter; 76627

(c) That no portion of the revenue arising from the increase 76628
in rate need be returned to municipal corporations or townships as 76629
otherwise required under division (A)(1) of this section; 76630

(d) That the increase in rate shall not be subject to 76631
diminution by initiative or referendum or by law while any bonds, 76632
or notes in anticipation of bonds, issued by the authority under 76633
Chapter 351. of the Revised Code to which the revenue is pledged, 76634
remain outstanding in accordance with their terms, unless 76635
provision is made by law or by the board of county commissioners 76636
for an adequate substitute therefor that is satisfactory to the 76637
trustee if a trust agreement secures the bonds. 76638

Division (A)(3) of this section does not apply to the board 76639
of county commissioners of any county in which a convention center 76640
or facility exists or is being constructed on November 15, 1998, 76641
or of any county in which a convention facilities authority levies 76642
a tax pursuant to section 351.021 of the Revised Code on that 76643

date. 76644

As used in division (A)(3) of this section, "cost" and 76645
"facility" have the same meanings as in section 351.01 of the 76646
Revised Code, and "convention center" has the same meaning as in 76647
section 307.695 of the Revised Code. 76648

(4)(a) A board of county commissioners that levies a tax 76649
under division (A)(1) of this section on June 30, 2002, at a rate 76650
of three per cent may, by resolution adopted not later than 76651
September 30, 2002, amend the resolution levying the tax to 76652
provide for all of the following: 76653

(i) That the rate of the tax shall be increased by not more 76654
than an additional three and one-half per cent on each 76655
transaction; 76656

(ii) That all of the revenue from the increase in rate shall 76657
be pledged and contributed to a convention facilities authority 76658
established by the board of county commissioners under Chapter 76659
351. of the Revised Code on or before May 15, 2002, and be used to 76660
pay costs of constructing, expanding, maintaining, operating, or 76661
promoting a convention center in the county, including paying 76662
bonds, or notes issued in anticipation of bonds, as provided by 76663
that chapter; 76664

(iii) That no portion of the revenue arising from the 76665
increase in rate need be returned to municipal corporations or 76666
townships as otherwise required under division (A)(1) of this 76667
section; 76668

(iv) That the increase in rate shall not be subject to 76669
diminution by initiative or referendum or by law while any bonds, 76670
or notes in anticipation of bonds, issued by the authority under 76671
Chapter 351. of the Revised Code to which the revenue is pledged, 76672
remain outstanding in accordance with their terms, unless 76673
provision is made by law or by the board of county commissioners 76674

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to division (A)(4)(a) of this section, has amended a resolution levying the tax authorized by division (A)(1) of this section may further amend the resolution to provide that the revenue referred to in division (A)(4)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

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

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a

county that created, participated in the creation of, or has 76706
joined such a port authority may do one or both of the following: 76707

(i) Amend a resolution previously adopted under division 76708
(A)(1) of this section to designate some or all of the revenue 76709
from the tax levied under the resolution to be used for that 76710
purpose, notwithstanding that division; 76711

(ii) Amend a resolution previously adopted under division 76712
(A)(1) of this section to increase the rate of the tax by not more 76713
than an additional two per cent and use the revenue from the 76714
increase exclusively for that purpose. 76715

(c) If a board of county commissioners amends a resolution to 76716
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 76717
of this section, the board also may amend the resolution to 76718
specify that the increase in rate of the tax does not apply to 76719
"hotels," as otherwise defined in section 5739.01 of the Revised 76720
Code, having fewer rooms used for the accommodation of guests than 76721
a number of rooms specified by the board. 76722

(6) A board of county commissioners of a county organized 76723
under a county charter adopted pursuant to Article X, Section 3, 76724
Ohio Constitution, and that levies an excise tax under division 76725
(A)(1) of this section at a rate of three per cent and levies an 76726
additional excise tax under division (E) of this section at a rate 76727
of one and one-half per cent may, by resolution adopted not later 76728
than January 1, 2008, by a majority of the members of the board, 76729
amend the resolution levying a tax under division (A)(1) of this 76730
section to provide for an increase in the rate of that tax by not 76731
more than an additional one per cent on transactions by which 76732
lodging by a hotel is or is to be furnished to transient guests. 76733
Notwithstanding divisions (A)(1) and (E) of this section, the 76734
resolution shall provide that all of the revenue from the increase 76735
in rate, after deducting the real and actual costs of 76736
administering the tax, shall be used to pay the costs of 76737

improving, expanding, equipping, financing, or operating a 76738
convention center by a convention and visitors' bureau in the 76739
county. The increase in rate shall remain in effect for the period 76740
specified in the resolution, not to exceed ten years. The increase 76741
in rate shall be subject to the regulations adopted under division 76742
(A)(1) of this section, except that the resolution may provide 76743
that no portion of the revenue from the increase in the rate shall 76744
be returned to townships or municipal corporations as would 76745
otherwise be required under that division. 76746

(7) Division (A)(7) of this section applies only to a county 76747
with a population greater than sixty-five thousand and less than 76748
seventy thousand according to the most recent federal decennial 76749
census and in which, on December 31, 2006, an excise tax is levied 76750
under division (A)(1) of this section at a rate not less than and 76751
not greater than three per cent, and in which the most recent 76752
increase in the rate of that tax was enacted or took effect in 76753
November 1984. 76754

The board of county commissioners of a county to which this 76755
division applies, by resolution adopted by a majority of the 76756
members of the board, may increase the rate of the tax by not more 76757
than one per cent on transactions by which lodging by a hotel is 76758
or is to be furnished to transient guests. The increase in rate 76759
shall be for the purpose of paying expenses deemed necessary by 76760
the convention and visitors' bureau operating in the county to 76761
promote travel and tourism. The increase in rate shall remain in 76762
effect for the period specified in the resolution, not to exceed 76763
twenty years, provided that the increase in rate may not continue 76764
beyond the time when the purpose for which the increase is levied 76765
ceases to exist. If revenue from the increase in rate is pledged 76766
to the payment of debt charges on securities, the increase in rate 76767
is not subject to diminution by initiative or referendum or by law 76768
for so long as the securities are outstanding, unless provision is 76769

made by law or by the board of county commissioners for an 76770
adequate substitute for that revenue that is satisfactory to the 76771
trustee if a trust agreement secures payment of the debt charges. 76772
The increase in rate shall be subject to the regulations adopted 76773
under division (A)(1) of this section, except that the resolution 76774
may provide that no portion of the revenue from the increase in 76775
the rate shall be returned to townships or municipal corporations 76776
as would otherwise be required under division (A)(1) of this 76777
section. A resolution adopted under division (A)(7) of this 76778
section is subject to referendum under sections 305.31 to 305.99 76779
of the Revised Code. 76780

(8)(a) Division (A)(8) of this section applies only to a 76781
county satisfying all of the following: 76782

(i) The population of the county is greater than one hundred 76783
seventy-five thousand and less than two hundred twenty-five 76784
thousand according to the most recent federal decennial census. 76785

(ii) An amusement park with an average yearly attendance in 76786
excess of two million guests is located in the county. 76787

(iii) On December 31, 2014, an excise tax was levied in the 76788
county under division (A)(1) of this section at a rate of three 76789
per cent. 76790

(b) The board of county commissioners of a county to which 76791
this division applies, by resolution adopted by a majority of the 76792
members of the board, may increase the rate of the tax by not more 76793
than one per cent on transactions by which lodging by a hotel is 76794
or is to be furnished to transient guests. The increase in rate 76795
shall be for the purpose of paying the costs of constructing and 76796
maintaining county-owned facilities designed to host sporting 76797
events and paying expenses deemed necessary by the convention and 76798
visitors' bureau operating in the county to promote travel and 76799
tourism with reference to the sports facilities. The increase in 76800

rate shall remain in effect for the period specified in the 76801
resolution. If revenue from the increase in rate is pledged to the 76802
payment of debt charges on securities, the increase in rate is not 76803
subject to diminution by initiative or referendum or by law for so 76804
long as the securities are outstanding, unless provision is made 76805
by law or by the board of county commissioners for an adequate 76806
substitute for that revenue that is satisfactory to the trustee if 76807
a trust agreement secures payment of the debt charges. The 76808
increase in rate shall be subject to the regulations adopted under 76809
division (A)(1) of this section, except that the resolution may 76810
provide that no portion of the revenue from the increase in the 76811
rate shall be returned to townships or municipal corporations as 76812
would otherwise be required under division (A)(1) of this section. 76813

(B)(1) The legislative authority of a municipal corporation 76814
or the board of trustees of a township that is not wholly or 76815
partly located in a county that has in effect a resolution levying 76816
an excise tax pursuant to division (A)(1) of this section may, by 76817
ordinance or resolution, levy an excise tax not to exceed three 76818
per cent on transactions by which lodging by a hotel is or is to 76819
be furnished to transient guests. The legislative authority of the 76820
municipal corporation or the board of trustees of the township 76821
shall deposit at least fifty per cent of the revenue from the tax 76822
levied pursuant to this division into a separate fund, which shall 76823
be spent solely to make contributions to convention and visitors' 76824
bureaus operating within the county in which the municipal 76825
corporation or township is wholly or partly located, and the 76826
balance of that revenue shall be deposited in the general fund. 76827
The municipal corporation or township shall establish all 76828
regulations necessary to provide for the administration and 76829
allocation of the tax. The regulations may prescribe the time for 76830
payment of the tax, and may provide for the imposition of a 76831
penalty or interest, or both, for late payments, provided that the 76832
penalty does not exceed ten per cent of the amount of tax due, and 76833

the rate at which interest accrues does not exceed the rate per 76834
annum prescribed pursuant to section 5703.47 of the Revised Code. 76835
The levy of a tax under this division is in addition to any tax 76836
imposed on the same transaction by a municipal corporation or a 76837
township as authorized by division (A) of section 5739.08 of the 76838
Revised Code. 76839

(2)(a) The legislative authority of the most populous 76840
municipal corporation located wholly or partly in a county in 76841
which the board of county commissioners has levied a tax under 76842
division (A)(4) of this section may amend, on or before September 76843
30, 2002, that municipal corporation's ordinance or resolution 76844
that levies an excise tax on transactions by which lodging by a 76845
hotel is or is to be furnished to transient guests, to provide for 76846
all of the following: 76847

(i) That the rate of the tax shall be increased by not more 76848
than an additional one per cent on each transaction; 76849

(ii) That all of the revenue from the increase in rate shall 76850
be pledged and contributed to a convention facilities authority 76851
established by the board of county commissioners under Chapter 76852
351. of the Revised Code on or before May 15, 2002, and be used to 76853
pay costs of constructing, expanding, maintaining, operating, or 76854
promoting a convention center in the county, including paying 76855
bonds, or notes issued in anticipation of bonds, as provided by 76856
that chapter; 76857

(iii) That the increase in rate shall not be subject to 76858
diminution by initiative or referendum or by law while any bonds, 76859
or notes in anticipation of bonds, issued by the authority under 76860
Chapter 351. of the Revised Code to which the revenue is pledged, 76861
remain outstanding in accordance with their terms, unless 76862
provision is made by law, by the board of county commissioners, or 76863
by the legislative authority, for an adequate substitute therefor 76864
that is satisfactory to the trustee if a trust agreement secures 76865

the bonds. 76866

(b) The legislative authority of a municipal corporation 76867
that, pursuant to division (B)(2)(a) of this section, has amended 76868
its ordinance or resolution to increase the rate of the tax 76869
authorized by division (B)(1) of this section may further amend 76870
the ordinance or resolution to provide that the revenue referred 76871
to in division (B)(2)(a)(ii) of this section shall be pledged and 76872
contributed both to a convention facilities authority to pay the 76873
costs of constructing, expanding, maintaining, or operating one or 76874
more convention centers in the county, including paying bonds, or 76875
notes issued in anticipation of bonds, as provided in Chapter 351. 76876
of the Revised Code, and to a convention and visitors' bureau to 76877
pay the costs of promoting one or more convention centers in the 76878
county. 76879

As used in division (B)(2) of this section, "cost" has the 76880
same meaning as in section 351.01 of the Revised Code, and 76881
"convention center" has the same meaning as in section 307.695 of 76882
the Revised Code. 76883

(C) For the purposes described in section 307.695 of the 76884
Revised Code and to cover the costs of administering the tax, a 76885
board of county commissioners of a county where a tax imposed 76886
under division (A)(1) of this section is in effect may, by 76887
resolution adopted within ninety days after July 15, 1985, by a 76888
majority of the members of the board, levy an additional excise 76889
tax not to exceed three per cent on transactions by which lodging 76890
by a hotel is or is to be furnished to transient guests. The tax 76891
authorized by this division shall be in addition to any tax that 76892
is levied pursuant to division (A) of this section, but it shall 76893
not apply to transactions subject to a tax levied by a municipal 76894
corporation or township pursuant to the authorization granted by 76895
division (A) of section 5739.08 of the Revised Code. The board 76896
shall establish all regulations necessary to provide for the 76897

administration and allocation of the tax. The regulations may 76898
prescribe the time for payment of the tax, and may provide for the 76899
imposition of a penalty or interest, or both, for late payments, 76900
provided that the penalty does not exceed ten per cent of the 76901
amount of tax due, and the rate at which interest accrues does not 76902
exceed the rate per annum prescribed pursuant to section 5703.47 76903
of the Revised Code. All revenues arising from the tax shall be 76904
expended in accordance with section 307.695 of the Revised Code. 76905
The board of county commissioners of an eligible county as defined 76906
in section 307.695 of the Revised Code may, by resolution adopted 76907
by a majority of the members of the board, amend the resolution 76908
levying a tax under this division to provide that the revenue from 76909
the tax shall be used by the board as described in division (H) of 76910
section 307.695 of the Revised Code. A tax imposed under this 76911
division shall remain in effect at the rate at which it is imposed 76912
for the duration of the period during which any agreement entered 76913
into by the board under section 307.695 of the Revised Code is in 76914
effect, the duration of the period during which any securities 76915
issued by the board under division (I) of section 307.695 of the 76916
Revised Code are outstanding, or the duration of the period during 76917
which the board owns a project as defined in section 307.695 of 76918
the Revised Code, whichever duration is longest. 76919

(D) For the purpose of providing contributions under division 76920
(B)(1) of section 307.671 of the Revised Code to enable the 76921
acquisition, construction, and equipping of a port authority 76922
educational and cultural facility in the county and, to the extent 76923
provided for in the cooperative agreement authorized by that 76924
section, for the purpose of paying debt service charges on bonds, 76925
or notes in anticipation of bonds, described in division (B)(1)(b) 76926
of that section, a board of county commissioners, by resolution 76927
adopted within ninety days after December 22, 1992, by a majority 76928
of the members of the board, may levy an additional excise tax not 76929
to exceed one and one-half per cent on transactions by which 76930

lodging by a hotel is or is to be furnished to transient guests. 76931

The excise tax authorized by this division shall be in addition to 76932

any tax that is levied pursuant to divisions (A), (B), and (C) of 76933

this section, to any excise tax levied pursuant to section 5739.08 76934

of the Revised Code, and to any excise tax levied pursuant to 76935

section 351.021 of the Revised Code. The board of county 76936

commissioners shall establish all regulations necessary to provide 76937

for the administration and allocation of the tax that are not 76938

inconsistent with this section or section 307.671 of the Revised 76939

Code. The regulations may prescribe the time for payment of the 76940

tax, and may provide for the imposition of a penalty or interest, 76941

or both, for late payments, provided that the penalty does not 76942

exceed ten per cent of the amount of tax due, and the rate at 76943

which interest accrues does not exceed the rate per annum 76944

prescribed pursuant to section 5703.47 of the Revised Code. All 76945

revenues arising from the tax shall be expended in accordance with 76946

section 307.671 of the Revised Code and division (D) of this 76947

section. The levy of a tax imposed under this division may not 76948

commence prior to the first day of the month next following the 76949

execution of the cooperative agreement authorized by section 76950

307.671 of the Revised Code by all parties to that agreement. The 76951

tax shall remain in effect at the rate at which it is imposed for 76952

the period of time described in division (C) of section 307.671 of 76953

the Revised Code for which the revenue from the tax has been 76954

pledged by the county to the corporation pursuant to that section, 76955

but, to any extent provided for in the cooperative agreement, for 76956

no lesser period than the period of time required for payment of 76957

the debt service charges on bonds, or notes in anticipation of 76958

bonds, described in division (B)(1)(b) of that section. 76959

(E) For the purpose of paying the costs of acquiring, 76960

constructing, equipping, and improving a municipal educational and 76961

cultural facility, including debt service charges on bonds 76962

provided for in division (B) of section 307.672 of the Revised 76963

Code, and for any additional purposes determined by the county in 76964
the resolution levying the tax or amendments to the resolution, 76965
including subsequent amendments providing for paying costs of 76966
acquiring, constructing, renovating, rehabilitating, equipping, 76967
and improving a port authority educational and cultural performing 76968
arts facility, as defined in section 307.674 of the Revised Code, 76969
and including debt service charges on bonds provided for in 76970
division (B) of section 307.674 of the Revised Code, the 76971
legislative authority of a county, by resolution adopted within 76972
ninety days after June 30, 1993, by a majority of the members of 76973
the legislative authority, may levy an additional excise tax not 76974
to exceed one and one-half per cent on transactions by which 76975
lodging by a hotel is or is to be furnished to transient guests. 76976
The excise tax authorized by this division shall be in addition to 76977
any tax that is levied pursuant to divisions (A), (B), (C), and 76978
(D) of this section, to any excise tax levied pursuant to section 76979
5739.08 of the Revised Code, and to any excise tax levied pursuant 76980
to section 351.021 of the Revised Code. The legislative authority 76981
of the county shall establish all regulations necessary to provide 76982
for the administration and allocation of the tax. The regulations 76983
may prescribe the time for payment of the tax, and may provide for 76984
the imposition of a penalty or interest, or both, for late 76985
payments, provided that the penalty does not exceed ten per cent 76986
of the amount of tax due, and the rate at which interest accrues 76987
does not exceed the rate per annum prescribed pursuant to section 76988
5703.47 of the Revised Code. All revenues arising from the tax 76989
shall be expended in accordance with section 307.672 of the 76990
Revised Code and this division. The levy of a tax imposed under 76991
this division shall not commence prior to the first day of the 76992
month next following the execution of the cooperative agreement 76993
authorized by section 307.672 of the Revised Code by all parties 76994
to that agreement. The tax shall remain in effect at the rate at 76995
which it is imposed for the period of time determined by the 76996

legislative authority of the county. That period of time shall not 76997
exceed fifteen years, except that the legislative authority of a 76998
county with a population of less than two hundred fifty thousand 76999
according to the most recent federal decennial census, by 77000
resolution adopted by a majority of its members before the 77001
original tax expires, may extend the duration of the tax for an 77002
additional period of time. The additional period of time by which 77003
a legislative authority extends a tax levied under this division 77004
shall not exceed fifteen years. 77005

(F) The legislative authority of a county that has levied a 77006
tax under division (E) of this section may, by resolution adopted 77007
within one hundred eighty days after January 4, 2001, by a 77008
majority of the members of the legislative authority, amend the 77009
resolution levying a tax under that division to provide for the 77010
use of the proceeds of that tax, to the extent that it is no 77011
longer needed for its original purpose as determined by the 77012
parties to a cooperative agreement amendment pursuant to division 77013
(D) of section 307.672 of the Revised Code, to pay costs of 77014
acquiring, constructing, renovating, rehabilitating, equipping, 77015
and improving a port authority educational and cultural performing 77016
arts facility, including debt service charges on bonds provided 77017
for in division (B) of section 307.674 of the Revised Code, and to 77018
pay all obligations under any guaranty agreements, reimbursement 77019
agreements, or other credit enhancement agreements described in 77020
division (C) of section 307.674 of the Revised Code. The 77021
resolution may also provide for the extension of the tax at the 77022
same rate for the longer of the period of time determined by the 77023
legislative authority of the county, but not to exceed an 77024
additional twenty-five years, or the period of time required to 77025
pay all debt service charges on bonds provided for in division (B) 77026
of section 307.672 of the Revised Code and on port authority 77027
revenue bonds provided for in division (B) of section 307.674 of 77028
the Revised Code. All revenues arising from the amendment and 77029

extension of the tax shall be expended in accordance with section 77030
307.674 of the Revised Code, this division, and division (E) of 77031
this section. 77032

(G) For purposes of a tax levied by a county, township, or 77033
municipal corporation under this section or section 5739.08 of the 77034
Revised Code, a board of county commissioners, board of township 77035
trustees, or the legislative authority of a municipal corporation 77036
may adopt a resolution or ordinance at any time specifying that 77037
"hotel," as otherwise defined in section 5739.01 of the Revised 77038
Code, includes the following: 77039

(1) Establishments in which fewer than five rooms are used 77040
for the accommodation of guests. 77041

(2) Establishments at which rooms are used for the 77042
accommodation of guests regardless of whether each room is 77043
accessible through its own keyed entry or several rooms are 77044
accessible through the same keyed entry; and, in determining the 77045
number of rooms, all rooms are included regardless of the number 77046
of structures in which the rooms are situated or the number of 77047
parcels of land on which the structures are located if the 77048
structures are under the same ownership and the structures are not 77049
identified in advertisements of the accommodations as distinct 77050
establishments. For the purposes of division (G)(2) of this 77051
section, two or more structures are under the same ownership if 77052
they are owned by the same person, or if they are owned by two or 77053
more persons the majority of the ownership interests of which are 77054
owned by the same person. 77055

The resolution or ordinance may apply to a tax imposed 77056
pursuant to this section prior to the adoption of the resolution 77057
or ordinance if the resolution or ordinance so states, but the tax 77058
shall not apply to transactions by which lodging by such an 77059
establishment is provided to transient guests prior to the 77060
adoption of the resolution or ordinance. 77061

(H)(1) As used in this division: 77062

(a) "Convention facilities authority" has the same meaning as 77063
in section 351.01 of the Revised Code. 77064

(b) "Convention center" has the same meaning as in section 77065
307.695 of the Revised Code. 77066

(2) Notwithstanding any contrary provision of division (D) of 77067
this section, the legislative authority of a county with a 77068
population of one million or more according to the most recent 77069
federal decennial census that has levied a tax under division (D) 77070
of this section may, by resolution adopted by a majority of the 77071
members of the legislative authority, provide for the extension of 77072
such levy and may provide that the proceeds of that tax, to the 77073
extent that they are no longer needed for their original purpose 77074
as defined by a cooperative agreement entered into under section 77075
307.671 of the Revised Code, shall be deposited into the county 77076
general revenue fund. The resolution shall provide for the 77077
extension of the tax at a rate not to exceed the rate specified in 77078
division (D) of this section for a period of time determined by 77079
the legislative authority of the county, but not to exceed an 77080
additional forty years. 77081

(3) The legislative authority of a county with a population 77082
of one million or more that has levied a tax under division (A)(1) 77083
of this section may, by resolution adopted by a majority of the 77084
members of the legislative authority, increase the rate of the tax 77085
levied by such county under division (A)(1) of this section to a 77086
rate not to exceed five per cent on transactions by which lodging 77087
by a hotel is or is to be furnished to transient guests. 77088
Notwithstanding any contrary provision of division (A)(1) of this 77089
section, the resolution may provide that all collections resulting 77090
from the rate levied in excess of three per cent, after deducting 77091
the real and actual costs of administering the tax, shall be 77092
deposited in the county general fund. 77093

(4) The legislative authority of a county with a population 77094
of one million or more that has levied a tax under division (A)(1) 77095
of this section may, by resolution adopted on or before August 30, 77096
2004, by a majority of the members of the legislative authority, 77097
provide that all or a portion of the proceeds of the tax levied 77098
under division (A)(1) of this section, after deducting the real 77099
and actual costs of administering the tax and the amounts required 77100
to be returned to townships and municipal corporations with 77101
respect to the first three per cent levied under division (A)(1) 77102
of this section, shall be deposited in the county general fund, 77103
provided that such proceeds shall be used to satisfy any pledges 77104
made in connection with an agreement entered into under section 77105
307.695 of the Revised Code. 77106

(5) No amount collected from a tax levied, extended, or 77107
required to be deposited in the county general fund under division 77108
(H) of this section shall be contributed to a convention 77109
facilities authority, corporation, or other entity created after 77110
July 1, 2003, for the principal purpose of constructing, 77111
improving, expanding, equipping, financing, or operating a 77112
convention center unless the mayor of the municipal corporation in 77113
which the convention center is to be operated by that convention 77114
facilities authority, corporation, or other entity has consented 77115
to the creation of that convention facilities authority, 77116
corporation, or entity. Notwithstanding any contrary provision of 77117
section 351.04 of the Revised Code, if a tax is levied by a county 77118
under division (H) of this section, the board of county 77119
commissioners of that county may determine the manner of 77120
selection, the qualifications, the number, and terms of office of 77121
the members of the board of directors of any convention facilities 77122
authority, corporation, or other entity described in division 77123
(H)(5) of this section. 77124

(6)(a) No amount collected from a tax levied, extended, or 77125

required to be deposited in the county general fund under division 77126
(H) of this section may be used for any purpose other than paying 77127
the direct and indirect costs of constructing, improving, 77128
expanding, equipping, financing, or operating a convention center 77129
and for the real and actual costs of administering the tax, 77130
unless, prior to the adoption of the resolution of the legislative 77131
authority of the county authorizing the levy, extension, increase, 77132
or deposit, the county and the mayor of the most populous 77133
municipal corporation in that county have entered into an 77134
agreement as to the use of such amounts, provided that such 77135
agreement has been approved by a majority of the mayors of the 77136
other municipal corporations in that county. The agreement shall 77137
provide that the amounts to be used for purposes other than paying 77138
the convention center or administrative costs described in 77139
division (H)(6)(a) of this section be used only for the direct and 77140
indirect costs of capital improvements, including the financing of 77141
capital improvements. 77142

(b) If the county in which the tax is levied has an 77143
association of mayors and city managers, the approval of that 77144
association of an agreement described in division (H)(6)(a) of 77145
this section shall be considered to be the approval of the 77146
majority of the mayors of the other municipal corporations for 77147
purposes of that division. 77148

(7) Each year, the auditor of state shall conduct an audit of 77149
the uses of any amounts collected from taxes levied, extended, or 77150
deposited under division (H) of this section and shall prepare a 77151
report of the auditor of state's findings. The auditor of state 77152
shall submit the report to the legislative authority of the county 77153
that has levied, extended, or deposited the tax, the speaker of 77154
the house of representatives, the president of the senate, and the 77155
leaders of the minority parties of the house of representatives 77156
and the senate. 77157

(I)(1) As used in this division: 77158

(a) "Convention facilities authority" has the same meaning as 77159
in section 351.01 of the Revised Code. 77160

(b) "Convention center" has the same meaning as in section 77161
307.695 of the Revised Code. 77162

(2) Notwithstanding any contrary provision of division (D) of 77163
this section, the legislative authority of a county with a 77164
population of one million two hundred thousand or more according 77165
to the most recent federal decennial census or the most recent 77166
annual population estimate published or released by the United 77167
States census bureau at the time the resolution is adopted placing 77168
the levy on the ballot, that has levied a tax under division (D) 77169
of this section may, by resolution adopted by a majority of the 77170
members of the legislative authority, provide for the extension of 77171
such levy and may provide that the proceeds of that tax, to the 77172
extent that the proceeds are no longer needed for their original 77173
purpose as defined by a cooperative agreement entered into under 77174
section 307.671 of the Revised Code and after deducting the real 77175
and actual costs of administering the tax, shall be used for 77176
paying the direct and indirect costs of constructing, improving, 77177
expanding, equipping, financing, or operating a convention center. 77178
The resolution shall provide for the extension of the tax at a 77179
rate not to exceed the rate specified in division (D) of this 77180
section for a period of time determined by the legislative 77181
authority of the county, but not to exceed an additional forty 77182
years. 77183

(3) The legislative authority of a county with a population 77184
of one million two hundred thousand or more that has levied a tax 77185
under division (A)(1) of this section may, by resolution adopted 77186
by a majority of the members of the legislative authority, 77187
increase the rate of the tax levied by such county under division 77188
(A)(1) of this section to a rate not to exceed five per cent on 77189

transactions by which lodging by a hotel is or is to be furnished 77190
to transient guests. Notwithstanding any contrary provision of 77191
division (A)(1) of this section, the resolution shall provide that 77192
all collections resulting from the rate levied in excess of three 77193
per cent, after deducting the real and actual costs of 77194
administering the tax, shall be used for paying the direct and 77195
indirect costs of constructing, improving, expanding, equipping, 77196
financing, or operating a convention center. 77197

(4) The legislative authority of a county with a population 77198
of one million two hundred thousand or more that has levied a tax 77199
under division (A)(1) of this section may, by resolution adopted 77200
on or before July 1, 2008, by a majority of the members of the 77201
legislative authority, provide that all or a portion of the 77202
proceeds of the tax levied under division (A)(1) of this section, 77203
after deducting the real and actual costs of administering the tax 77204
and the amounts required to be returned to townships and municipal 77205
corporations with respect to the first three per cent levied under 77206
division (A)(1) of this section, shall be used to satisfy any 77207
pledges made in connection with an agreement entered into under 77208
section 307.695 of the Revised Code or shall otherwise be used for 77209
paying the direct and indirect costs of constructing, improving, 77210
expanding, equipping, financing, or operating a convention center. 77211

(5) Any amount collected from a tax levied or extended under 77212
division (I) of this section may be contributed to a convention 77213
facilities authority created before July 1, 2005, but no amount 77214
collected from a tax levied or extended under division (I) of this 77215
section may be contributed to a convention facilities authority, 77216
corporation, or other entity created after July 1, 2005, unless 77217
the mayor of the municipal corporation in which the convention 77218
center is to be operated by that convention facilities authority, 77219
corporation, or other entity has consented to the creation of that 77220
convention facilities authority, corporation, or entity. 77221

(J)(1) Except as provided in division (J)(2) of this section, 77222
money collected by a county and distributed under this section to 77223
a convention and visitors' bureau in existence as of June 30, 77224
2013, the effective date of H.B. 59 of the 130th general assembly, 77225
except for any such money pledged, as of that effective date, to 77226
the payment of debt service charges on bonds, notes, securities, 77227
or lease agreements, shall be used solely for tourism sales, 77228
marketing and promotion, and their associated costs, including, 77229
but not limited to, operational and administrative costs of the 77230
bureau, sales and marketing, and maintenance of the physical 77231
bureau structure. 77232

(2) A convention and visitors' bureau that has entered into 77233
an agreement under section 307.678 of the Revised Code may use 77234
revenue it receives from a tax levied under division (A)(1) of 77235
this section as described in division (D) of section 307.678 of 77236
the Revised Code. 77237

(K) The board of county commissioners of a county with a 77238
population between one hundred three thousand and one hundred 77239
seven thousand according to the most recent federal decennial 77240
census, by resolution adopted by a majority of the members of the 77241
board within six months after September 15, 2014, the effective 77242
date of H.B. 483 of the 130th general assembly, may levy a tax not 77243
to exceed three per cent on transactions by which a hotel is or is 77244
to be furnished to transient guests. The purpose of the tax shall 77245
be to pay the costs of expanding, maintaining, or operating a 77246
soldiers' memorial and the costs of administering the tax. All 77247
revenue arising from the tax shall be credited to one or more 77248
special funds in the county treasury and shall be spent solely for 77249
the purposes of paying those costs. The board of county 77250
commissioners shall adopt all rules necessary to provide for the 77251
administration of the tax subject to the same limitations on 77252
imposing penalty or interest under division (A)(1) of this 77253

section. 77254

As used in this division "soldiers' memorial" means a 77255
memorial constructed and funded under Chapter 345. of the Revised 77256
Code. 77257

(L) A board of county commissioners of an eligible county, by 77258
resolution adopted by a majority of the members of the board, may 77259
levy an excise tax at the rate of up to three per cent on 77260
transactions by which lodging by a hotel is or is to be furnished 77261
to transient guests for the purpose of paying the costs of 77262
permanent improvements at sites at which one or more agricultural 77263
societies conduct fairs or exhibits, paying the costs of 77264
maintaining or operating such permanent improvements, and paying 77265
the costs of administering the tax. A resolution adopted under 77266
this division shall direct the board of elections to submit the 77267
question of the proposed lodging tax to the electors of the county 77268
at a special election held on the date specified by the board in 77269
the resolution, provided that the election occurs not less than 77270
ninety days after a certified copy of the resolution is 77271
transmitted to the board of elections. A resolution submitted to 77272
the electors under this division shall not go into effect unless 77273
it is approved by a majority of those voting upon it. The 77274
resolution takes effect on the date the board of county 77275
commissioners receives notification from the board of elections of 77276
an affirmative vote. 77277

The tax shall remain in effect for the period specified in 77278
the resolution, not to exceed five years. All revenue arising from 77279
the tax shall be credited to one or more special funds in the 77280
county treasury and shall be spent solely for the purposes of 77281
paying the costs of such permanent improvements and maintaining or 77282
operating the improvements. Revenue allocated for the use of a 77283
county agricultural society may be credited to the county 77284
agricultural society fund created in section 1711.16 of the 77285

Revised Code upon appropriation by the board. If revenue is 77286
credited to that fund, it shall be expended only as provided in 77287
that section. 77288

The board of county commissioners shall adopt all rules 77289
necessary to provide for the administration of the tax. The rules 77290
may prescribe the time for payment of the tax, and may provide for 77291
the imposition or penalty or interest, or both, for late payments, 77292
provided that the penalty does not exceed ten per cent of the 77293
amount of tax due, and the rate at which interest accrues does not 77294
exceed the rate per annum prescribed in section 5703.47 of the 77295
Revised Code. 77296

As used in this division, "eligible county" means a county in 77297
which a county agricultural society or independent agricultural 77298
society is organized under section 1711.01 or 1711.02 of the 77299
Revised Code, provided the agricultural society owns a facility or 77300
site in the county at which an annual harness horse race is 77301
conducted where one-day attendance equals at least forty thousand 77302
attendees. 77303

Sec. 5739.10. (A) In addition to the tax levied by section 77304
5739.02 of the Revised Code and any tax levied pursuant to section 77305
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, and 77306
to secure the same objectives specified in those sections, there 77307
is hereby levied upon the privilege of engaging in the business of 77308
making retail sales, an excise tax equal to the tax levied by 77309
section 5739.02 of the Revised Code, or, in the case of retail 77310
sales subject to a tax levied pursuant to section 5739.021, 77311
5739.023, 5739.024, or 5739.026 of the Revised Code, a percentage 77312
equal to the aggregate rate of such taxes and the tax levied by 77313
section 5739.02 of the Revised Code of the receipts derived from 77314
all retail sales, except those to which the excise tax imposed by 77315
section 5739.02 of the Revised Code is made inapplicable by 77316

division (B) of that section. 77317

(B) For the purpose of this section, no vendor shall be 77318
required to maintain records of sales of food for human 77319
consumption off the premises where sold, and no assessment shall 77320
be made against any vendor for sales of food for human consumption 77321
off the premises where sold, solely because the vendor has no 77322
records of, or has inadequate records of, such sales; provided 77323
that where a vendor does not have adequate records of receipts 77324
from the vendor's sales of food for human consumption on the 77325
premises where sold, the tax commissioner may refuse to accept the 77326
vendor's return and, upon the basis of test checks of the vendor's 77327
business for a representative period, and other information 77328
relating to the sales made by such vendor, determine the 77329
proportion that taxable retail sales bear to all of the vendor's 77330
retail sales. The tax imposed by this section shall be determined 77331
by deducting from the sum representing five and three-fourths per 77332
cent, as applicable under division (A) of this section, or, in the 77333
case of retail sales subject to a tax levied pursuant to section 77334
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, a 77335
percentage equal to the aggregate rate of such taxes and the tax 77336
levied by section 5739.02 of the Revised Code of the receipts from 77337
such retail sales, the amount of tax paid to the state or to a 77338
clerk of a court of common pleas. The section does not affect any 77339
duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 77340
to 5739.31 of the Revised Code, nor the liability of any consumer 77341
to pay any tax imposed by or pursuant to section 5739.02, 77342
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. 77343

Sec. 5739.12. (A)(1) Each person who has or is required to 77344
have a vendor's license, on or before the twenty-third day of each 77345
month, shall make and file a return for the preceding month in the 77346
form prescribed by the tax commissioner, and shall pay the tax 77347
shown on the return to be due. The return shall be filed 77348

electronically using the Ohio business gateway, as defined in 77349
section 718.01 of the Revised Code, the Ohio telefile system, or 77350
any other electronic means prescribed by the commissioner. Payment 77351
of the tax shown on the return to be due shall be made 77352
electronically in a manner approved by the commissioner. The 77353
commissioner may require a vendor that operates from multiple 77354
locations or has multiple vendor's licenses to report all tax 77355
liabilities on one consolidated return. The return shall show the 77356
amount of tax due from the vendor to the state for the period 77357
covered by the return and such other information as the 77358
commissioner deems necessary for the proper administration of this 77359
chapter. The commissioner may extend the time for making and 77360
filing returns and paying the tax, and may require that the return 77361
for the last month of any annual or semiannual period, as 77362
determined by the commissioner, be a reconciliation return 77363
detailing the vendor's sales activity for the preceding annual or 77364
semiannual period. The reconciliation return shall be filed by the 77365
last day of the month following the last month of the annual or 77366
semiannual period. The commissioner may remit all or any part of 77367
amounts or penalties that may become due under this chapter and 77368
may adopt rules relating thereto. Such return shall be filed 77369
electronically as directed by the tax commissioner, and payment of 77370
the amount of tax shown to be due thereon, after deduction of any 77371
discount provided for under this section, shall be made 77372
electronically in a manner approved by the tax commissioner. 77373

(2) Any person required to file returns and make payments 77374
electronically under division (A)(1) of this section may apply to 77375
the tax commissioner on a form prescribed by the commissioner to 77376
be excused from that requirement. For good cause shown, the 77377
commissioner may excuse the person from that requirement and may 77378
permit the person to file the returns and make the payments 77379
required by this section by nonelectronic means. 77380

(B)(1) If the return is filed and the amount of tax shown 77381
thereon to be due is paid on or before the date such return is 77382
required to be filed, the vendor shall be entitled to a discount 77383
of three-fourths of one per cent of the amount shown to be due on 77384
the return. 77385

(2) A vendor that has selected a certified service provider 77386
as its agent shall not be entitled to the discount if the 77387
certified service provider receives a monetary allowance pursuant 77388
to section 5739.06 of the Revised Code for performing the vendor's 77389
sales and use tax functions in this state. Amounts paid to the 77390
clerk of courts pursuant to section 4505.06 of the Revised Code 77391
shall be subject to the applicable discount. The discount shall be 77392
in consideration for prompt payment to the clerk of courts and for 77393
other services performed by the vendor in the collection of the 77394
tax. 77395

(C)(1) Upon application to the tax commissioner, a vendor who 77396
is required to file monthly returns may be relieved of the 77397
requirement to report and pay the actual tax due, provided that 77398
the vendor agrees to remit to the commissioner payment of not less 77399
than an amount determined by the commissioner to be the average 77400
monthly tax liability of the vendor, based upon a review of the 77401
returns or other information pertaining to such vendor for a 77402
period of not less than six months nor more than two years 77403
immediately preceding the filing of the application. Vendors who 77404
agree to the above conditions shall make and file an annual or 77405
semiannual reconciliation return, as prescribed by the 77406
commissioner. The reconciliation return shall be filed 77407
electronically as directed by the tax commissioner, and payment of 77408
the amount of tax shown to be due thereon, after deduction of any 77409
discount provided in this section, shall be made electronically in 77410
a manner approved by the commissioner. Failure of a vendor to 77411
comply with any of the above conditions may result in immediate 77412

reinstatement of the requirement of reporting and paying the 77413
actual tax liability on each monthly return, and the commissioner 77414
may at the commissioner's discretion deny the vendor the right to 77415
report and pay based upon the average monthly liability for a 77416
period not to exceed two years. The amount ascertained by the 77417
commissioner to be the average monthly tax liability of a vendor 77418
may be adjusted, based upon a review of the returns or other 77419
information pertaining to the vendor for a period of not less than 77420
six months nor more than two years preceding such adjustment. 77421

(2) The commissioner may authorize vendors whose tax 77422
liability is not such as to merit monthly returns, as ascertained 77423
by the commissioner upon the basis of administrative costs to the 77424
state, to make and file returns at less frequent intervals. When 77425
returns are filed at less frequent intervals in accordance with 77426
such authorization, the vendor shall be allowed the discount 77427
provided in this section in consideration for prompt payment with 77428
the return, provided the return is filed and payment is made of 77429
the amount of tax shown to be due thereon, at the time specified 77430
by the commissioner, but a vendor that has selected a certified 77431
service provider as its agent shall not be entitled to the 77432
discount. 77433

(D) Any vendor who fails to file a return or to pay the full 77434
amount of the tax shown on the return to be due in the manner 77435
prescribed under this section and the rules of the commissioner 77436
may, for each such return, be required to forfeit and pay into the 77437
state treasury an additional charge not exceeding fifty dollars or 77438
ten per cent of the tax required to be paid for the reporting 77439
period, whichever is greater, as revenue arising from the tax 77440
imposed by this chapter, and such sum may be collected by 77441
assessment in the manner provided in section 5739.13 of the 77442
Revised Code. The commissioner may remit all or a portion of the 77443
additional charge and may adopt rules relating to the imposition 77444

and remission of the additional charge. 77445

(E) If the amount required to be collected by a vendor from 77446
consumers is in excess of the applicable percentage of the 77447
vendor's receipts from sales that are taxable under section 77448
5739.02 of the Revised Code, or in the case of sales subject to a 77449
tax levied pursuant to section 5739.021, 5739.023, 5739.024, or 77450
5739.026 of the Revised Code, in excess of the percentage equal to 77451
the aggregate rate of such taxes and the tax levied by section 77452
5739.02 of the Revised Code, such excess shall be remitted along 77453
with the remittance of the amount of tax due under section 5739.10 77454
of the Revised Code. 77455

(F) The commissioner, if the commissioner deems it necessary 77456
in order to insure the payment of the tax imposed by this chapter, 77457
may require returns and payments to be made for other than monthly 77458
periods. 77459

(G) Any vendor required to file a return and pay the tax 77460
under this section whose total payment for a year equals or 77461
exceeds the amount shown in division (A) of section 5739.122 of 77462
the Revised Code is subject to the accelerated tax payment 77463
requirements in divisions (B) and (C) of that section. For a 77464
vendor that operates from multiple locations or has multiple 77465
vendor's licenses, in determining whether the vendor's total 77466
payment equals or exceeds the amount shown in division (A) of that 77467
section, the vendor's total payment amount shall be the amount of 77468
the vendor's total tax liability for the previous calendar year 77469
for all of the vendor's locations or licenses. 77470

Sec. 5739.13. (A) If any vendor collects the tax imposed by 77471
or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 77472
5739.026 of the Revised Code, and fails to remit the tax to the 77473
state as prescribed, or on the sale of a motor vehicle, 77474
watercraft, or outboard motor required to be titled, fails to 77475

remit payment to a clerk of a court of common pleas as provided in 77476
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 77477
be personally liable for any tax collected and not remitted. The 77478
tax commissioner may make an assessment against such vendor based 77479
upon any information in the commissioner's possession. 77480

If any vendor fails to collect the tax or any consumer fails 77481
to pay the tax imposed by or pursuant to section 5739.02, 77482
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, on 77483
any transaction subject to the tax, the vendor or consumer shall 77484
be personally liable for the amount of the tax applicable to the 77485
transaction. The commissioner may make an assessment against 77486
either the vendor or consumer, as the facts may require, based 77487
upon any information in the commissioner's possession. 77488

An assessment against a vendor when the tax imposed by or 77489
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 77490
5739.026 of the Revised Code has not been collected or paid, shall 77491
not discharge the purchaser's or consumer's liability to reimburse 77492
the vendor for the tax applicable to such transaction. 77493

An assessment issued against either, pursuant to this 77494
section, shall not be considered an election of remedies, nor a 77495
bar to an assessment against the other for the tax applicable to 77496
the same transaction, provided that no assessment shall be issued 77497
against any person for the tax due on a particular transaction if 77498
the tax on that transaction actually has been paid by another. 77499

The commissioner may make an assessment against any vendor 77500
who fails to file a return or remit the proper amount of tax 77501
required by this chapter, or against any consumer who fails to pay 77502
the proper amount of tax required by this chapter. When 77503
information in the possession of the commissioner indicates that 77504
the amount required to be collected or paid under this chapter is 77505
greater than the amount remitted by the vendor or paid by the 77506
consumer, the commissioner may audit a sample of the vendor's 77507

sales or the consumer's purchases for a representative period, to 77508
ascertain the per cent of exempt or taxable transactions or the 77509
effective tax rate and may issue an assessment based on the audit. 77510
The commissioner shall make a good faith effort to reach agreement 77511
with the vendor or consumer in selecting a representative sample. 77512

The commissioner may make an assessment, based on any 77513
information in the commissioner's possession, against any person 77514
who fails to file a return or remit the proper amount of tax 77515
required by section 5739.102 of the Revised Code. 77516

The commissioner may issue an assessment on any transaction 77517
for which any tax imposed under this chapter or Chapter 5741. of 77518
the Revised Code was due and unpaid on the date the vendor or 77519
consumer was informed by an agent of the tax commissioner of an 77520
investigation or audit. If the vendor or consumer remits any 77521
payment of the tax for the period covered by the assessment after 77522
the vendor or consumer was informed of the investigation or audit, 77523
the payment shall be credited against the amount of the 77524
assessment. 77525

The commissioner shall give the party assessed written notice 77526
of the assessment in the manner provided in section 5703.37 of the 77527
Revised Code. With the notice, the commissioner shall provide 77528
instructions on how to petition for reassessment and request a 77529
hearing on the petition. 77530

(B) Unless the party assessed files with the commissioner 77531
within sixty days after service of the notice of assessment, 77532
either personally or by certified mail, a written petition for 77533
reassessment, signed by the party assessed or that party's 77534
authorized agent having knowledge of the facts, the assessment 77535
becomes final and the amount of the assessment is due from the 77536
party assessed and payable to the treasurer of state and remitted 77537
to the tax commissioner. The petition shall indicate the 77538
objections of the party assessed, but additional objections may be 77539

raised in writing if received by the commissioner prior to the 77540
date shown on the final determination. If the petition has been 77541
properly filed, the commissioner shall proceed under section 77542
5703.60 of the Revised Code. 77543

(C) After an assessment becomes final, if any portion of the 77544
assessment remains unpaid, including accrued interest, a certified 77545
copy of the commissioner's entry making the assessment final may 77546
be filed in the office of the clerk of the court of common pleas 77547
in the county in which the place of business of the party assessed 77548
is located or the county in which the party assessed resides. If 77549
the party assessed maintains no place of business in this state 77550
and is not a resident of this state, the certified copy of the 77551
entry may be filed in the office of the clerk of the court of 77552
common pleas of Franklin county. 77553

Immediately upon the filing of the entry, the clerk shall 77554
enter a judgment for the state against the party assessed in the 77555
amount shown on the entry. The judgment may be filed by the clerk 77556
in a loose-leaf book entitled "~~special judgments for state,~~ 77557
~~county, and transit authority~~ and local retail sales tax" or, if 77558
appropriate, "special judgments for resort area excise tax," and 77559
shall have the same effect as other judgments. Execution shall 77560
issue upon the judgment upon the request of the tax commissioner, 77561
and all laws applicable to sales on execution shall apply to sales 77562
made under the judgment except as otherwise provided in this 77563
chapter. 77564

If the assessment is not paid in its entirety within sixty 77565
days after the date the assessment was issued, the portion of the 77566
assessment consisting of tax due shall bear interest at the rate 77567
per annum prescribed by section 5703.47 of the Revised Code from 77568
the day the tax commissioner issues the assessment until the 77569
assessment is paid or until it is certified to the attorney 77570
general for collection under section 131.02 of the Revised Code, 77571

whichever comes first. If the unpaid portion of the assessment is 77572
certified to the attorney general for collection, the entire 77573
unpaid portion of the assessment shall bear interest at the rate 77574
per annum prescribed by section 5703.47 of the Revised Code from 77575
the date of certification until the date it is paid in its 77576
entirety. Interest shall be paid in the same manner as the tax and 77577
may be collected by issuing an assessment under this section. 77578

(D) All money collected by the tax commissioner under this 77579
section shall be paid to the treasurer of state, and when paid 77580
shall be considered as revenue arising from the taxes imposed by 77581
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 77582

Sec. 5739.16. (A) Except as otherwise provided in this 77583
section, no assessment shall be made or issued against a vendor or 77584
consumer for any tax imposed by or pursuant to section 5739.02, 77585
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 77586
Code more than four years after the return date for the period in 77587
which the sale or purchase was made, or more than four years after 77588
the return for such period is filed, whichever is later. A 77589
consumer who provides a fully completed exemption certificate 77590
pursuant to division (B) of section 5739.03 of the Revised Code 77591
may be assessed any tax imposed by or pursuant to section 5739.02, 77592
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code that 77593
results from denial of the claimed exemption within the later of a 77594
period otherwise allowed by this section or one year after the 77595
date the certificate was provided. This division does not bar an 77596
assessment: 77597

(1) When the tax commissioner has substantial evidence of 77598
amounts of taxes collected by a vendor from consumers on retail 77599
sales, which were not returned to the state; 77600

(2) When the vendor assessed failed to file a return as 77601
required by section 5739.12 of the Revised Code; 77602

(3) When the vendor or consumer and the commissioner waive in writing the time limitation. 77603
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(B) No assessment shall be made or issued against a vendor or consumer for any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised Code for any period during which there was in full force and effect a rule of the tax commissioner under or by virtue of which the collection or payment of any such tax was not required. This division does not bar an assessment when the tax commissioner has substantial evidence of amounts of taxes collected by a vendor from consumers on retail sales which were not returned to the state. 77605
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(C) No assessment shall be made or issued against a person for any tax imposed pursuant to section 5739.101 of the Revised Code more than four years after the return date for the period in which the tax is imposed on the person's gross receipts, or more than four years after the return for such period is filed, whichever is later. This division does not bar an assessment when the person assessed failed to file a return as required under section 5739.102 of the Revised Code, or when the person and the commissioner waive in writing the time limitation. 77615
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Sec. 5739.17. (A) No person shall engage in making retail sales subject to a tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code as a business without having a license therefor, except as otherwise provided in divisions (A)(1), (2), and (3) of this section. 77624
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(1) In the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership for a period of sixty days. 77629
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(2) The heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy, appointed by any 77632
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competent authority, may operate under the license of the person 77634
so succeeded in possession. 77635

(3) Two or more persons who are not partners may operate a 77636
single place of business under one license. In such case neither 77637
the retirement of any such person from business at that place of 77638
business, nor the entrance of any person, under an existing 77639
arrangement, shall affect the license or require the issuance of a 77640
new license, unless the person retiring from the business is the 77641
individual named on the vendor's license. 77642

Except as otherwise provided in this section, each applicant 77643
for a license shall make out and deliver to the county auditor of 77644
each county in which the applicant desires to engage in business, 77645
upon a blank to be furnished by such auditor for that purpose, a 77646
statement showing the name of the applicant, each place of 77647
business in the county where the applicant will make retail sales, 77648
the nature of the business, and any other information the tax 77649
commissioner reasonably prescribes in the form of a statement 77650
prescribed by the commissioner. 77651

At the time of making the application, the applicant shall 77652
pay into the county treasury a license fee in the sum of 77653
twenty-five dollars for each fixed place of business in the county 77654
that will be the situs of retail sales. Upon receipt of the 77655
application and exhibition of the county treasurer's receipt, 77656
showing the payment of the license fee, the county auditor shall 77657
issue to the applicant a license for each fixed place of business 77658
designated in the application, authorizing the applicant to engage 77659
in business at that location. 77660

(B) If a vendor's identity changes, the vendor shall apply 77661
for a new license. If a vendor wishes to move an existing fixed 77662
place of business to a new location within the same county, the 77663
vendor shall obtain a new vendor's license or submit a request to 77664
the commissioner to transfer the existing vendor's license to the 77665

new location. When the new location has been verified as being 77666
within the same county, the commissioner shall authorize the 77667
transfer and notify the county auditor of the change of location. 77668
If a vendor wishes to move an existing fixed place of business to 77669
another county, the vendor's license shall not transfer and the 77670
vendor shall obtain a new vendor's license from the county in 77671
which the business is to be located. The form of the license shall 77672
be prescribed by the commissioner. The fees collected shall be 77673
credited to the general fund of the county. If a vendor fails to 77674
notify the commissioner of a change of location of its fixed place 77675
of business or that its business has closed, the commissioner may 77676
cancel the vendor's license if ordinary mail sent to the location 77677
shown on the license is returned because of an undeliverable 77678
address. 77679

(C) The commissioner may establish or participate in a 77680
registration system whereby any vendor may obtain a vendor's 77681
license by submitting to the commissioner a vendor's license 77682
application and a license fee of twenty-five dollars for each 77683
fixed place of business at which the vendor intends to make retail 77684
sales. Under this registration system, the commissioner shall 77685
issue a vendor's license to the applicant on behalf of the county 77686
auditor of the county in which the applicant desires to engage in 77687
business, and shall forward a copy of the application and license 77688
fee to that county. All such license fees received by the 77689
commissioner for the issuance of vendor's licenses shall be 77690
deposited into the vendor's license application fund, which is 77691
hereby created in the state treasury. The commissioner shall 77692
certify to the director of budget and management within ten 77693
business days after the close of a month the license fees to be 77694
transmitted to each county from the vendor's license application 77695
fund for vendor's license applications received by the 77696
commissioner during that month. License fees transmitted to a 77697
county for which payment was not received by the commissioner may 77698

be netted against a future distribution to that county, including 77699
distributions made pursuant to section 5739.21 of the Revised 77700
Code. 77701

A vendor that makes retail sales subject to tax under Chapter 77702
5739. of the Revised Code pursuant to a permit issued by the 77703
division of liquor control shall obtain a vendor's license in the 77704
identical name and for the identical address as shown on the 77705
permit. 77706

Except as otherwise provided in this section, if a vendor has 77707
no fixed place of business and sells from a vehicle, each vehicle 77708
intended to be used within a county constitutes a place of 77709
business for the purpose of this section. 77710

(D) As used in this section, "transient vendor" means any 77711
person who makes sales of tangible personal property from vending 77712
machines located on land owned by others, who leases titled motor 77713
vehicles, titled watercraft, or titled outboard motors, who 77714
effectuates leases that are taxed according to division (A)(2) of 77715
section 5739.02 of the Revised Code, or who, in the usual course 77716
of the person's business, transports inventory, stock of goods, or 77717
similar tangible personal property to a temporary place of 77718
business or temporary exhibition, show, fair, flea market, or 77719
similar event in a county in which the person has no fixed place 77720
of business, for the purpose of making retail sales of such 77721
property. A "temporary place of business" means any public or 77722
quasi-public place including, but not limited to, a hotel, rooming 77723
house, storeroom, building, part of a building, tent, vacant lot, 77724
railroad car, or motor vehicle that is temporarily occupied for 77725
the purpose of making retail sales of goods to the public. A place 77726
of business is not temporary if the same person conducted business 77727
at the place continuously for more than six months or occupied the 77728
premises as the person's permanent residence for more than six 77729
months, or if the person intends it to be a fixed place of 77730

business. 77731

Any transient vendor, in lieu of obtaining a vendor's license 77732
under division (A) of this section for counties in which the 77733
transient vendor has no fixed place of business, may apply to the 77734
tax commissioner, on a form prescribed by the commissioner, for a 77735
transient vendor's license. The transient vendor's license 77736
authorizes the transient vendor to make retail sales in any county 77737
in which the transient vendor does not maintain a fixed place of 77738
business. Any holder of a transient vendor's license shall not be 77739
required to obtain a separate vendor's license from the county 77740
auditor in that county. Upon the commissioner's determination that 77741
an applicant is a transient vendor, the applicant shall pay a 77742
license fee in the amount of twenty-five dollars, at which time 77743
the tax commissioner shall issue the license. The tax commissioner 77744
may require a vendor to be licensed as a transient vendor if, in 77745
the opinion of the commissioner, such licensing is necessary for 77746
the efficient administration of the tax. 77747

Any holder of a valid transient vendor's license may make 77748
retail sales at a temporary place of business or temporary 77749
exhibition, show, fair, flea market, or similar event, held 77750
anywhere in the state without complying with any provision of 77751
section 311.37 of the Revised Code. Any holder of a valid vendor's 77752
license may make retail sales as a transient vendor at a temporary 77753
place of business or temporary exhibition, show, fair, flea 77754
market, or similar event held in any county in which the vendor 77755
maintains a fixed place of business for which the vendor holds a 77756
vendor's license without obtaining a transient vendor's license. 77757

(E) Any vendor who is issued a license pursuant to this 77758
section shall display the license or a copy of it prominently, in 77759
plain view, at every place of business of the vendor. 77760

(F) No owner, organizer, or promoter who operates a fair, 77761
flea market, show, exhibition, convention, or similar event at 77762

which transient vendors are present shall fail to keep a 77763
comprehensive record of all such vendors, listing the vendor's 77764
name, permanent address, vendor's license number, and the type of 77765
goods sold. Such records shall be kept for four years and shall be 77766
open to inspection by the commissioner. 77767

(G) The commissioner may issue additional types of licenses 77768
if required to efficiently administer the tax imposed by this 77769
chapter. 77770

Sec. 5739.21. (A) One hundred per cent of all money deposited 77771
into the state treasury under sections 5739.01 to 5739.31 of the 77772
Revised Code that is not required to be distributed as provided in 77773
section 5739.102 of the Revised Code or division (B) of this 77774
section shall be credited to the general revenue fund. 77775

(B)(1) In any case where any county, municipal corporation, 77776
township, or transit authority has levied a tax or taxes pursuant 77777
to section 5739.021, 5739.023, 5739.024, or 5739.026 of the 77778
Revised Code, the tax commissioner shall, within forty-five days 77779
after the end of each month, determine and certify to the director 77780
of budget and management the amount of the proceeds of such tax or 77781
taxes received during that month from billings and assessments, or 77782
associated with tax returns or reports filed during that month, to 77783
be returned to the ~~county or transit authority~~ subdivision levying 77784
the tax or taxes. The amount to be returned to each ~~county and~~ 77785
~~transit authority~~ subdivision shall be a fraction of the aggregate 77786
amount of money collected with respect to each area in which one 77787
or more of such taxes are concurrently in effect with the tax 77788
levied by section 5739.02 of the Revised Code, adjusted as 77789
required under section 5739.54 of the Revised Code. The numerator 77790
of the fraction is the rate of the tax levied by the ~~county or~~ 77791
~~transit authority~~ subdivision and the denominator of the fraction 77792
is the aggregate rate of such taxes applicable to such area. The 77793

amount to be returned to each ~~county or transit authority~~ 77794
subdivision shall be reduced by the amount of any refunds of 77795
~~county or transit authority~~ such tax paid pursuant to section 77796
5739.07 of the Revised Code during the same month, or transfers 77797
made pursuant to division (B)(2) of section 5703.052 of the 77798
Revised Code. 77799

(2) On a periodic basis, using the best information 77800
available, the tax commissioner shall distribute any amount of 77801
such a ~~county or transit authority~~ tax that cannot be distributed 77802
under division (B)(1) of this section. Through audit or other 77803
means, the commissioner shall attempt to obtain the information 77804
necessary to make the distribution as provided under that division 77805
and, on receipt of that information, shall make adjustments to 77806
distributions previously made under this division. 77807

(3) Beginning July 1, 2008, eight and thirty-three 77808
one-hundredths of one per cent of the revenue collected from the 77809
tax due under division (A) of section 5739.029 of the Revised Code 77810
shall be distributed to the county where the sale of the motor 77811
vehicle is sitused under section 5739.035 of the Revised Code. The 77812
amount to be so distributed to the county shall be apportioned on 77813
the basis of the rates of taxes the county levies pursuant to 77814
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 77815
and shall be credited to the funds of the county as provided in 77816
divisions (A) and (B) of section 5739.211 of the Revised Code. 77817

(C) The aggregate amount to be returned to any ~~county or~~ 77818
~~transit authority~~ subdivision shall be reduced by one per cent, 77819
which shall be certified directly to the credit of the local sales 77820
tax administrative fund, which is hereby created in the state 77821
treasury. For the purpose of determining the amount to be returned 77822
to a county and transit authority in which the rate of tax imposed 77823
by the transit authority has been reduced under section 5739.028 77824
of the Revised Code, the tax commissioner shall use the respective 77825

rates of tax imposed by the county or transit authority that 77826
results from the change in the rates authorized under that 77827
section. 77828

(D) The director of budget and management shall transfer, 77829
from the same funds and in the same proportions specified in 77830
division (A) of this section, to the permissive tax distribution 77831
fund created by division (B)(1) of section 4301.423 of the Revised 77832
Code and to the local sales tax administrative fund, the amounts 77833
certified by the tax commissioner. The tax commissioner shall 77834
then, on or before the twentieth day of the month in which such 77835
certification is made, provide for payment of such respective 77836
amounts to the county treasurer and to the fiscal officer of the 77837
municipal corporation, township, or transit authority levying the 77838
tax or taxes. The amount transferred to the local sales tax 77839
administrative fund is for use by the tax commissioner in 77840
defraying costs incurred in administering such taxes levied by a 77841
county, municipal corporation, township, or transit authority. 77842

Sec. 5739.211. (A) The moneys received by a county levying an 77843
additional sales tax pursuant to section 5739.021 of the Revised 77844
Code shall be deposited in the county general fund to be expended 77845
for any purpose for which general fund moneys of the county may be 77846
used, including the acquisition or construction of permanent 77847
improvements or to make payments in accordance with section 333.06 77848
or 333.07 of the Revised Code, or in the bond retirement fund for 77849
the payment of debt service charges on notes or bonds of the 77850
county issued for the acquisition or construction of permanent 77851
improvements. The amounts to be deposited in each of such funds 77852
shall be determined by the board of county commissioners. 77853
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(B) The moneys received by a county levying an additional 77855
sales tax pursuant to section 5739.026 of the Revised Code shall 77856

be deposited in a separate fund, which shall be allocated and 77857
distributed in accordance with the resolution adopted under such 77858
section. Moneys allocated for the purpose of division (A)(4) of 77859
section 5739.026 of the Revised Code shall be transferred to and 77860
disbursed from the community improvements fund in the county 77861
treasury. Notwithstanding section 135.351 of the Revised Code, if 77862
an allocation of moneys to a convention facilities authority or a 77863
transit authority is required pursuant to division (C) of section 77864
5739.026 of the Revised Code, the county shall pay and distribute 77865
each authority's share of any such moneys to its fiscal officer 77866
within five business days of the date of their receipt by the 77867
county. If the moneys allocated under such division are not so 77868
paid, the county shall pay to such authority any interest that the 77869
county has received or will receive on such moneys that accrues 77870
from the date the county received the moneys, together with the 77871
principal amount of such moneys. 77872

(C) The moneys received by a transit authority levying an 77873
additional sales tax pursuant to section 5739.023 of the Revised 77874
Code shall be deposited in such fund or funds of the transit 77875
authority as determined by the legislative authority of the 77876
transit authority to be expended for any purpose for which a 77877
county transit board or the board of county commissioners 77878
operating a county transit system, in the case of a county, or the 77879
board of trustees of a regional transit authority, in the case of 77880
a regional transit authority, may expend moneys under their 77881
control, including the purchase, acquisition, construction, 77882
replacement, improvement, extension, or enlargement of permanent 77883
improvements and for the payment of debt service charges on notes 77884
or bonds of the transit authority. 77885

(D) Money received by a municipal corporation or township 77886
levying an additional sales tax pursuant to section 5739.024 of 77887
the Revised Code shall be deposited in a special fund in the 77888

subdivision's treasury created by the legislative authority of the 77889
subdivision. The municipal corporation or township may use such 77890
revenue solely for the purpose of fostering and developing tourism 77891
in the tourism development district in which the tax is levied. 77892

Sec. 5739.34. The levy of any excise, income, or property tax 77893
by the state or any political subdivision thereof shall not be 77894
construed as preempting the power of a county, municipal 77895
corporation, township, or transit authority to levy an additional 77896
sales tax pursuant to section 5739.021, 5739.023, 5739.024, or 77897
5739.026 of the Revised Code. No tax levied by a board of county 77898
commissioners pursuant to section 5739.023 of the Revised Code 77899
shall become effective at any time while a tax levied by the board 77900
of trustees of a regional transit authority pursuant to such 77901
section is in effect in any part of such county. 77902

Sec. 5739.36. (A) For the purpose of tracking the growth and 77903
overall economic impact of the travel and tourism industry in this 77904
state, the tax commissioner shall prepare a report summarizing the 77905
amount of tax revenue collected during each semiannual period 77906
ending on the last day of June or December, annually. The 77907
commissioner shall prepare the report by industry classification 77908
using business activity codes. The report shall include the 77909
combined total statewide collections from the taxes levied under 77910
sections 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 77911
5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code 77912
as reported by taxpayers with respect to collections during the 77913
semiannual period. The report shall reflect all industries 77914
included in the industrial classification system used by the 77915
commissioner the activities of which relate in any way to travel 77916
and tourism, including, but not limited to, industries such as 77917
bars and restaurants; hotels, motels, and other lodging 77918
establishments; and other industries related to travel and 77919

tourism. The first report shall be for the semiannual period 77920
ending December 31, 2005. 77921

(B) The tax commissioner shall file a copy of the report 77922
required under this section with the governor, the president of 77923
the senate, the speaker of the house of representatives, and the 77924
legislative service commission. The reports shall be filed on or 77925
before the first day of May or November, annually, that 77926
immediately follows the semiannual period to which the report 77927
relates. A copy of the commissioner's most recent report shall be 77928
made available to the public through the department of taxation's 77929
official internet web site. 77930

(C) The commissioner shall adopt rules that are necessary to 77931
administer this section. 77932

Sec. 5739.50. (A) As used in this section: 77933

(1) "Business" means a sole proprietorship, a corporation for 77934
profit, a pass-through entity as defined in section 5733.04 of the 77935
Revised Code, the federal government, the state, the state's 77936
political subdivisions, a nonprofit organization, or a school 77937
district. A business "operates within the proposed district" if 77938
the business conducts retail sales that would be subject to a tax 77939
levied in the proposed tourism development district pursuant to 77940
section 5739.024 of the Revised Code. 77941

(2) "Owner" means a partner of a partnership, a member of a 77942
limited liability company, a majority shareholder of an S 77943
corporation, a person with a majority ownership interest in a 77944
pass-through entity, or any officer, employee, or agent with the 77945
authority to make decisions legally binding upon a business. The 77946
signature of any owner of a business operates as the signature of 77947
the business. 77948

(3) "Eligible subdivision" means a municipal corporation or 77949

township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which do not exceed one-half of one per cent on the effective date of the enactment of this section. 77950
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(B)(1) The legislative authority of an eligible subdivision, by ordinance or resolution, may declare an area of the eligible subdivision to be a tourism development district for the purpose of fostering and developing tourism in the district, if all of the following criteria are met: 77956
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(a) The district's area does not exceed two hundred acres. 77961

(b) All territory in the district is contiguous. 77962

(c) Before adopting that resolution or ordinance, the subdivision's legislative authority holds at least two public hearings concerning the creation of the tourism development district. 77963
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(d) Before adopting that resolution or ordinance, the subdivision's legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 77967
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(e) The legislative authority adopts the ordinance or resolution on or before December 31, 2018. 77972
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(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 77974
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(3) The subdivision's legislative authority shall certify the resolution or ordinance described in division (B)(1) of this section to the tax commissioner within five days after its 77977
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adoption, along with a description of the boundaries of the 77980
district authorized in the resolution or ordinance. 77981

(4) Subject to the limitations of division (B)(1)(a) and (b) 77982
of this section, a legislative authority may enlarge the territory 77983
of an existing tourism development district in the manner 77984
prescribed for the creation of a district under divisions (B)(1) 77985
to (3) of this section, except that the petition described in 77986
division (B)(1)(d) of this section must be signed by every record 77987
owner of a parcel of real property located in the area proposed to 77988
be added to the district and the owner of every business that 77989
operates in the area proposed to be added to the district. 77990

(C) For the purpose of fostering and developing tourism in a 77991
tourism development district, a lessor leasing real property in a 77992
tourism development district may impose and collect a uniform fee 77993
on each parcel of real property leased by the lessor, to be paid 77994
by each of the person's lessees. A lessee is subject to such a fee 77995
only if the lease separately states the amount of the fee. Before 77996
a lessor may impose and collect such a fee, the lessor shall file 77997
a copy of such lease with the fiscal officer of the eligible 77998
subdivision that designated the tourism development district. A 77999
lessor that imposes such a fee shall remit all collections of the 78000
fee to the township or municipal corporation in which the real 78001
property is located. 78002

The legislative authority shall establish all regulations 78003
necessary to provide for the administration and remittance of such 78004
fees. The regulations may prescribe the time for payment of the 78005
fee, and may provide for the imposition of a penalty or interest, 78006
or both, for late remittances, provided that the penalty does not 78007
exceed ten per cent of the amount of fee due, and the rate at 78008
which interest accrues does not exceed the rate per annum 78009
prescribed pursuant to section 5703.47 of the Revised Code. The 78010
regulations shall provide, after deducting the real and actual 78011

costs of administering the fee, that the revenue be used 78012
exclusively for fostering and developing tourism within the 78013
tourism development district. 78014

(D) The legislative authority of an eligible subdivision that 78015
has designated a tourism development district under this section 78016
may levy the taxes authorized under sections 5739.024 and 5741.024 78017
of the Revised Code. A legislative authority of a township that 78018
has designated a tourism development district may levy the tax 78019
authorized under sections 5739.51 to 5739.54 of the Revised Code. 78020
Nothing in this section limits the power of the legislative 78021
authority of a municipal corporation to levy a tax on the basis of 78022
admissions in a tourism development district pursuant to its 78023
powers of local self government conferred by Section 3 of Article 78024
XVIII, Ohio Constitution. 78025

Sec. 5739.51. As used in sections 5739.51 to 5739.54 of the 78026
Revised Code, "admission" means the right or privilege to enter 78027
into a place. 78028

Sec. 5739.52. (A) For the purpose of fostering and developing 78029
tourism within a tourism development district and paying the costs 78030
of administering the tax, the legislative authority of a township 78031
may, by resolution, levy a tax upon all of the following: 78032

(1) Amounts paid for admission to any place, including 78033
parking lots and facilities, located in the territory of a tourism 78034
development district created by the township; 78035

(2) Amounts paid for tickets or cards of admission to 78036
theaters, operas, and other places of amusement located in the 78037
territory of a tourism development district, sold at places other 78038
than the ticket offices of such places, over and above the amounts 78039
representing the established price therefor at such ticket 78040
offices; 78041

(3) Amounts paid for admission to any public performance at any roof garden, cabaret, or other similar entertainment venue located in the territory of a tourism development district, in which the charge for admission is a service or cover charge; 78042
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(4) Amounts paid as annual membership dues by every club or organization maintaining a golf course located in the territory of a tourism development district; 78046
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(5) Green fees paid to a golf course located in the territory of a tourism development district either under club or private ownership. 78049
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(B) The rate of a tax levied under this section shall not exceed five per cent of the admission charge, membership dues, or green fees. Every person receiving any payment on which a tax is levied under this section shall collect the amount of the tax from the person making the admission payment. 78052
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Sec. 5739.53. The legislative authority of a township levying a tax pursuant to section 5739.52 of the Revised Code shall establish all regulations necessary to provide for the administration of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the tax, that the revenue be used exclusively for fostering and developing tourism within the tourism development district in which the tax is levied. 78057
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Sec. 5739.54. (A) As used in this section: 78070

(1) "Qualifying tourism development district" means a tourism 78071

development district for which a tax levied by the legislative 78072
authority of a municipal corporation or township under section 78073
5739.024 of the Revised Code is not in effect. 78074

(2) "Base revenue" means one of the following: 78075

(a) If the tax commissioner receives certification from the 78076
legislative authority of a county under division (D)(2) of this 78077
section, the revenue collected from the taxes imposed under 78078
sections 5739.021 and 5739.026 of the Revised Code during the 78079
three-month period ending on the last day of the immediately 78080
preceding calendar quarter from sales made in a qualifying tourism 78081
development district; 78082

(b) If the tax commissioner receives certification from the 78083
legislative authority of a transit authority under division (D)(3) 78084
of this section, the revenue collected from the tax imposed under 78085
section 5739.023 of the Revised Code during the three-month period 78086
ending on the last day of the immediately preceding calendar 78087
quarter from sales made in the district; 78088

(c) If the tax commissioner receives certification from the 78089
legislative authorities of a county and transit authority under 78090
divisions (D)(2) and (3) of this section, the revenue collected 78091
from the taxes imposed under sections 5739.021, 5739.023, and 78092
5739.026 of the Revised Code during the three-month period ending 78093
on the last day of the immediately preceding calendar quarter from 78094
sales made in the district. 78095

(B) For every qualifying tourism development district on the 78096
basis of which the tax commissioner receives a certification under 78097
division (D)(2) or (3) of this section, the commissioner shall 78098
certify to the director of budget and management, on or before the 78099
twentieth day of March, June, September, and December of each year 78100
the difference, if greater than zero, between (1) the applicable 78101
base revenue minus (2) one-fourth of revenue collected from the 78102

same taxes on the basis of which such revenue is calculated from 78103
sales made in the qualifying tourism development district during 78104
the calendar year preceding the year in which the district is 78105
designated or enlarged under section 5739.50 of the Revised Code. 78106

On or before the last day of March, June, September, and 78107
December of each year, the director of budget and management shall 78108
pay from the general revenue fund to the municipal corporation or 78109
township that created the qualifying tourism development district 78110
the amount certified by the commissioner. The legislative 78111
authority of a municipal corporation or township receiving such 78112
revenue shall create a special fund in the subdivision's treasury 78113
to which all such revenue shall be deposited. A municipal 78114
corporation or township may use such revenue solely for the 78115
purpose of fostering and developing tourism in the qualifying 78116
tourism development district. 78117

(C) The director of budget and management, after making a 78118
payment from the general revenue fund under division (B) of this 78119
section, shall reduce by the amount of that payment the next 78120
payment required to made under division (B)(1) of section 5739.21 78121
of the Revised Code to any county or county transit authority that 78122
makes a certification to the commissioner under division (D)(2) or 78123
(3) of this section. If both a county and a transit authority make 78124
those certifications, the director shall reduce that payment in 78125
proportion to the base revenue attributable to taxes levied by 78126
each subdivision under section 5739.021, 5739.023, or 5739.026 of 78127
the Revised Code. 78128

(D)(1) Before a township or municipal corporation may receive 78129
money under division (B) of this section, the legislative 78130
authority of the municipal corporation or township must obtain the 78131
approval of the legislative authority of the county or transit 78132
authority. To obtain such approval, the legislative authority of 78133
the municipal corporation or township shall adopt and certify an 78134

ordinance or resolution to the legislative authority of the county 78135
and, if applicable, the transit authority in which a qualifying 78136
tourism development district is located. The resolution shall 78137
specify the municipal corporation's or township's intent to obtain 78138
revenue under division (B) of this section. 78139

(2) The legislative authority of a county, within thirty days 78140
after receiving a certification under division (D)(1) of this 78141
section, may adopt and certify a resolution to the tax 78142
commissioner approving of the municipal corporation's or 78143
township's intent to obtain revenue under division (B) of this 78144
section. 78145

(3) The legislative authority of a transit authority, within 78146
thirty days after receiving a certification under division (D)(1) 78147
of this section, may adopt and certify a resolution to the tax 78148
commissioner approving of the municipal corporation's or 78149
township's intent to obtain revenue under division (B) of this 78150
section. 78151

Sec. 5739.99. (A) Whoever violates section 5739.26 or 5739.29 78152
of the Revised Code shall be fined not less than twenty-five nor 78153
more than one hundred dollars for a first offense; for each 78154
subsequent offense such person shall, if a corporation, be fined 78155
not less than one hundred nor more than five hundred dollars, or 78156
if an individual, or a member of a partnership, firm, or 78157
association, be fined not less than twenty-five nor more than one 78158
hundred dollars, or imprisoned not more than sixty days, or both. 78159
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(B) Whoever violates division (A) of section 5739.30 of the 78161
Revised Code shall be fined not less than one hundred nor more 78162
than one thousand dollars, or imprisoned not more than sixty days, 78163
or both. 78164

(C)(1) Whoever violates division (A)(1) of section 5739.31 of 78165

the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of a violation of division (A)(1) of section 5739.31 of the Revised Code, the offender is guilty of a felony of the fourth degree.

(2) Whoever violates division (A)(2) of section 5739.31 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both, for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by recklessly failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be

eligible for a vendor's license for two years following 78198
conviction. 78199

(F) Whoever violates division (E) of section 5739.17 of the 78200
Revised Code is guilty of failure to display a transient vendor's 78201
license, a minor misdemeanor. A sheriff or police officer in a 78202
municipal corporation may enforce this division. The prosecuting 78203
attorney of a county shall inform the tax commissioner of any 78204
instance when a complaint is brought against a transient vendor 78205
pursuant to this division. 78206

(G) Whoever violates section 5739.103 of the Revised Code 78207
shall be fined not less than twenty-five nor more than one hundred 78208
dollars. If the offender previously has been convicted of 78209
violating that section, the offender is guilty of a felony of the 78210
fourth degree. 78211

(H) The penalties provided in this section are in addition to 78212
any penalties imposed by the tax commissioner under section 78213
5739.133 of the Revised Code. 78214

Sec. 5740.01. As used in this chapter: 78215

(A) "Agreement" means the streamlined sales and use tax 78216
agreement as amended and adopted on January 27, 2001, by the 78217
national conference of state legislatures' special task force on 78218
state and local taxation of telecommunications and electronic 78219
commerce, and unanimously adopted by the national conference of 78220
state legislatures' executive committee, and as subsequently 78221
amended and adopted by the member states. 78222

(B) "Certified automated system" means software certified 78223
jointly by the member states to calculate the sales or use tax 78224
imposed by each jurisdiction on a transaction, determine the 78225
amount of tax to remit to the appropriate state, and maintain a 78226
record of the transaction. 78227

(C) "Certified service provider" means an agent certified jointly by the member states to perform all of the seller's sales and use tax functions.

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(D) "Member state" means any state that is a signatory to the agreement.

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(E) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

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(F) "Sales tax" means the tax levied by section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised Code.

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(G) "Seller" means any person making sales, leases, or rentals of personal property or services.

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(H) "State" means any state of the United States and the District of Columbia.

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(I) "Use tax" means the tax levied by section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code.

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Sec. 5740.09. (A) No cause of action shall accrue against a seller for over-collection of the taxes levied by section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code until the purchaser has provided written notice of the over-collection to the seller and the seller has had sixty days after the notice was mailed to respond. The notice must contain the information necessary to determine the validity of the request. In no case shall a cause of action accrue against a seller for the over-collection of such taxes if either the purchaser or the seller has filed a refund claim for the over-collection pursuant to section 5739.07 or 5741.10 of the Revised Code.

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(B) In connection with a purchaser's request from a seller of

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over-collected taxes under division (A) of this section, a seller 78258
shall be presumed to have a reasonable business practice if, in 78259
the collection of the taxes, the seller does both of the 78260
following: 78261

(1) Uses either a certified service provider or a certified 78262
automated system, including a proprietary system; and 78263

(2) Has remitted to the state all taxes collected, less any 78264
deductions or collection allowances provided by section 5739.12 or 78265
5741.12 of the Revised Code. 78266

Sec. 5741.01. As used in this chapter: 78267

(A) "Person" includes individuals, receivers, assignees, 78268
trustees in bankruptcy, estates, firms, partnerships, 78269
associations, joint-stock companies, joint ventures, clubs, 78270
societies, corporations, business trusts, governments, and 78271
combinations of individuals of any form. 78272

(B) "Storage" means and includes any keeping or retention in 78273
this state for use or other consumption in this state. 78274

(C) "Use" means and includes the exercise of any right or 78275
power incidental to the ownership of the thing used. A thing is 78276
also "used" in this state if its consumer gives or otherwise 78277
distributes it, without charge, to recipients in this state. 78278

(D) "Purchase" means acquired or received for a 78279
consideration, whether such acquisition or receipt was effected by 78280
a transfer of title, or of possession, or of both, or a license to 78281
use or consume; whether such transfer was absolute or conditional, 78282
and by whatever means the transfer was effected; and whether the 78283
consideration was money, credit, barter, or exchange. Purchase 78284
includes production, even though the article produced was used, 78285
stored, or consumed by the producer. The transfer of copyrighted 78286
motion picture films for exhibition purposes is not a purchase, 78287

except such films as are used solely for advertising purposes. 78288

(E) "Seller" means the person from whom a purchase is made, 78289
and includes every person engaged in this state or elsewhere in 78290
the business of selling tangible personal property or providing a 78291
service for storage, use, or other consumption or benefit in this 78292
state; and when, in the opinion of the tax commissioner, it is 78293
necessary for the efficient administration of this chapter, to 78294
regard any salesperson, representative, peddler, or canvasser as 78295
the agent of a dealer, distributor, supervisor, or employer under 78296
whom the person operates, or from whom the person obtains tangible 78297
personal property, sold by the person for storage, use, or other 78298
consumption in this state, irrespective of whether or not the 78299
person is making such sales on the person's own behalf, or on 78300
behalf of such dealer, distributor, supervisor, or employer, the 78301
commissioner may regard the person as such agent, and may regard 78302
such dealer, distributor, supervisor, or employer as the seller. 78303
"Seller" does not include any person to the extent the person 78304
provides a communications medium, such as, but not limited to, 78305
newspapers, magazines, radio, television, or cable television, by 78306
means of which sellers solicit purchases of their goods or 78307
services. 78308

(F) "Consumer" means any person who has purchased tangible 78309
personal property or has been provided a service for storage, use, 78310
or other consumption or benefit in this state. "Consumer" does not 78311
include a person who receives, without charge, tangible personal 78312
property or a service. 78313

A person who performs a facility management or similar 78314
service contract for a contractee is a consumer of all tangible 78315
personal property and services purchased for use in connection 78316
with the performance of such contract, regardless of whether title 78317
to any such property vests in the contractee. The purchase of such 78318
property and services is not subject to the exception for resale 78319

under division (E) of section 5739.01 of the Revised Code. 78320

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 78321
of this section, has the same meaning as in division (H)(1) of 78322
section 5739.01 of the Revised Code. 78323

(2) In the case of watercraft, outboard motors, or new motor 78324
vehicles, "price" has the same meaning as in divisions (H)(2) and 78325
(3) of section 5739.01 of the Revised Code. 78326

(3) In the case of a nonresident business consumer that 78327
purchases and uses tangible personal property outside this state 78328
and subsequently temporarily stores, uses, or otherwise consumes 78329
such tangible personal property in the conduct of business in this 78330
state, the consumer or the tax commissioner may determine the 78331
price based on the value of the temporary storage, use, or other 78332
consumption, in lieu of determining the price pursuant to division 78333
(G)(1) of this section. A price determination made by the consumer 78334
is subject to review and redetermination by the commissioner. 78335

(4) In the case of tangible personal property held in this 78336
state as inventory for sale or lease, and that is temporarily 78337
stored, used, or otherwise consumed in a taxable manner, the price 78338
is the value of the temporary use. A price determination made by 78339
the consumer is subject to review and redetermination by the 78340
commissioner. 78341

(5) In the case of tangible personal property originally 78342
purchased and used by the consumer outside this state, and that 78343
becomes permanently stored, used, or otherwise consumed in this 78344
state more than six months after its acquisition by the consumer, 78345
the consumer or the commissioner may determine the price based on 78346
the current value of such tangible personal property, in lieu of 78347
determining the price pursuant to division (G)(1) of this section. 78348
A price determination made by the consumer is subject to review 78349
and redetermination by the commissioner. 78350

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property. 78351
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(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state. 78355
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(I) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. "Substantial nexus with this state" exists when the seller does any of the following: 78359
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(1) Maintains a place of business within this state, whether operated by employees or agents of the seller, by a member of an affiliated group, as defined in division (B)(3)(e) of section 5739.01 of the Revised Code, of which the seller is a member, or by a franchisee using a trade name of the seller; 78366
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(2) Regularly has employees, agents, representatives, solicitors, installers, repairmen, salesmen, or other individuals in this state for the purpose of conducting the business of the seller; 78371
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78374

(3) Uses a person in this state for the purpose of receiving or processing orders of the seller's goods or services; 78375
78376

(4) Makes regular deliveries of tangible personal property into this state by means other than common carrier; 78377
78378

(5) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which has substantial nexus with this 78379
78380
78381

state; 78382

(6) Owns tangible personal property that is rented or leased 78383
to a consumer in this state, or offers tangible personal property, 78384
on approval, to consumers in this state; 78385

(7) Except as provided in section 5703.65 of the Revised 78386
Code, is registered with the secretary of state to do business in 78387
this state or is registered or licensed by any state agency, 78388
board, or commission to transact business in this state or to make 78389
sales to persons in this state; 78390

(8) Has any other contact with this state that would allow 78391
this state to require the seller to collect and remit use tax 78392
under Section 8 of Article I of the Constitution of the United 78393
States. 78394

(J) "Fiscal officer" means, with respect to a regional 78395
transit authority, the secretary-treasurer thereof, and with 78396
respect to a county which is a transit authority, the fiscal 78397
officer of the county transit board appointed pursuant to section 78398
306.03 of the Revised Code or, if the board of county 78399
commissioners operates the county transit system, the county 78400
auditor. "Fiscal officer," with respect to a municipal corporation 78401
or township, has the same meaning as in section 5705.01 of the 78402
Revised Code. 78403

(K) "Territory of the transit authority" means all of the 78404
area included within the territorial boundaries of a transit 78405
authority as they from time to time exist. Such territorial 78406
boundaries must at all times include all the area of a single 78407
county or all the area of the most populous county which is a part 78408
of such transit authority. County population shall be measured by 78409
the most recent census taken by the United States census bureau. 78410

(L) "Transit authority" means a regional transit authority 78411
created pursuant to section 306.31 of the Revised Code or a county 78412

in which a county transit system is created pursuant to section 78413
306.01 of the Revised Code. For the purposes of this chapter, a 78414
transit authority must extend to at least the entire area of a 78415
single county. A transit authority which includes territory in 78416
more than one county must include all the area of the most 78417
populous county which is a part of such transit authority. County 78418
population shall be measured by the most recent census taken by 78419
the United States census bureau. 78420

(M) "Providing a service" has the same meaning as in ~~division~~ 78421
~~(X)~~ of section 5739.01 of the Revised Code. 78422

(N) "Other consumption" includes receiving the benefits of a 78423
service. 78424

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 78425
~~(UU)~~ of section 5739.01 of the Revised Code. 78426

(P) "Certified service provider" has the same meaning as in 78427
section 5740.01 of the Revised Code. 78428

(Q) "Remote sale" means a sale for which the seller could not 78429
be legally required to pay, collect, or remit a tax imposed under 78430
this chapter or Chapter 5739. of the Revised Code, unless 78431
otherwise provided by the laws of the United States. 78432

(R) "Remote seller" means a seller that makes remote sales to 78433
one or more consumers. 78434

(S) "Remote small seller" means a remote seller that has 78435
gross annual receipts from remote sales in the United States not 78436
exceeding one million dollars for the preceding calendar year. For 78437
the purposes of determining whether a person is a small remote 78438
seller, the sales of all persons related within the meaning of 78439
subsection (b) or (c) of section 267 or section 707(b)(1) of the 78440
Internal Revenue Code shall be aggregated, and persons with one or 78441
more ownership relationships shall be aggregated if those 78442
relationships were designed with the principal purpose to qualify 78443

as a remote small seller. 78444

(T) "Territory of the tourism development district" means all 78445
of the area included within the territorial boundaries of a 78446
tourism development district. 78447

(U) "Tourism development district" has the same meaning as in 78448
section 5739.01 of the Revised Code. 78449

Sec. 5741.02. (A)(1) For the use of the general revenue fund 78450
of the state, an excise tax is hereby levied on the storage, use, 78451
or other consumption in this state of tangible personal property 78452
or the benefit realized in this state of any service provided. The 78453
tax shall be collected as provided in section 5739.025 of the 78454
Revised Code. The rate of the tax shall be five and three-fourths 78455
per cent. 78456

(2) In the case of the lease or rental, with a fixed term of 78457
more than thirty days or an indefinite term with a minimum period 78458
of more than thirty days, of any motor vehicles designed by the 78459
manufacturer to carry a load of not more than one ton, watercraft, 78460
outboard motor, or aircraft, or of any tangible personal property, 78461
other than motor vehicles designed by the manufacturer to carry a 78462
load of more than one ton, to be used by the lessee or renter 78463
primarily for business purposes, the tax shall be collected by the 78464
seller at the time the lease or rental is consummated and shall be 78465
calculated by the seller on the basis of the total amount to be 78466
paid by the lessee or renter under the lease or rental agreement. 78467
If the total amount of the consideration for the lease or rental 78468
includes amounts that are not calculated at the time the lease or 78469
rental is executed, the tax shall be calculated and collected by 78470
the seller at the time such amounts are billed to the lessee or 78471
renter. In the case of an open-end lease or rental, the tax shall 78472
be calculated by the seller on the basis of the total amount to be 78473
paid during the initial fixed term of the lease or rental, and for 78474

each subsequent renewal period as it comes due. As used in this 78475
division, "motor vehicle" has the same meaning as in section 78476
4501.01 of the Revised Code, and "watercraft" includes an outdrive 78477
unit attached to the watercraft. 78478

(3) Except as provided in division (A)(2) of this section, in 78479
the case of a transaction, the price of which consists in whole or 78480
part of the lease or rental of tangible personal property, the tax 78481
shall be measured by the installments of those leases or rentals. 78482

(B) Each consumer, storing, using, or otherwise consuming in 78483
this state tangible personal property or realizing in this state 78484
the benefit of any service provided, shall be liable for the tax, 78485
and such liability shall not be extinguished until the tax has 78486
been paid to this state; provided, that the consumer shall be 78487
relieved from further liability for the tax if the tax has been 78488
paid to a seller in accordance with section 5741.04 of the Revised 78489
Code or prepaid by the seller in accordance with section 5741.06 78490
of the Revised Code. 78491

(C) The tax does not apply to the storage, use, or 78492
consumption in this state of the following described tangible 78493
personal property or services, nor to the storage, use, or 78494
consumption or benefit in this state of tangible personal property 78495
or services purchased under the following described circumstances: 78496

(1) When the sale of property or service in this state is 78497
subject to the excise tax imposed by sections 5739.01 to 5739.31 78498
of the Revised Code, provided said tax has been paid; 78499

(2) Except as provided in division (D) of this section, 78500
tangible personal property or services, the acquisition of which, 78501
if made in Ohio, would be a sale not subject to the tax imposed by 78502
sections 5739.01 to 5739.31 of the Revised Code; 78503

(3) Property or services, the storage, use, or other 78504
consumption of or benefit from which this state is prohibited from 78505

taxing by the Constitution of the United States, laws of the 78506
United States, or the Constitution of this state. This exemption 78507
shall not exempt from the application of the tax imposed by this 78508
section the storage, use, or consumption of tangible personal 78509
property that was purchased in interstate commerce, but that has 78510
come to rest in this state, provided that fuel to be used or 78511
transported in carrying on interstate commerce that is stopped 78512
within this state pending transfer from one conveyance to another 78513
is exempt from the excise tax imposed by this section and section 78514
5739.02 of the Revised Code; 78515

(4) Transient use of tangible personal property in this state 78516
by a nonresident tourist or vacationer, or a nonbusiness use 78517
within this state by a nonresident of this state, if the property 78518
so used was purchased outside this state for use outside this 78519
state and is not required to be registered or licensed under the 78520
laws of this state; 78521

(5) Tangible personal property or services rendered, upon 78522
which taxes have been paid to another jurisdiction to the extent 78523
of the amount of the tax paid to such other jurisdiction. Where 78524
the amount of the tax imposed by this section and imposed pursuant 78525
to section 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the 78526
Revised Code exceeds the amount paid to another jurisdiction, the 78527
difference shall be allocated between the tax imposed by this 78528
section and any tax imposed by a county, municipal corporation, 78529
township, or a transit authority pursuant to section 5741.021, 78530
5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code, in 78531
proportion to the respective rates of such taxes. 78532

As used in this subdivision, "taxes paid to another 78533
jurisdiction" means the total amount of retail sales or use tax or 78534
similar tax based upon the sale, purchase, or use of tangible 78535
personal property or services rendered legally, levied by and paid 78536
to another state or political subdivision thereof, or to the 78537

District of Columbia, where the payment of such tax does not 78538
entitle the taxpayer to any refund or credit for such payment. 78539

(6) The transfer of a used manufactured home or used mobile 78540
home, as defined by section 5739.0210 of the Revised Code, made on 78541
or after January 1, 2000; 78542

(7) Drugs that are or are intended to be distributed free of 78543
charge to a practitioner licensed to prescribe, dispense, and 78544
administer drugs to a human being in the course of a professional 78545
practice and that by law may be dispensed only by or upon the 78546
order of such a practitioner; 78547

(8) Computer equipment and related software leased from a 78548
lessor located outside this state and initially received in this 78549
state on behalf of the consumer by a third party that will retain 78550
possession of such property for not more than ninety days and that 78551
will, within that ninety-day period, deliver such property to the 78552
consumer at a location outside this state. Division (C)(8) of this 78553
section does not provide exemption from taxation for any otherwise 78554
taxable charges associated with such property while it is in this 78555
state or for any subsequent storage, use, or consumption of such 78556
property in this state by or on behalf of the consumer. 78557

(9) Tangible personal property held for sale by a person but 78558
not for that person's own use and donated by that person, without 78559
charge or other compensation, to either of the following: 78560

(a) A nonprofit organization operated exclusively for 78561
charitable purposes in this state, no part of the net income of 78562
which inures to the benefit of any private shareholder or 78563
individual and no substantial part of the activities of which 78564
consists of carrying on propaganda or otherwise attempting to 78565
influence legislation; or 78566

(b) This state or any political subdivision of this state, 78567
but only if donated for exclusively public purposes. 78568

For the purposes of division (C)~~(10)~~(9) of this section, 78569
"charitable purposes" has the same meaning as in division (B)(12) 78570
of section 5739.02 of the Revised Code. 78571

(D) The tax applies to the storage, use, or other consumption 78572
in this state of tangible personal property or services, the 78573
acquisition of which at the time of sale was excepted under 78574
division (E) of section 5739.01 of the Revised Code from the tax 78575
imposed by section 5739.02 of the Revised Code, but which has 78576
subsequently been temporarily or permanently stored, used, or 78577
otherwise consumed in a taxable manner. 78578

(E)(1)(a) If any transaction is claimed to be exempt under 78579
division (E) of section 5739.01 of the Revised Code or under 78580
section 5739.02 of the Revised Code, with the exception of 78581
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 78582
Code, the consumer shall provide to the seller, and the seller 78583
shall obtain from the consumer, a certificate specifying the 78584
reason that the transaction is not subject to the tax. The 78585
certificate shall be in such form, and shall be provided either in 78586
a hard copy form or electronic form, as the tax commissioner 78587
prescribes. 78588

(b) A seller that obtains a fully completed exemption 78589
certificate from a consumer is relieved of liability for 78590
collecting and remitting tax on any sale covered by that 78591
certificate. If it is determined the exemption was improperly 78592
claimed, the consumer shall be liable for any tax due on that sale 78593
under this chapter. Relief under this division from liability does 78594
not apply to any of the following: 78595

(i) A seller that fraudulently fails to collect tax; 78596

(ii) A seller that solicits consumers to participate in the 78597
unlawful claim of an exemption; 78598

(iii) A seller that accepts an exemption certificate from a 78599

consumer that claims an exemption based on who purchases or who 78600
sells property or a service, when the subject of the transaction 78601
sought to be covered by the exemption certificate is actually 78602
received by the consumer at a location operated by the seller in 78603
this state, and this state has posted to its web site an exemption 78604
certificate form that clearly and affirmatively indicates that the 78605
claimed exemption is not available in this state; 78606

(iv) A seller that accepts an exemption certificate from a 78607
consumer who claims a multiple points of use exemption under 78608
division (D) of section 5739.033 of the Revised Code, if the item 78609
purchased is tangible personal property, other than prewritten 78610
computer software. 78611

(2) The seller shall maintain records, including exemption 78612
certificates, of all sales on which a consumer has claimed an 78613
exemption, and provide them to the tax commissioner on request. 78614

(3) If no certificate is provided or obtained within ninety 78615
days after the date on which the transaction is consummated, it 78616
shall be presumed that the tax applies. Failure to have so 78617
provided or obtained a certificate shall not preclude a seller, 78618
within one hundred twenty days after the tax commissioner gives 78619
written notice of intent to levy an assessment, from either 78620
establishing that the transaction is not subject to the tax, or 78621
obtaining, in good faith, a fully completed exemption certificate. 78622

(4) If a transaction is claimed to be exempt under division 78623
(B)(13) of section 5739.02 of the Revised Code, the contractor 78624
shall obtain certification of the claimed exemption from the 78625
contractee. This certification shall be in addition to an 78626
exemption certificate provided by the contractor to the seller. A 78627
contractee that provides a certification under this division shall 78628
be deemed to be the consumer of all items purchased by the 78629
contractor under the claim of exemption, if it is subsequently 78630
determined that the exemption is not properly claimed. The 78631

certification shall be in such form as the tax commissioner 78632
prescribes. 78633

(F) A seller who files a petition for reassessment contesting 78634
the assessment of tax on transactions for which the seller 78635
obtained no valid exemption certificates, and for which the seller 78636
failed to establish that the transactions were not subject to the 78637
tax during the one-hundred-twenty-day period allowed under 78638
division (E) of this section, may present to the tax commissioner 78639
additional evidence to prove that the transactions were exempt. 78640
The seller shall file such evidence within ninety days of the 78641
receipt by the seller of the notice of assessment, except that, 78642
upon application and for reasonable cause, the tax commissioner 78643
may extend the period for submitting such evidence thirty days. 78644

(G) For the purpose of the proper administration of sections 78645
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 78646
of the tax hereby levied, it shall be presumed that any use, 78647
storage, or other consumption of tangible personal property in 78648
this state is subject to the tax until the contrary is 78649
established. 78650

(H) The tax collected by the seller from the consumer under 78651
this chapter is not part of the price, but is a tax collection for 78652
the benefit of the state, and of counties levying an additional 78653
use tax pursuant to section 5741.021 or 5741.023 of the Revised 78654
Code ~~and~~, of transit authorities levying an additional use tax 78655
pursuant to section 5741.022 of the Revised Code, and of municipal 78656
corporations and townships levying the additional use tax pursuant 78657
to section 5741.024 of the Revised Code. Except for the discount 78658
authorized under section 5741.12 of the Revised Code and the 78659
effects of any rounding pursuant to section 5703.055 of the 78660
Revised Code, no person other than the state or such a county, 78661
municipal corporation, township, or transit authority shall derive 78662
any benefit from the collection of such tax. 78663

Sec. 5741.021. (A) For the purpose of providing additional 78664
general revenues for the county or supporting criminal and 78665
administrative justice services in the county, or both, and to pay 78666
the expenses of administering such levy, any county which levies a 78667
tax pursuant to section 5739.021 of the Revised Code shall levy a 78668
tax at the same rate levied pursuant to section 5739.021 of the 78669
Revised Code on the storage, use, or other consumption in the 78670
county of the following: 78671

(1) Motor vehicles, and watercraft and outboard motors 78672
required to be titled in the county pursuant to Chapter 1548. of 78673
the Revised Code and acquired by a transaction subject to the tax 78674
imposed by section 5739.02 of the Revised Code; 78675

(2) In addition to the tax imposed by section 5741.02 of the 78676
Revised Code, tangible personal property and services subject to 78677
the tax levied by this state as provided in section 5741.02 of the 78678
Revised Code, and tangible personal property and services 78679
purchased in another county within this state by a transaction 78680
subject to the tax imposed by section 5739.02 of the Revised Code. 78681

The tax shall be levied pursuant to a resolution of the board 78682
of county commissioners which shall be adopted after publication 78683
of notice and hearing in the same manner as provided in section 78684
5739.021 of the Revised Code. Such resolution shall be adopted and 78685
shall become effective on the same day as the resolution adopted 78686
by the board of county commissioners levying a sales tax pursuant 78687
to section 5739.021 of the Revised Code and shall remain in effect 78688
until such sales tax is repealed. 78689

(B) The tax levied pursuant to this section on the storage, 78690
use, or other consumption of tangible personal property and on the 78691
benefit of a service realized shall be in addition to the tax 78692
levied by section 5741.02 of the Revised Code and, except as 78693
provided in division (D) of this section, any tax levied pursuant 78694

to sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the Revised Code. 78695
78696

(C) The additional tax levied by the county shall be 78697
collected pursuant to section 5739.025 of the Revised Code. If the 78698
additional tax or some portion thereof is levied for the purpose 78699
of criminal and administrative justice services, the revenue from 78700
the tax, or the amount or rate apportioned to that purpose, shall 78701
be credited to a special fund created in the county treasury for 78702
receipt of that revenue. 78703

(D) The tax levied pursuant to this section shall not be 78704
applicable to any benefit of a service realized or to any storage, 78705
use, or consumption of property not within the taxing power of a 78706
county under the constitution of the United States or the 78707
constitution of this state, or to property or services on which a 78708
tax levied by a county, municipal corporation, township, or 78709
transit authority pursuant to this section or section 5739.021, 78710
5739.023, 5739.024, 5739.026, 5741.022, ~~or~~ 5741.023, or 5741.024 78711
of the Revised Code has been paid, if the sum of the taxes paid 78712
pursuant to those sections is equal to or greater than the sum of 78713
the taxes due under this section and sections 5741.022 ~~and~~, 78714
5741.023, and 5741.024 of the Revised Code. If the sum of the 78715
taxes paid is less than the sum of the taxes due under this 78716
section and sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the 78717
Revised Code, the amount of tax paid shall be credited against the 78718
amount of tax due. 78719

(E) As used in this section, "criminal and administrative 78720
justice services" has the same meaning as in section 5739.021 of 78721
the Revised Code. 78722

Sec. 5741.022. (A) For the purpose of providing additional 78723
general revenues for the transit authority and paying the expenses 78724
of administering such levy, any transit authority as defined in 78725

section 5741.01 of the Revised Code that levies a tax pursuant to 78726
section 5739.023 of the Revised Code shall levy a tax at the same 78727
rate levied pursuant to such section on the storage, use, or other 78728
consumption in the territory of the transit authority of the 78729
following: 78730

(1) Motor vehicles, and watercraft and outboard motors 78731
required to be titled in the county pursuant to Chapter 1548. of 78732
the Revised Code and acquired by a transaction subject to the tax 78733
imposed by section 5739.02 of the Revised Code; 78734

(2) In addition to the tax imposed by section 5741.02 of the 78735
Revised Code, tangible personal property and services subject to 78736
the tax levied by this state as provided in section 5741.02 of the 78737
Revised Code, and tangible personal property and services 78738
purchased in another county within this state by a transaction 78739
subject to the tax imposed by section 5739.02 of the Revised Code. 78740

The tax shall be in effect at the same time and at the same 78741
rate and shall be levied pursuant to the resolution of the 78742
legislative authority of the transit authority levying a sales tax 78743
pursuant to section 5739.023 of the Revised Code. 78744

(B) The tax levied pursuant to this section on the storage, 78745
use, or other consumption of tangible personal property and on the 78746
benefit of a service realized shall be in addition to the tax 78747
levied by section 5741.02 of the Revised Code and, except as 78748
provided in division (D) of this section, any tax levied pursuant 78749
to sections 5741.021 ~~and~~, 5741.023, and 5741.024 of the Revised 78750
Code. 78751

(C) The additional tax levied by the authority shall be 78752
collected pursuant to section 5739.025 of the Revised Code. 78753

(D) The tax levied pursuant to this section shall not be 78754
applicable to any benefit of a service realized or to any storage, 78755
use, or consumption of property not within the taxing power of a 78756

transit authority under the constitution of the United States or 78757
the constitution of this state, or to property or services on 78758
which a tax levied by a county, municipal corporation, township, 78759
or transit authority pursuant to this section or section 5739.021, 78760
5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.023, or 5741.024 78761
of the Revised Code has been paid, if the sum of the taxes paid 78762
pursuant to those sections is equal to or greater than the sum of 78763
the taxes due under this section and sections 5741.021 ~~and,~~ 78764
5741.023, and 5741.024 of the Revised Code. If the sum of the 78765
taxes paid is less than the sum of the taxes due under this 78766
section and sections 5741.021 ~~and,~~ 5741.023, and 5741.024 of the 78767
Revised Code, the amount of tax paid shall be credited against the 78768
amount of tax due. 78769

(E) The rate of a tax levied under this section is subject to 78770
reduction under section 5739.028 of the Revised Code if a ballot 78771
question is approved by voters pursuant to that section. 78772

Sec. 5741.023. (A) For the same purposes for which it has 78773
imposed a tax under section 5739.026 of the Revised Code, any 78774
county that levies a tax pursuant to such section shall levy a tax 78775
at the same rate levied pursuant to such section on the storage, 78776
use, or other consumption in the county of the following: 78777

(1) Motor vehicles, and watercraft and outboard motors 78778
required to be titled in the county pursuant to Chapter 1548. of 78779
the Revised Code, acquired by a transaction subject to the tax 78780
imposed by section 5739.02 of the Revised Code; 78781

(2) In addition to the tax imposed by section 5741.02 of the 78782
Revised Code, tangible personal property and services subject to 78783
the tax levied by this state as provided in section 5741.02 of the 78784
Revised Code, and tangible personal property and services 78785
purchased in another county within this state by a transaction 78786
subject to the tax imposed by section 5739.02 of the Revised Code. 78787

The tax shall be levied pursuant to a resolution of the board of county commissioners, which shall be adopted in the same manner as provided in section 5739.026 of the Revised Code. Such resolution shall be adopted and shall become effective on the same day as the resolution adopted by the board of county commissioners levying a sales tax pursuant to such section and shall remain in effect until such sales tax is repealed or expires.

(B) The tax levied pursuant to this section shall be in addition to the tax levied by section 5741.02 of the Revised Code and, except as provided in division (D) of this section, any tax levied pursuant to sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code.

(C) The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

(D) The tax levied pursuant to this section shall not be applicable to any benefit of a service realized or to any storage, use, or consumption of property not within the taxing power of a county under the constitution of the United States or the constitution of this state, or to property or services on which tax levied by a county, municipal corporation, township, or transit authority pursuant to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.022, or 5741.024 of the Revised Code has been paid, if the sum of the taxes paid pursuant to those sections is equal to or greater than the sum of the taxes due under this section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code. If the sum of the taxes paid is less than the sum of the taxes due under this section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code, the amount of tax paid shall be credited against the amount of tax due.

Sec. 5741.024. (A) For the purpose of fostering and

developing tourism within a tourism development district and 78819
paying the expenses of administering the levy, any legislative 78820
authority of a municipal corporation or township that levies a tax 78821
pursuant to section 5739.024 of the Revised Code in the territory 78822
of a tourism development district shall levy a tax at the same 78823
rate levied under that section on the storage, use, or other 78824
consumption in the territory of that district of tangible personal 78825
property and services subject to the tax levied by this state as 78826
provided in section 5741.02 of the Revised Code, except sales of 78827
watercraft and outboard motors required to be titled pursuant to 78828
Chapter 1548. of the Revised Code and sales of motor vehicles, and 78829
tangible personal property and services purchased in another 78830
county within this state by a transaction subject to the tax 78831
imposed by section 5739.02 of the Revised Code, except sales of 78832
watercraft and outboard motors required to be titled pursuant to 78833
Chapter 1548. of the Revised Code and sales of motor vehicles. 78834

The tax shall be in effect at the same time and at the same 78835
rate and shall be levied pursuant to the resolution or ordinance 78836
of the legislative authority levying a sales tax pursuant to 78837
section 5739.024 of the Revised Code. 78838

(B) The tax levied pursuant to this section on the storage, 78839
use, or other consumption of tangible personal property and on the 78840
benefit of a service realized shall be in addition to the tax 78841
levied by section 5741.02 of the Revised Code and, except as 78842
provided in division (D) of this section, any tax levied pursuant 78843
to sections 5741.021, 5741.022, and 5741.023 of the Revised Code. 78844

(C) A tax levied pursuant to this section shall be collected 78845
pursuant to section 5739.025 of the Revised Code. 78846

(D) The tax levied pursuant to this section shall not be 78847
applicable to property or services on which a tax levied pursuant 78848
to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 78849

5741.021, 5741.022, or 5741.023 of the Revised Code has been paid, 78850
if the sum of the taxes paid pursuant to those sections is equal 78851
to or greater than the sum of the taxes due under this section and 78852
sections 5741.021, 5741.022, and 5741.023 of the Revised Code. If 78853
the sum of the taxes paid is less than the sum of the taxes due 78854
under this section and sections 5741.021, 5741.022, and 5741.023 78855
of the Revised Code, the amount of tax paid shall be credited 78856
against the amount of tax due. 78857

Sec. 5741.03. (A) One hundred per cent of all money deposited 78858
into the state treasury under sections 5741.01 to 5741.22 of the 78859
Revised Code that is not required to be distributed as provided in 78860
division (B) of this section shall be credited to the general 78861
revenue fund. 78862

(B) In any case where any county, municipal corporation, 78863
township, or transit authority has levied a tax or taxes pursuant 78864
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 78865
Revised Code, the tax commissioner shall, within forty-five days 78866
after the end of each month, determine and certify to the director 78867
of budget and management the amount of the proceeds of such tax or 78868
taxes from billings and assessments received during that month, or 78869
shown on tax returns or reports filed during that month, to be 78870
returned to the county, municipal corporation, township, or 78871
transit authority levying the tax or taxes, which amounts shall be 78872
determined in the manner provided in section 5739.21 of the 78873
Revised Code. The director of budget and management shall 78874
transfer, from the general revenue fund, to the permissive tax 78875
distribution fund created by division (B)(1) of section 4301.423 78876
of the Revised Code and to the local sales tax administrative fund 78877
created by division (C) of section 5739.21 of the Revised Code, 78878
the amounts certified by the tax commissioner. The tax 78879
commissioner shall then, on or before the twentieth day of the 78880
month in which such certification is made, provide for payment of 78881

such respective amounts to the county treasurer or to the fiscal 78882
officer of the municipal corporation, township, or transit 78883
authority levying the tax or taxes. The amount transferred to the 78884
local sales tax administrative fund is for use by the tax 78885
commissioner in defraying costs the commissioner incurs in 78886
administering such taxes levied by a county, municipal 78887
corporation, township, or transit authority. 78888

(C)(1) Not later than the first day of January and of July 78889
each calendar year beginning July 1, 2015, the tax commissioner 78890
and the director of budget and management shall jointly determine 78891
the amount of tax imposed by section 5741.02 of the Revised Code 78892
and remitted under this chapter by remote sellers during the 78893
six-month period ending on the preceding last day of November and 78894
of May, respectively, reduced by any such tax remitted by sellers 78895
pursuant to an agreement entered into under section 5740.03 of the 78896
Revised Code during the six-month period and by any refunds issued 78897
during the six-month period to remote sellers from the tax refund 78898
fund on account of that tax. 78899

(2) Not later than that first day of January and of July of 78900
the calendar year beginning July 1, 2015, the director of budget 78901
and management shall transfer from the general revenue fund to the 78902
income tax reduction fund the amount determined under division 78903
(C)(1) of this section, less one-half of the amount of that tax 78904
remitted during fiscal year 2013 by remote sellers that 78905
voluntarily registered under section 5741.17 of the Revised Code. 78906
Amounts transferred to the income tax reduction fund under this 78907
section shall be included in the determination of the percentage 78908
under division (B)(2) of section 131.44 of the Revised Code 78909
required to be made by the thirty-first day of July of the 78910
calendar year in which the commissioner makes the certifications 78911
under this division. 78912

Sec. 5741.031. (A) The funds received by a county levying an 78913
additional use tax pursuant to section 5741.021 of the Revised 78914
Code shall be deposited in the county general fund to be expended 78915
for any purpose for which general fund moneys of the county may be 78916
used, including the acquisition or construction of permanent 78917
improvements or to make payments in accordance with section 333.06 78918
or 333.07 of the Revised Code, or in the bond retirement fund for 78919
the payment of debt service charges on notes or bonds of the 78920
county issued for the acquisition or construction of permanent 78921
improvements. The amounts to be deposited in each of such funds 78922
shall be determined by the board of county commissioners. 78923

(B) The moneys received by a county levying an additional use 78924
tax pursuant to section 5741.023 of the Revised Code shall be 78925
deposited in a separate fund, which shall be allocated, 78926
distributed, and used in accordance with the resolution adopted 78927
under section 5739.026 of the Revised Code. Moneys allocated for 78928
the purpose of division (A)(4) of section 5739.026 of the Revised 78929
Code shall be transferred to and disbursed from the community 78930
improvements fund in the county treasury. Notwithstanding section 78931
135.351 of the Revised Code, if an allocation of moneys to a 78932
convention facilities authority or a transit authority is required 78933
pursuant to division (C) of section 5739.026 of the Revised Code, 78934
the county shall pay and distribute each authority's share of any 78935
such moneys to its fiscal officer within five business days of the 78936
date of their receipt by the county. If the moneys allocated under 78937
such division are not so paid, the county shall pay to such 78938
authority any interest that the county has received or will 78939
receive on such moneys that accrues from the date the county 78940
received the moneys, together with the principal amount of such 78941
moneys. 78942

(C) The funds received by a transit authority levying an 78943
additional use tax pursuant to section 5741.022 of the Revised 78944

Code shall be deposited in such fund or funds of the transit authority as determined by the legislative authority of the transit authority to be expended for any purpose for which a county transit board or the board of county commissioners operating a county transit system, in the case of a county, or the board of trustees of a regional transit authority, in the case of a regional transit authority, may expend moneys under their control, including the purchase, acquisition, construction, replacement, improvement, extension, or enlargement of permanent improvements or in the bond retirement fund for the payment of debt service charges on notes or bonds of the transit authority.

(D) Money received by a municipal corporation or township levying an additional use tax pursuant to section 5741.024 of the Revised Code shall be deposited in a special fund in the subdivision's treasury created by the legislative authority of the subdivision. The municipal corporation or township may use such revenue solely for the purpose of fostering and developing tourism in the tourism development district in which the tax is levied.

Sec. 5741.04. Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows:

(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency

passed from hand to hand by the consumer or the consumer's agent, 78976
to the seller or the seller's agent, the seller or the seller's 78977
agent shall collect the tax with and at the same time as the 78978
price. 78979

(B) If the price is otherwise paid or to be paid, the seller 78980
or the seller's agent shall, at or prior to the delivery of 78981
possession of the thing sold to the consumer, charge the tax 78982
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 78983
5741.023, or 5741.024 of the Revised Code to the account of the 78984
consumer, which amount shall be collected by the seller from the 78985
consumer in addition to the price. Such transaction shall be 78986
reported on the return for the period in which the transaction 78987
occurred, and the amount of tax applicable to the transaction 78988
shall be remitted with the return or, if the consumer is subject 78989
to section 5741.121 of the Revised Code, in the manner prescribed 78990
by that section. The amount of the tax shall become a legal charge 78991
in favor of the seller and against the consumer. 78992

(C) It shall be the obligation of each consumer, as required 78993
by section 5741.12 of the Revised Code, to report and pay the 78994
taxes levied by sections 5741.021, 5741.022, ~~and~~ 5741.023, and 78995
5741.024 of the Revised Code, if applicable, on any storage, use, 78996
or other consumption of tangible personal property purchased in 78997
this state from a vendor required to be licensed pursuant to 78998
section 5739.17 of the Revised Code. 78999

Sec. 5741.05. (A) A seller that collects the tax levied by 79000
sections 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of 79001
the Revised Code on transactions, other than sales of titled motor 79002
vehicles, titled watercraft, or titled outboard motors, shall 79003
determine under section 5739.033 or 5739.034 of the Revised Code 79004
the jurisdiction for which to collect the tax. A vendor or seller 79005
of motor vehicles, watercraft, or outboard motors required to be 79006

titled in this state shall collect the tax levied by section 79007
5739.02 or 5741.02 of the Revised Code and the additional taxes 79008
levied by division (A)(1) of section 5741.021, division (A)(1) of 79009
section 5741.022, ~~and~~ division (A)(1) of section 5741.023, and 79010
division (A)(1) of section 5741.024 of the Revised Code for the 79011
consumer's county of residence as provided in section 1548.06 and 79012
division (B) of section 4505.06 of the Revised Code. 79013

(B) A vendor or seller is not responsible for collecting or 79014
remitting additional tax if a consumer subsequently stores, uses, 79015
or consumes the tangible personal property or service in another 79016
jurisdiction with a rate of tax imposed by sections 5741.02, 79017
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 79018
that is higher than the amount collected by the vendor or seller 79019
pursuant to Chapter 5739. or 5741. of the Revised Code. 79020

Sec. 5741.06. The tax commissioner shall enforce and 79021
administer sections 5741.01 to 5741.22 of the Revised Code, which 79022
are hereby declared to be laws which ~~he~~ the commissioner is 79023
required to administer within the meaning of sections 5703.17 to 79024
5703.39 and 5703.45 of the Revised Code. The commissioner may 79025
adopt and promulgate such rules as ~~he~~ the commissioner deems 79026
necessary to administer sections 5741.01 to 5741.22 of the Revised 79027
Code, and may authorize a seller to prepay the tax levied by or 79028
pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 79029
5741.024 of the Revised Code upon storage, use, or consumption of 79030
things produced or distributed by such seller, and ~~he~~ the 79031
commissioner may waive the collection of the tax from the 79032
consumer; but no such authority shall be granted or exercised, 79033
except upon application to the commissioner and unless ~~he~~ the 79034
commissioner finds, that the conditions of the applicant's 79035
business are such as to render impracticable the collection of the 79036
tax by the seller in the manner otherwise provided by such 79037
sections; nor shall the authority so granted be exercised, nor the 79038

seller actually selling such products be exempted from sections 79039
5741.01 to 5741.22 of the Revised Code, by virtue of such an 79040
authorization, unless the person to whom such authority is granted 79041
prints plainly upon the product sold, or offered for sale, a 79042
statement to the effect that the tax has been paid in advance, or 79043
otherwise conveys said information to the consumer by written 79044
notice. The commissioner may require security to ~~his~~ the 79045
commissioner's satisfaction to be filed with ~~him~~ the commissioner, 79046
in such amount as ~~he~~ the commissioner determines to be sufficient 79047
to secure the prepayment under the provisions of this section of 79048
the taxes levied by or pursuant to section 5741.02, 5741.021, 79049
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code in the 79050
manner desired. 79051

Sec. 5741.08. If modification of a county's jurisdictional 79052
boundaries ~~or~~, a transit authority's territory, or a tourism 79053
development district's territory results in a change in the tax 79054
rate levied under section 5741.021, 5741.022, ~~or~~ 5741.023, or 79055
5741.024 of the Revised Code, the tax commissioner, within thirty 79056
days of such change, shall notify any seller or the seller's 79057
certified service provider, if the seller has selected one, of 79058
such change. The rate change shall not apply until the first day 79059
of a calendar quarter following the expiration of sixty days from 79060
the date of notice by the commissioner. 79061

Sec. 5741.11. If any seller who is required or authorized to 79062
collect the tax imposed by or pursuant to section 5741.02, 79063
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 79064
fails to do so, ~~he~~ the seller shall be liable personally for such 79065
amount as ~~he~~ the seller failed to collect. If any seller collects 79066
the tax imposed by or pursuant to any such section and fails to 79067
remit the same to the state as prescribed, ~~he~~ the seller shall be 79068
personally liable for any amount collected which ~~he~~ the seller 79069

failed to remit. The tax commissioner may make an assessment 79070
against such seller, based upon any information within ~~his~~ the 79071
commissioner's possession. The commissioner shall give to the 79072
seller written notice of such assessment. Such notice may be 79073
served upon the seller personally or by certified mail. 79074

Sec. 5741.12. (A) Each seller required by section 5741.17 of 79075
the Revised Code to register with the tax commissioner, and any 79076
seller authorized by the commissioner to collect the tax imposed 79077
by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 79078
5741.023, or 5741.024 of the Revised Code is subject to the same 79079
requirements and entitled to the same deductions and discount for 79080
prompt payments as are vendors under section 5739.12 of the 79081
Revised Code, and the same monetary allowances as are vendors 79082
under section 5739.06 of the Revised Code. The powers and duties 79083
of the commissioner with respect to returns and tax remittances 79084
under this section shall be identical with those prescribed in 79085
section 5739.12 of the Revised Code. 79086

(B) Every person storing, using, or consuming tangible 79087
personal property or receiving the benefit of a service, the 79088
storage, use, consumption, or receipt of which is subject to the 79089
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 79090
~~or~~ 5741.023, or 5741.024 of the Revised Code, when such tax was 79091
not paid to a seller, shall, on or before the twenty-third day of 79092
each month, file with the tax commissioner a return for the 79093
preceding month in such form as is prescribed by the commissioner, 79094
showing such information as the commissioner deems necessary, and 79095
shall pay the tax shown on the return to be due. Remittance shall 79096
be made payable to the treasurer of state. The commissioner may 79097
require consumers to file returns and pay the tax at other than 79098
monthly intervals, if the commissioner determines that such filing 79099
is necessary for the efficient administration of the tax. If the 79100
commissioner determines that a consumer's tax liability is not 79101

such as to merit monthly filing, the commissioner may authorize 79102
the consumer to file returns and pay tax at less frequent 79103
intervals. 79104

Any consumer required to file a return and pay the tax under 79105
this section whose payment for any year equals or exceeds the 79106
amount shown in division (A) of section 5741.121 of the Revised 79107
Code is subject to the accelerated tax payment requirements in 79108
divisions (B) and (C) of that section. 79109

(C) Every person storing, using, or consuming a motor 79110
vehicle, watercraft, or outboard motor, the ownership of which 79111
must be evidenced by certificate of title, shall file the return 79112
required by this section and pay the tax due at or prior to the 79113
time of filing an application for certificate of title. 79114

Sec. 5741.15. Every seller having nexus with this state and 79115
every person receiving the benefit of services in this state or 79116
storing, using, or otherwise consuming in this state tangible 79117
personal property subject to the tax imposed by or pursuant to 79118
section 5741.02, 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of 79119
the Revised Code shall keep such records, receipts, invoices, 79120
bills of lading, asset ledgers, depreciation schedules, transfer 79121
journals, and such primary and secondary records and documents in 79122
such form as the tax commissioner requires. Such records and other 79123
documents shall be open during business hours to the inspection of 79124
the commissioner, and shall be preserved for a period of four 79125
years, unless the commissioner consents, in writing, to their 79126
destruction within such period, or by order requires that they be 79127
kept longer. Persons refusing to provide such records and 79128
documents for inspection by the tax commissioner are subject to 79129
the penalty imposed under section 5703.19 of the Revised Code. 79130

Sec. 5741.16. (A) Except as provided in division (B) or (C) 79131

of this section, no assessment shall be made or issued against a seller or consumer for any tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code more than four years after the return date for the period in which the sale or purchase was made, or more than four years after the return for such period was filed, whichever date is later.

(B) A consumer who provides a fully completed exemption certificate pursuant to division (B) of section 5739.03 or division (E) of section 5741.02 of the Revised Code may be assessed any tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code that results from denial of the claimed exemption within the later of a period allowed by division (A) of this section or one year after the date the certificate was provided.

(C) This section does not bar an assessment:

(1) When the tax commissioner has substantial evidence of amounts of taxes collected by a seller from consumers on purchases, which were not returned to the state by direct remittance;

(2) When the person assessed failed to file a return as required by section 5741.12 of the Revised Code;

(3) When the seller or consumer and the commissioner waive in writing the time limitation.

Sec. 5741.19. No consumer shall refuse to pay the full and exact tax required by section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code, or refuse to comply with sections 5741.01 to 5741.22 of the Revised Code, and the rules of the tax commissioner, or present to the seller a false certificate indicating that the storage, use, or consumption of

the thing transferred is not subject to the tax. 79162

Sec. 5741.21. No seller shall fail to collect the full and 79163
exact tax as required by section 5741.02, 5741.021, 5741.022, ~~or~~ 79164
5741.023, or 5741.024 of the Revised Code, or fail to comply with 79165
sections 5741.01 to 5741.22 of the Revised Code, and the rules of 79166
the tax commissioner or except as expressly authorized by such 79167
sections, refund, remit, or rebate to a consumer, directly or 79168
indirectly by whatsoever means, any of the tax, or make in any 79169
form of advertising, verbal or otherwise, any statements which 79170
might imply that ~~he~~ the seller is absorbing the tax, or paying the 79171
tax for the consumer by an adjustment of prices, or selling at a 79172
price including the tax, or rebating the tax in any other manner. 79173

Sec. 5741.23. The levy of any excise, income, or property tax 79174
by the state or by any political subdivision thereof shall not be 79175
construed as preempting the power of a county, municipal 79176
corporation, township, or transit authority to levy an additional 79177
use tax pursuant to section 5741.021, 5741.022, ~~or~~ 5741.023, or 79178
5741.024 of the Revised Code. No tax levied by a board of county 79179
commissioners pursuant to section 5741.022 of the Revised Code 79180
shall become effective at any time while a tax levied by the board 79181
of trustees of a regional transit authority pursuant to such 79182
section is in effect in any part of such county. 79183

Sec. 5743.021. (A) As used in this section, "qualifying 79184
regional arts and cultural district" means a regional arts and 79185
cultural district created under section 3381.04 of the Revised 79186
Code in a county having a population of one million two hundred 79187
thousand or more according to the 2000 federal decennial census or 79188
any regional arts and cultural district created under section 79189
3381.041 of the Revised Code. 79190

(B) For one or more of the purposes for which a tax may be 79191

levied under section 3381.16 of the Revised Code and for the 79192
purposes of paying the expenses of administering the tax and the 79193
expenses charged by a board of elections to hold an election on a 79194
question submitted under this section, the board of county 79195
commissioners of a county that has within its territorial 79196
boundaries a qualifying regional arts and cultural district may 79197
levy a tax on the sale of cigarettes sold for resale at retail in 79198
the county composing the district. The rate of the tax, when added 79199
to the rate of any other tax concurrently levied by the board 79200
under this section, shall not exceed fifteen mills per cigarette, 79201
and shall be computed on each cigarette sold. Only one sale of the 79202
same article shall be used in computing the amount of tax due. The 79203
tax may be levied for any number of years not exceeding ten years. 79204

The tax shall be levied pursuant to a resolution of the board 79205
of county commissioners approved by a majority of the electors in 79206
the county voting on the question of levying the tax. The 79207
resolution shall specify the rate of the tax, the number of years 79208
the tax will be levied, and the purposes for which the tax is 79209
levied. The election may be held on the date of a general, 79210
primary, or special election held not sooner than ninety days 79211
after the date the board certifies its resolution to the board of 79212
elections. If approved by the electors, the tax shall take effect 79213
on the first day of the month specified in the resolution but not 79214
sooner than the first day of the month that is at least sixty days 79215
after the certification of the election results by the board of 79216
elections. A copy of the resolution levying the tax shall be 79217
certified to the tax commissioner at least sixty days prior to the 79218
date on which the tax is to become effective. 79219

(C) ~~The~~ Except as provided in division (E) of this section, 79220
the form of the ballot in an election held under this section 79221
shall be as follows, or in any other form acceptable to the 79222
secretary of state: 79223

"For the purpose of (insert the purpose or purposes of the tax), shall an excise tax be levied throughout County for the benefit of the (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of mills per cigarette for years?

	For the tax
	Against the tax

"

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

(E) A resolution adopted under this section by a board of county commissioners that created a regional arts and cultural district under section 3381.041 of the Revised Code may be joined on the ballot as a single question with a resolution adopted under section 3381.041 or 4301.425 of the Revised Code to levy a tax for the same purposes. The form of the ballot in an election held pursuant to this section shall be as prescribed by section 3381.041 of the Revised Code.

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Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

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As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

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(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

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(3) Deduct interest or dividends on obligations of the United

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States and its territories and possessions or of any authority, 79284
commission, or instrumentality of the United States to the extent 79285
that the interest or dividends are included in federal adjusted 79286
gross income but exempt from state income taxes under the laws of 79287
the United States. 79288

(4) Deduct disability and survivor's benefits to the extent 79289
included in federal adjusted gross income. 79290

(5) ~~Deduct~~ If the taxpayer's federal adjusted gross income is 79291
not greater than one hundred thousand dollars, deduct benefits 79292
under Title II of the Social Security Act and tier 1 railroad 79293
retirement benefits to the extent included in federal adjusted 79294
gross income under section 86 of the Internal Revenue Code. 79295

(6) In the case of a taxpayer who is a beneficiary of a trust 79296
that makes an accumulation distribution as defined in section 665 79297
of the Internal Revenue Code, add, for the beneficiary's taxable 79298
years beginning before 2002, the portion, if any, of such 79299
distribution that does not exceed the undistributed net income of 79300
the trust for the three taxable years preceding the taxable year 79301
in which the distribution is made to the extent that the portion 79302
was not included in the trust's taxable income for any of the 79303
trust's taxable years beginning in 2002 or thereafter. 79304
"Undistributed net income of a trust" means the taxable income of 79305
the trust increased by (a)(i) the additions to adjusted gross 79306
income required under division (A) of this section and (ii) the 79307
personal exemptions allowed to the trust pursuant to section 79308
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 79309
deductions to adjusted gross income required under division (A) of 79310
this section, (ii) the amount of federal income taxes attributable 79311
to such income, and (iii) the amount of taxable income that has 79312
been included in the adjusted gross income of a beneficiary by 79313
reason of a prior accumulation distribution. Any undistributed net 79314
income included in the adjusted gross income of a beneficiary 79315

shall reduce the undistributed net income of the trust commencing 79316
with the earliest years of the accumulation period. 79317

(7) Deduct the amount of wages and salaries, if any, not 79318
otherwise allowable as a deduction but that would have been 79319
allowable as a deduction in computing federal adjusted gross 79320
income for the taxable year, had the targeted jobs credit allowed 79321
and determined under sections 38, 51, and 52 of the Internal 79322
Revenue Code not been in effect. 79323

(8) Deduct any interest or interest equivalent on public 79324
obligations and purchase obligations to the extent that the 79325
interest or interest equivalent is included in federal adjusted 79326
gross income. 79327

(9) Add any loss or deduct any gain resulting from the sale, 79328
exchange, or other disposition of public obligations to the extent 79329
that the loss has been deducted or the gain has been included in 79330
computing federal adjusted gross income. 79331

(10) Deduct or add amounts, as provided under section 5747.70 79332
of the Revised Code, related to contributions to variable college 79333
savings program accounts made or tuition units purchased pursuant 79334
to Chapter 3334. of the Revised Code. 79335

(11)(a) Deduct, to the extent not otherwise allowable as a 79336
deduction or exclusion in computing federal or Ohio adjusted gross 79337
income for the taxable year, the amount the taxpayer paid during 79338
the taxable year for medical care insurance and qualified 79339
long-term care insurance for the taxpayer, the taxpayer's spouse, 79340
and dependents. No deduction for medical care insurance under 79341
division (A)(11) of this section shall be allowed either to any 79342
taxpayer who is eligible to participate in any subsidized health 79343
plan maintained by any employer of the taxpayer or of the 79344
taxpayer's spouse, or to any taxpayer who is entitled to, or on 79345
application would be entitled to, benefits under part A of Title 79346

XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 79347
301, as amended. For the purposes of division (A)(11)(a) of this 79348
section, "subsidized health plan" means a health plan for which 79349
the employer pays any portion of the plan's cost. The deduction 79350
allowed under division (A)(11)(a) of this section shall be the net 79351
of any related premium refunds, related premium reimbursements, or 79352
related insurance premium dividends received during the taxable 79353
year. 79354

(b) Deduct, to the extent not otherwise deducted or excluded 79355
in computing federal or Ohio adjusted gross income during the 79356
taxable year, the amount the taxpayer paid during the taxable 79357
year, not compensated for by any insurance or otherwise, for 79358
medical care of the taxpayer, the taxpayer's spouse, and 79359
dependents, to the extent the expenses exceed seven and one-half 79360
per cent of the taxpayer's federal adjusted gross income. 79361

(c) Deduct, to the extent not otherwise deducted or excluded 79362
in computing federal or Ohio adjusted gross income, any amount 79363
included in federal adjusted gross income under section 105 or not 79364
excluded under section 106 of the Internal Revenue Code solely 79365
because it relates to an accident and health plan for a person who 79366
otherwise would be a "qualifying relative" and thus a "dependent" 79367
under section 152 of the Internal Revenue Code but for the fact 79368
that the person fails to meet the income and support limitations 79369
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 79370

(d) For purposes of division (A)(11) of this section, 79371
"medical care" has the meaning given in section 213 of the 79372
Internal Revenue Code, subject to the special rules, limitations, 79373
and exclusions set forth therein, and "qualified long-term care" 79374
has the same meaning given in section 7702B(c) of the Internal 79375
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 79376
of this section, "dependent" includes a person who otherwise would 79377
be a "qualifying relative" and thus a "dependent" under section 79378

152 of the Internal Revenue Code but for the fact that the person 79379
fails to meet the income and support limitations under section 79380
152(d)(1)(B) and (C) of the Internal Revenue Code. 79381

(12)(a) Deduct any amount included in federal adjusted gross 79382
income solely because the amount represents a reimbursement or 79383
refund of expenses that in any year the taxpayer had deducted as 79384
an itemized deduction pursuant to section 63 of the Internal 79385
Revenue Code and applicable United States department of the 79386
treasury regulations. The deduction otherwise allowed under 79387
division (A)(12)(a) of this section shall be reduced to the extent 79388
the reimbursement is attributable to an amount the taxpayer 79389
deducted under this section in any taxable year. 79390

(b) Add any amount not otherwise included in Ohio adjusted 79391
gross income for any taxable year to the extent that the amount is 79392
attributable to the recovery during the taxable year of any amount 79393
deducted or excluded in computing federal or Ohio adjusted gross 79394
income in any taxable year. 79395

(13) Deduct any portion of the deduction described in section 79396
1341(a)(2) of the Internal Revenue Code, for repaying previously 79397
reported income received under a claim of right, that meets both 79398
of the following requirements: 79399

(a) It is allowable for repayment of an item that was 79400
included in the taxpayer's adjusted gross income for a prior 79401
taxable year and did not qualify for a credit under division (A) 79402
or (B) of section 5747.05 of the Revised Code for that year; 79403

(b) It does not otherwise reduce the taxpayer's adjusted 79404
gross income for the current or any other taxable year. 79405

(14) Deduct an amount equal to the deposits made to, and net 79406
investment earnings of, a medical savings account during the 79407
taxable year, in accordance with section 3924.66 of the Revised 79408
Code. The deduction allowed by division (A)(14) of this section 79409

does not apply to medical savings account deposits and earnings 79410
otherwise deducted or excluded for the current or any other 79411
taxable year from the taxpayer's federal adjusted gross income. 79412

(15)(a) Add an amount equal to the funds withdrawn from a 79413
medical savings account during the taxable year, and the net 79414
investment earnings on those funds, when the funds withdrawn were 79415
used for any purpose other than to reimburse an account holder 79416
for, or to pay, eligible medical expenses, in accordance with 79417
section 3924.66 of the Revised Code; 79418

(b) Add the amounts distributed from a medical savings 79419
account under division (A)(2) of section 3924.68 of the Revised 79420
Code during the taxable year. 79421

(16) Add any amount claimed as a credit under section 79422
5747.059 or 5747.65 of the Revised Code to the extent that such 79423
amount satisfies either of the following: 79424

(a) The amount was deducted or excluded from the computation 79425
of the taxpayer's federal adjusted gross income as required to be 79426
reported for the taxpayer's taxable year under the Internal 79427
Revenue Code; 79428

(b) The amount resulted in a reduction of the taxpayer's 79429
federal adjusted gross income as required to be reported for any 79430
of the taxpayer's taxable years under the Internal Revenue Code. 79431

(17) Deduct the amount contributed by the taxpayer to an 79432
individual development account program established by a county 79433
department of job and family services pursuant to sections 329.11 79434
to 329.14 of the Revised Code for the purpose of matching funds 79435
deposited by program participants. On request of the tax 79436
commissioner, the taxpayer shall provide any information that, in 79437
the tax commissioner's opinion, is necessary to establish the 79438
amount deducted under division (A)(17) of this section. 79439

(18) Beginning in taxable year 2001 but not for any taxable 79440

year beginning after December 31, 2005, if the taxpayer is married 79441
and files a joint return and the combined federal adjusted gross 79442
income of the taxpayer and the taxpayer's spouse for the taxable 79443
year does not exceed one hundred thousand dollars, or if the 79444
taxpayer is single and has a federal adjusted gross income for the 79445
taxable year not exceeding fifty thousand dollars, deduct amounts 79446
paid during the taxable year for qualified tuition and fees paid 79447
to an eligible institution for the taxpayer, the taxpayer's 79448
spouse, or any dependent of the taxpayer, who is a resident of 79449
this state and is enrolled in or attending a program that 79450
culminates in a degree or diploma at an eligible institution. The 79451
deduction may be claimed only to the extent that qualified tuition 79452
and fees are not otherwise deducted or excluded for any taxable 79453
year from federal or Ohio adjusted gross income. The deduction may 79454
not be claimed for educational expenses for which the taxpayer 79455
claims a credit under section 5747.27 of the Revised Code. 79456

(19) Add any reimbursement received during the taxable year 79457
of any amount the taxpayer deducted under division (A)(18) of this 79458
section in any previous taxable year to the extent the amount is 79459
not otherwise included in Ohio adjusted gross income. 79460

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 79461
(v) of this section, add five-sixths of the amount of depreciation 79462
expense allowed by subsection (k) of section 168 of the Internal 79463
Revenue Code, including the taxpayer's proportionate or 79464
distributive share of the amount of depreciation expense allowed 79465
by that subsection to a pass-through entity in which the taxpayer 79466
has a direct or indirect ownership interest. 79467

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 79468
this section, add five-sixths of the amount of qualifying section 79469
179 depreciation expense, including the taxpayer's proportionate 79470
or distributive share of the amount of qualifying section 179 79471
depreciation expense allowed to any pass-through entity in which 79472

the taxpayer has a direct or indirect ownership interest. 79473

(iii) Subject to division (A)(20)(a)(v) of this section, for 79474
taxable years beginning in 2012 or thereafter, if the increase in 79475
income taxes withheld by the taxpayer is equal to or greater than 79476
ten per cent of income taxes withheld by the taxpayer during the 79477
taxpayer's immediately preceding taxable year, "two-thirds" shall 79478
be substituted for "five-sixths" for the purpose of divisions 79479
(A)(20)(a)(i) and (ii) of this section. 79480

(iv) Subject to division (A)(20)(a)(v) of this section, for 79481
taxable years beginning in 2012 or thereafter, a taxpayer is not 79482
required to add an amount under division (A)(20) of this section 79483
if the increase in income taxes withheld by the taxpayer and by 79484
any pass-through entity in which the taxpayer has a direct or 79485
indirect ownership interest is equal to or greater than the sum of 79486
(I) the amount of qualifying section 179 depreciation expense and 79487
(II) the amount of depreciation expense allowed to the taxpayer by 79488
subsection (k) of section 168 of the Internal Revenue Code, and 79489
including the taxpayer's proportionate or distributive shares of 79490
such amounts allowed to any such pass-through entities. 79491

(v) If a taxpayer directly or indirectly incurs a net 79492
operating loss for the taxable year for federal income tax 79493
purposes, to the extent such loss resulted from depreciation 79494
expense allowed by subsection (k) of section 168 of the Internal 79495
Revenue Code and by qualifying section 179 depreciation expense, 79496
"the entire" shall be substituted for "five-sixths of the" for the 79497
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 79498

The tax commissioner, under procedures established by the 79499
commissioner, may waive the add-backs related to a pass-through 79500
entity if the taxpayer owns, directly or indirectly, less than 79501
five per cent of the pass-through entity. 79502

(b) Nothing in division (A)(20) of this section shall be 79503

construed to adjust or modify the adjusted basis of any asset. 79504

(c) To the extent the add-back required under division 79505
(A)(20)(a) of this section is attributable to property generating 79506
nonbusiness income or loss allocated under section 5747.20 of the 79507
Revised Code, the add-back shall be situated to the same location 79508
as the nonbusiness income or loss generated by the property for 79509
the purpose of determining the credit under division (A) of 79510
section 5747.05 of the Revised Code. Otherwise, the add-back shall 79511
be apportioned, subject to one or more of the four alternative 79512
methods of apportionment enumerated in section 5747.21 of the 79513
Revised Code. 79514

(d) For the purposes of division (A)(20)(a)(v) of this 79515
section, net operating loss carryback and carryforward shall not 79516
include the allowance of any net operating loss deduction 79517
carryback or carryforward to the taxable year to the extent such 79518
loss resulted from depreciation allowed by section 168(k) of the 79519
Internal Revenue Code and by the qualifying section 179 79520
depreciation expense amount. 79521

(e) For the purposes of divisions (A)(20) and (21) of this 79522
section: 79523

(i) "Income taxes withheld" means the total amount withheld 79524
and remitted under sections 5747.06 and 5747.07 of the Revised 79525
Code by an employer during the employer's taxable year. 79526

(ii) "Increase in income taxes withheld" means the amount by 79527
which the amount of income taxes withheld by an employer during 79528
the employer's current taxable year exceeds the amount of income 79529
taxes withheld by that employer during the employer's immediately 79530
preceding taxable year. 79531

(iii) "Qualifying section 179 depreciation expense" means the 79532
difference between (I) the amount of depreciation expense directly 79533
or indirectly allowed to a taxpayer under section 179 of the 79534

Internal Revised Code, and (II) the amount of depreciation expense 79535
directly or indirectly allowed to the taxpayer under section 179 79536
of the Internal Revenue Code as that section existed on December 79537
31, 2002. 79538

(21)(a) If the taxpayer was required to add an amount under 79539
division (A)(20)(a) of this section for a taxable year, deduct one 79540
of the following: 79541

(i) One-fifth of the amount so added for each of the five 79542
succeeding taxable years if the amount so added was five-sixths of 79543
qualifying section 179 depreciation expense or depreciation 79544
expense allowed by subsection (k) of section 168 of the Internal 79545
Revenue Code; 79546

(ii) One-half of the amount so added for each of the two 79547
succeeding taxable years if the amount so added was two-thirds of 79548
such depreciation expense; 79549

(iii) One-sixth of the amount so added for each of the six 79550
succeeding taxable years if the entire amount of such depreciation 79551
expense was so added. 79552

(b) If the amount deducted under division (A)(21)(a) of this 79553
section is attributable to an add-back allocated under division 79554
(A)(20)(c) of this section, the amount deducted shall be situated 79555
to the same location. Otherwise, the add-back shall be apportioned 79556
using the apportionment factors for the taxable year in which the 79557
deduction is taken, subject to one or more of the four alternative 79558
methods of apportionment enumerated in section 5747.21 of the 79559
Revised Code. 79560

(c) No deduction is available under division (A)(21)(a) of 79561
this section with regard to any depreciation allowed by section 79562
168(k) of the Internal Revenue Code and by the qualifying section 79563
179 depreciation expense amount to the extent that such 79564
depreciation results in or increases a federal net operating loss 79565

carryback or carryforward. If no such deduction is available for a 79566
taxable year, the taxpayer may carry forward the amount not 79567
deducted in such taxable year to the next taxable year and add 79568
that amount to any deduction otherwise available under division 79569
(A)(21)(a) of this section for that next taxable year. The 79570
carryforward of amounts not so deducted shall continue until the 79571
entire addition required by division (A)(20)(a) of this section 79572
has been deducted. 79573

(d) No refund shall be allowed as a result of adjustments 79574
made by division (A)(21) of this section. 79575

(22) Deduct, to the extent not otherwise deducted or excluded 79576
in computing federal or Ohio adjusted gross income for the taxable 79577
year, the amount the taxpayer received during the taxable year as 79578
reimbursement for life insurance premiums under section 5919.31 of 79579
the Revised Code. 79580

(23) Deduct, to the extent not otherwise deducted or excluded 79581
in computing federal or Ohio adjusted gross income for the taxable 79582
year, the amount the taxpayer received during the taxable year as 79583
a death benefit paid by the adjutant general under section 5919.33 79584
of the Revised Code. 79585

(24) Deduct, to the extent included in federal adjusted gross 79586
income and not otherwise allowable as a deduction or exclusion in 79587
computing federal or Ohio adjusted gross income for the taxable 79588
year, military pay and allowances received by the taxpayer during 79589
the taxable year for active duty service in the United States 79590
army, air force, navy, marine corps, or coast guard or reserve 79591
components thereof or the national guard. The deduction may not be 79592
claimed for military pay and allowances received by the taxpayer 79593
while the taxpayer is stationed in this state. 79594

(25) Deduct, to the extent not otherwise allowable as a 79595
deduction or exclusion in computing federal or Ohio adjusted gross 79596

income for the taxable year and not otherwise compensated for by 79597
any other source, the amount of qualified organ donation expenses 79598
incurred by the taxpayer during the taxable year, not to exceed 79599
ten thousand dollars. A taxpayer may deduct qualified organ 79600
donation expenses only once for all taxable years beginning with 79601
taxable years beginning in 2007. 79602

For the purposes of division (A)(25) of this section: 79603

(a) "Human organ" means all or any portion of a human liver, 79604
pancreas, kidney, intestine, or lung, and any portion of human 79605
bone marrow. 79606

(b) "Qualified organ donation expenses" means travel 79607
expenses, lodging expenses, and wages and salary forgone by a 79608
taxpayer in connection with the taxpayer's donation, while living, 79609
of one or more of the taxpayer's human organs to another human 79610
being. 79611

(26) Deduct, to the extent not otherwise deducted or excluded 79612
in computing federal or Ohio adjusted gross income for the taxable 79613
year, amounts received by the taxpayer as retired personnel pay 79614
for service in the uniformed services or reserve components 79615
thereof, or the national guard, or received by the surviving 79616
spouse or former spouse of such a taxpayer under the survivor 79617
benefit plan on account of such a taxpayer's death. If the 79618
taxpayer receives income on account of retirement paid under the 79619
federal civil service retirement system or federal employees 79620
retirement system, or under any successor retirement program 79621
enacted by the congress of the United States that is established 79622
and maintained for retired employees of the United States 79623
government, and such retirement income is based, in whole or in 79624
part, on credit for the taxpayer's uniformed service, the 79625
deduction allowed under this division shall include only that 79626
portion of such retirement income that is attributable to the 79627
taxpayer's uniformed service, to the extent that portion of such 79628

retirement income is otherwise included in federal adjusted gross 79629
income and is not otherwise deducted under this section. Any 79630
amount deducted under division (A)(26) of this section is not 79631
included in a taxpayer's adjusted gross income for the purposes of 79632
section 5747.055 of the Revised Code. No amount may be deducted 79633
under division (A)(26) of this section on the basis of which a 79634
credit was claimed under section 5747.055 of the Revised Code. 79635

(27) Deduct, to the extent not otherwise deducted or excluded 79636
in computing federal or Ohio adjusted gross income for the taxable 79637
year, the amount the taxpayer received during the taxable year 79638
from the military injury relief fund created in section ~~5101.98~~ 79639
5902.05 of the Revised Code. 79640

(28) Deduct, to the extent not otherwise deducted or excluded 79641
in computing federal or Ohio adjusted gross income for the taxable 79642
year, the amount the taxpayer received as a veterans bonus during 79643
the taxable year from the Ohio department of veterans services as 79644
authorized by Section 2r of Article VIII, Ohio Constitution. 79645

(29) Deduct, to the extent not otherwise deducted or excluded 79646
in computing federal or Ohio adjusted gross income for the taxable 79647
year, any income derived from a transfer agreement or from the 79648
enterprise transferred under that agreement under section 4313.02 79649
of the Revised Code. 79650

(30) Deduct, to the extent not otherwise deducted or excluded 79651
in computing federal or Ohio adjusted gross income for the taxable 79652
year, Ohio college opportunity or federal Pell grant amounts 79653
received by the taxpayer or the taxpayer's spouse or dependent 79654
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 79655
1070a, et seq., and used to pay room or board furnished by the 79656
educational institution for which the grant was awarded at the 79657
institution's facilities, including meal plans administered by the 79658
institution. For the purposes of this division, receipt of a grant 79659
includes the distribution of a grant directly to an educational 79660

institution and the crediting of the grant to the enrollee's 79661
account with the institution. 79662

(31) Deduct ~~one-half~~ seventy-five per cent of the ~~taxpayer's~~ 79663
individual's Ohio small business ~~investor~~ income, the deduction 79664
not to exceed ~~sixty-two thousand five hundred ninety-three~~ 79665
thousand seven hundred fifty dollars for each spouse if spouses 79666
file separate returns under section 5747.08 of the Revised Code or 79667
one hundred ~~twenty-five thousand~~ eighty-seven thousand five 79668
hundred dollars for all other ~~taxpayers~~. ~~No pass-through entity~~ 79669
~~may claim a deduction under this division~~ individuals. 79670

For the purposes of this division, "Ohio small business 79671
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 79672
adjusted gross income, computed without regard to the deduction 79673
under division (A)(31) of this section, that is business income, 79674
reduced by deductions from business income and apportioned or 79675
allocated to this state under sections 5747.21 and 5747.22 of the 79676
Revised Code, to the extent not otherwise deducted or excluded in 79677
computing federal or Ohio adjusted gross income for the taxable 79678
year. 79679

(32) Deduct an amount equal to the fair market value of 79680
services provided free of charge by dentists and dental hygienists 79681
under the hope for a smile program established by section 3701.139 79682
of the Revised Code. 79683

(B) "Business income" means income, including gain or loss, 79684
arising from transactions, activities, and sources in the regular 79685
course of a trade or business and includes income, gain, or loss 79686
from real property, tangible property, and intangible property if 79687
the acquisition, rental, management, and disposition of the 79688
property constitute integral parts of the regular course of a 79689
trade or business operation. "Business income" includes income, 79690
including gain or loss, from a partial or complete liquidation of 79691
a business, including, but not limited to, gain or loss from the 79692

sale or other disposition of goodwill.	79693
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	79694 79695 79696 79697 79698
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	79699 79700
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	79701 79702 79703
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	79704 79705
(G) "Individual" means any natural person.	79706
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	79707 79708
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	79709 79710 79711
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	79712 79713
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	79714 79715 79716 79717
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	79718 79719 79720
For the purposes of division (I)(3) of this section:	79721

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 79753
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(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows: 79761
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(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities. 79769
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(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the 79775
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fair market value of all the trust's assets immediately after the 79785
subsequent transfer, net of any related liabilities. 79786

(iii) Whether a transfer to the trust is by or from any of 79787
the sources enumerated in division (I)(3)(a) of this section shall 79788
be ascertained without regard to the domicile of the trust's 79789
beneficiaries. 79790

(e) For the purposes of division (I)(3)(a)(i) of this 79791
section: 79792

(i) A trust is described in division (I)(3)(e)(i) of this 79793
section if the trust is a testamentary trust and the testator of 79794
that testamentary trust was domiciled in this state at the time of 79795
the testator's death for purposes of the taxes levied under 79796
Chapter 5731. of the Revised Code. 79797

(ii) A trust is described in division (I)(3)(e)(ii) of this 79798
section if the transfer is a qualifying transfer described in any 79799
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 79800
irrevocable inter vivos trust, and at least one of the trust's 79801
qualifying beneficiaries is domiciled in this state for purposes 79802
of this chapter during all or some portion of the trust's current 79803
taxable year. 79804

(f) For the purposes of division (I)(3)(e)(ii) of this 79805
section, a "qualifying transfer" is a transfer of assets, net of 79806
any related liabilities, directly or indirectly to a trust, if the 79807
transfer is described in any of the following: 79808

(i) The transfer is made to a trust, created by the decedent 79809
before the decedent's death and while the decedent was domiciled 79810
in this state for the purposes of this chapter, and, prior to the 79811
death of the decedent, the trust became irrevocable while the 79812
decedent was domiciled in this state for the purposes of this 79813
chapter. 79814

(ii) The transfer is made to a trust to which the decedent, 79815

prior to the decedent's death, had directly or indirectly 79816
transferred assets, net of any related liabilities, while the 79817
decedent was domiciled in this state for the purposes of this 79818
chapter, and prior to the death of the decedent the trust became 79819
irrevocable while the decedent was domiciled in this state for the 79820
purposes of this chapter. 79821

(iii) The transfer is made on account of a contractual 79822
relationship existing directly or indirectly between the 79823
transferor and either the decedent or the estate of the decedent 79824
at any time prior to the date of the decedent's death, and the 79825
decedent was domiciled in this state at the time of death for 79826
purposes of the taxes levied under Chapter 5731. of the Revised 79827
Code. 79828

(iv) The transfer is made to a trust on account of a 79829
contractual relationship existing directly or indirectly between 79830
the transferor and another person who at the time of the 79831
decedent's death was domiciled in this state for purposes of this 79832
chapter. 79833

(v) The transfer is made to a trust on account of the will of 79834
a testator who was domiciled in this state at the time of the 79835
testator's death for purposes of the taxes levied under Chapter 79836
5731. of the Revised Code. 79837

(vi) The transfer is made to a trust created by or caused to 79838
be created by a court, and the trust was directly or indirectly 79839
created in connection with or as a result of the death of an 79840
individual who, for purposes of the taxes levied under Chapter 79841
5731. of the Revised Code, was domiciled in this state at the time 79842
of the individual's death. 79843

(g) The tax commissioner may adopt rules to ascertain the 79844
part of a trust residing in this state. 79845

(J) "Nonresident" means an individual or estate that is not a 79846

resident. An individual who is a resident for only part of a 79847
taxable year is a nonresident for the remainder of that taxable 79848
year. 79849

(K) "Pass-through entity" has the same meaning as in section 79850
5733.04 of the Revised Code. 79851

(L) "Return" means the notifications and reports required to 79852
be filed pursuant to this chapter for the purpose of reporting the 79853
tax due and includes declarations of estimated tax when so 79854
required. 79855

(M) "Taxable year" means the calendar year or the taxpayer's 79856
fiscal year ending during the calendar year, or fractional part 79857
thereof, upon which the adjusted gross income is calculated 79858
pursuant to this chapter. 79859

(N) "Taxpayer" means any person subject to the tax imposed by 79860
section 5747.02 of the Revised Code or any pass-through entity 79861
that makes the election under division (D) of section 5747.08 of 79862
the Revised Code. 79863

(O) "Dependents" means dependents as defined in the Internal 79864
Revenue Code and as claimed in the taxpayer's federal income tax 79865
return for the taxable year or which the taxpayer would have been 79866
permitted to claim had the taxpayer filed a federal income tax 79867
return. 79868

(P) "Principal county of employment" means, in the case of a 79869
nonresident, the county within the state in which a taxpayer 79870
performs services for an employer or, if those services are 79871
performed in more than one county, the county in which the major 79872
portion of the services are performed. 79873

(Q) As used in sections 5747.50 to 5747.55 of the Revised 79874
Code: 79875

(1) "Subdivision" means any county, municipal corporation, 79876

park district, or township. 79877

(2) "Essential local government purposes" includes all 79878
functions that any subdivision is required by general law to 79879
exercise, including like functions that are exercised under a 79880
charter adopted pursuant to the Ohio Constitution. 79881

(R) "Overpayment" means any amount already paid that exceeds 79882
the figure determined to be the correct amount of the tax. 79883

(S) "Taxable income" or "Ohio taxable income" applies only to 79884
estates and trusts, and means federal taxable income, as defined 79885
and used in the Internal Revenue Code, adjusted as follows: 79886

(1) Add interest or dividends, net of ordinary, necessary, 79887
and reasonable expenses not deducted in computing federal taxable 79888
income, on obligations or securities of any state or of any 79889
political subdivision or authority of any state, other than this 79890
state and its subdivisions and authorities, but only to the extent 79891
that such net amount is not otherwise includible in Ohio taxable 79892
income and is described in either division (S)(1)(a) or (b) of 79893
this section: 79894

(a) The net amount is not attributable to the S portion of an 79895
electing small business trust and has not been distributed to 79896
beneficiaries for the taxable year; 79897

(b) The net amount is attributable to the S portion of an 79898
electing small business trust for the taxable year. 79899

(2) Add interest or dividends, net of ordinary, necessary, 79900
and reasonable expenses not deducted in computing federal taxable 79901
income, on obligations of any authority, commission, 79902
instrumentality, territory, or possession of the United States to 79903
the extent that the interest or dividends are exempt from federal 79904
income taxes but not from state income taxes, but only to the 79905
extent that such net amount is not otherwise includible in Ohio 79906
taxable income and is described in either division (S)(1)(a) or 79907

(b) of this section; 79908

(3) Add the amount of personal exemption allowed to the 79909
estate pursuant to section 642(b) of the Internal Revenue Code; 79910

(4) Deduct interest or dividends, net of related expenses 79911
deducted in computing federal taxable income, on obligations of 79912
the United States and its territories and possessions or of any 79913
authority, commission, or instrumentality of the United States to 79914
the extent that the interest or dividends are exempt from state 79915
taxes under the laws of the United States, but only to the extent 79916
that such amount is included in federal taxable income and is 79917
described in either division (S)(1)(a) or (b) of this section; 79918

(5) Deduct the amount of wages and salaries, if any, not 79919
otherwise allowable as a deduction but that would have been 79920
allowable as a deduction in computing federal taxable income for 79921
the taxable year, had the targeted jobs credit allowed under 79922
sections 38, 51, and 52 of the Internal Revenue Code not been in 79923
effect, but only to the extent such amount relates either to 79924
income included in federal taxable income for the taxable year or 79925
to income of the S portion of an electing small business trust for 79926
the taxable year; 79927

(6) Deduct any interest or interest equivalent, net of 79928
related expenses deducted in computing federal taxable income, on 79929
public obligations and purchase obligations, but only to the 79930
extent that such net amount relates either to income included in 79931
federal taxable income for the taxable year or to income of the S 79932
portion of an electing small business trust for the taxable year; 79933

(7) Add any loss or deduct any gain resulting from sale, 79934
exchange, or other disposition of public obligations to the extent 79935
that such loss has been deducted or such gain has been included in 79936
computing either federal taxable income or income of the S portion 79937
of an electing small business trust for the taxable year; 79938

(8) Except in the case of the final return of an estate, add 79939
any amount deducted by the taxpayer on both its Ohio estate tax 79940
return pursuant to section 5731.14 of the Revised Code, and on its 79941
federal income tax return in determining federal taxable income; 79942

(9)(a) Deduct any amount included in federal taxable income 79943
solely because the amount represents a reimbursement or refund of 79944
expenses that in a previous year the decedent had deducted as an 79945
itemized deduction pursuant to section 63 of the Internal Revenue 79946
Code and applicable treasury regulations. The deduction otherwise 79947
allowed under division (S)(9)(a) of this section shall be reduced 79948
to the extent the reimbursement is attributable to an amount the 79949
taxpayer or decedent deducted under this section in any taxable 79950
year. 79951

(b) Add any amount not otherwise included in Ohio taxable 79952
income for any taxable year to the extent that the amount is 79953
attributable to the recovery during the taxable year of any amount 79954
deducted or excluded in computing federal or Ohio taxable income 79955
in any taxable year, but only to the extent such amount has not 79956
been distributed to beneficiaries for the taxable year. 79957

(10) Deduct any portion of the deduction described in section 79958
1341(a)(2) of the Internal Revenue Code, for repaying previously 79959
reported income received under a claim of right, that meets both 79960
of the following requirements: 79961

(a) It is allowable for repayment of an item that was 79962
included in the taxpayer's taxable income or the decedent's 79963
adjusted gross income for a prior taxable year and did not qualify 79964
for a credit under division (A) or (B) of section 5747.05 of the 79965
Revised Code for that year. 79966

(b) It does not otherwise reduce the taxpayer's taxable 79967
income or the decedent's adjusted gross income for the current or 79968
any other taxable year. 79969

(11) Add any amount claimed as a credit under section 79970
5747.059 or 5747.65 of the Revised Code to the extent that the 79971
amount satisfies either of the following: 79972

(a) The amount was deducted or excluded from the computation 79973
of the taxpayer's federal taxable income as required to be 79974
reported for the taxpayer's taxable year under the Internal 79975
Revenue Code; 79976

(b) The amount resulted in a reduction in the taxpayer's 79977
federal taxable income as required to be reported for any of the 79978
taxpayer's taxable years under the Internal Revenue Code. 79979

(12) Deduct any amount, net of related expenses deducted in 79980
computing federal taxable income, that a trust is required to 79981
report as farm income on its federal income tax return, but only 79982
if the assets of the trust include at least ten acres of land 79983
satisfying the definition of "land devoted exclusively to 79984
agricultural use" under section 5713.30 of the Revised Code, 79985
regardless of whether the land is valued for tax purposes as such 79986
land under sections 5713.30 to 5713.38 of the Revised Code. If the 79987
trust is a pass-through entity investor, section 5747.231 of the 79988
Revised Code applies in ascertaining if the trust is eligible to 79989
claim the deduction provided by division (S)(12) of this section 79990
in connection with the pass-through entity's farm income. 79991

Except for farm income attributable to the S portion of an 79992
electing small business trust, the deduction provided by division 79993
(S)(12) of this section is allowed only to the extent that the 79994
trust has not distributed such farm income. Division (S)(12) of 79995
this section applies only to taxable years of a trust beginning in 79996
2002 or thereafter. 79997

(13) Add the net amount of income described in section 641(c) 79998
of the Internal Revenue Code to the extent that amount is not 79999
included in federal taxable income. 80000

(14) Add or deduct the amount the taxpayer would be required 80001
to add or deduct under division (A)(20) or (21) of this section if 80002
the taxpayer's Ohio taxable income were computed in the same 80003
manner as an individual's Ohio adjusted gross income is computed 80004
under this section. In the case of a trust, division (S)(14) of 80005
this section applies only to any of the trust's taxable years 80006
beginning in 2002 or thereafter. 80007

(T) "School district income" and "school district income tax" 80008
have the same meanings as in section 5748.01 of the Revised Code. 80009

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 80010
of this section, "public obligations," "purchase obligations," and 80011
"interest or interest equivalent" have the same meanings as in 80012
section 5709.76 of the Revised Code. 80013

(V) "Limited liability company" means any limited liability 80014
company formed under Chapter 1705. of the Revised Code or under 80015
the laws of any other state. 80016

(W) "Pass-through entity investor" means any person who, 80017
during any portion of a taxable year of a pass-through entity, is 80018
a partner, member, shareholder, or equity investor in that 80019
pass-through entity. 80020

(X) "Banking day" has the same meaning as in section 1304.01 80021
of the Revised Code. 80022

(Y) "Month" means a calendar month. 80023

(Z) "Quarter" means the first three months, the second three 80024
months, the third three months, or the last three months of the 80025
taxpayer's taxable year. 80026

(AA)(1) "Eligible institution" means a state university or 80027
state institution of higher education as defined in section 80028
3345.011 of the Revised Code, or a private, nonprofit college, 80029
university, or other post-secondary institution located in this 80030

state that possesses a certificate of authorization issued by the 80031
~~Ohio board of regents~~ director of higher education pursuant to 80032
Chapter 1713. of the Revised Code or a certificate of registration 80033
issued by the state board of career colleges and schools under 80034
Chapter 3332. of the Revised Code. 80035

(2) "Qualified tuition and fees" means tuition and fees 80036
imposed by an eligible institution as a condition of enrollment or 80037
attendance, not exceeding two thousand five hundred dollars in 80038
each of the individual's first two years of post-secondary 80039
education. If the individual is a part-time student, "qualified 80040
tuition and fees" includes tuition and fees paid for the academic 80041
equivalent of the first two years of post-secondary education 80042
during a maximum of five taxable years, not exceeding a total of 80043
five thousand dollars. "Qualified tuition and fees" does not 80044
include: 80045

(a) Expenses for any course or activity involving sports, 80046
games, or hobbies unless the course or activity is part of the 80047
individual's degree or diploma program; 80048

(b) The cost of books, room and board, student activity fees, 80049
athletic fees, insurance expenses, or other expenses unrelated to 80050
the individual's academic course of instruction; 80051

(c) Tuition, fees, or other expenses paid or reimbursed 80052
through an employer, scholarship, grant in aid, or other 80053
educational benefit program. 80054

(BB)(1) "Modified business income" means the business income 80055
included in a trust's Ohio taxable income after such taxable 80056
income is first reduced by the qualifying trust amount, if any. 80057

(2) "Qualifying trust amount" of a trust means capital gains 80058
and losses from the sale, exchange, or other disposition of equity 80059
or ownership interests in, or debt obligations of, a qualifying 80060
investee to the extent included in the trust's Ohio taxable 80061

income, but only if the following requirements are satisfied: 80062

(a) The book value of the qualifying investee's physical 80063
assets in this state and everywhere, as of the last day of the 80064
qualifying investee's fiscal or calendar year ending immediately 80065
prior to the date on which the trust recognizes the gain or loss, 80066
is available to the trust. 80067

(b) The requirements of section 5747.011 of the Revised Code 80068
are satisfied for the trust's taxable year in which the trust 80069
recognizes the gain or loss. 80070

Any gain or loss that is not a qualifying trust amount is 80071
modified business income, qualifying investment income, or 80072
modified nonbusiness income, as the case may be. 80073

(3) "Modified nonbusiness income" means a trust's Ohio 80074
taxable income other than modified business income, other than the 80075
qualifying trust amount, and other than qualifying investment 80076
income, as defined in section 5747.012 of the Revised Code, to the 80077
extent such qualifying investment income is not otherwise part of 80078
modified business income. 80079

(4) "Modified Ohio taxable income" applies only to trusts, 80080
and means the sum of the amounts described in divisions (BB)(4)(a) 80081
to (c) of this section: 80082

(a) The fraction, calculated under section 5747.013, and 80083
applying section 5747.231 of the Revised Code, multiplied by the 80084
sum of the following amounts: 80085

(i) The trust's modified business income; 80086

(ii) The trust's qualifying investment income, as defined in 80087
section 5747.012 of the Revised Code, but only to the extent the 80088
qualifying investment income does not otherwise constitute 80089
modified business income and does not otherwise constitute a 80090
qualifying trust amount. 80091

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212

of the Revised Code without regard to division (A) of that 80124
section. 80125

If the allocation and apportionment of a trust's income under 80126
divisions (BB)(4)(a) and (c) of this section do not fairly 80127
represent the modified Ohio taxable income of the trust in this 80128
state, the alternative methods described in division (C) of 80129
section 5747.21 of the Revised Code may be applied in the manner 80130
and to the same extent provided in that section. 80131

(5)(a) Except as set forth in division (BB)(5)(b) of this 80132
section, "qualifying investee" means a person in which a trust has 80133
an equity or ownership interest, or a person or unit of government 80134
the debt obligations of either of which are owned by a trust. For 80135
the purposes of division (BB)(2)(a) of this section and for the 80136
purpose of computing the fraction described in division (BB)(4)(b) 80137
of this section, all of the following apply: 80138

(i) If the qualifying investee is a member of a qualifying 80139
controlled group on the last day of the qualifying investee's 80140
fiscal or calendar year ending immediately prior to the date on 80141
which the trust recognizes the gain or loss, then "qualifying 80142
investee" includes all persons in the qualifying controlled group 80143
on such last day. 80144

(ii) If the qualifying investee, or if the qualifying 80145
investee and any members of the qualifying controlled group of 80146
which the qualifying investee is a member on the last day of the 80147
qualifying investee's fiscal or calendar year ending immediately 80148
prior to the date on which the trust recognizes the gain or loss, 80149
separately or cumulatively own, directly or indirectly, on the 80150
last day of the qualifying investee's fiscal or calendar year 80151
ending immediately prior to the date on which the trust recognizes 80152
the qualifying trust amount, more than fifty per cent of the 80153
equity of a pass-through entity, then the qualifying investee and 80154
the other members are deemed to own the proportionate share of the 80155

pass-through entity's physical assets which the pass-through 80156
entity directly or indirectly owns on the last day of the 80157
pass-through entity's calendar or fiscal year ending within or 80158
with the last day of the qualifying investee's fiscal or calendar 80159
year ending immediately prior to the date on which the trust 80160
recognizes the qualifying trust amount. 80161

(iii) For the purposes of division (BB)(5)(a)(iii) of this 80162
section, "upper level pass-through entity" means a pass-through 80163
entity directly or indirectly owning any equity of another 80164
pass-through entity, and "lower level pass-through entity" means 80165
that other pass-through entity. 80166

An upper level pass-through entity, whether or not it is also 80167
a qualifying investee, is deemed to own, on the last day of the 80168
upper level pass-through entity's calendar or fiscal year, the 80169
proportionate share of the lower level pass-through entity's 80170
physical assets that the lower level pass-through entity directly 80171
or indirectly owns on the last day of the lower level pass-through 80172
entity's calendar or fiscal year ending within or with the last 80173
day of the upper level pass-through entity's fiscal or calendar 80174
year. If the upper level pass-through entity directly and 80175
indirectly owns less than fifty per cent of the equity of the 80176
lower level pass-through entity on each day of the upper level 80177
pass-through entity's calendar or fiscal year in which or with 80178
which ends the calendar or fiscal year of the lower level 80179
pass-through entity and if, based upon clear and convincing 80180
evidence, complete information about the location and cost of the 80181
physical assets of the lower pass-through entity is not available 80182
to the upper level pass-through entity, then solely for purposes 80183
of ascertaining if a gain or loss constitutes a qualifying trust 80184
amount, the upper level pass-through entity shall be deemed as 80185
owning no equity of the lower level pass-through entity for each 80186
day during the upper level pass-through entity's calendar or 80187

fiscal year in which or with which ends the lower level 80188
pass-through entity's calendar or fiscal year. Nothing in division 80189
(BB)(5)(a)(iii) of this section shall be construed to provide for 80190
any deduction or exclusion in computing any trust's Ohio taxable 80191
income. 80192

(b) With respect to a trust that is not a resident for the 80193
taxable year and with respect to a part of a trust that is not a 80194
resident for the taxable year, "qualifying investee" for that 80195
taxable year does not include a C corporation if both of the 80196
following apply: 80197

(i) During the taxable year the trust or part of the trust 80198
recognizes a gain or loss from the sale, exchange, or other 80199
disposition of equity or ownership interests in, or debt 80200
obligations of, the C corporation. 80201

(ii) Such gain or loss constitutes nonbusiness income. 80202

(6) "Available" means information is such that a person is 80203
able to learn of the information by the due date plus extensions, 80204
if any, for filing the return for the taxable year in which the 80205
trust recognizes the gain or loss. 80206

(CC) "Qualifying controlled group" has the same meaning as in 80207
section 5733.04 of the Revised Code. 80208

(DD) "Related member" has the same meaning as in section 80209
5733.042 of the Revised Code. 80210

(EE)(1) For the purposes of division (EE) of this section: 80211

(a) "Qualifying person" means any person other than a 80212
qualifying corporation. 80213

(b) "Qualifying corporation" means any person classified for 80214
federal income tax purposes as an association taxable as a 80215
corporation, except either of the following: 80216

(i) A corporation that has made an election under subchapter 80217

S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;	80248 80249
(b) The trust became irrevocable upon the creation of the trust; and	80250 80251
(c) The grantor was domiciled in this state at the time the trust was created.	80252 80253
(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.	80254 80255
Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:	80256 80257 80258 80259 80260 80261 80262 80263 80264 80265 80266 80267 80268 80269 80270 80271 80272 80273 80274 80275
(1) For taxable years beginning in 2004:	80276
OHIO ADJUSTED GROSS INCOME LESS	80277

EXEMPTIONS (INDIVIDUALS)		
OR		80278
MODIFIED OHIO		80279
TAXABLE INCOME (TRUSTS)		80280
OR		80281
OHIO TAXABLE INCOME (ESTATES)	TAX	80282
\$5,000 or less	.743%	80283
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	80284
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	80285
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	80286
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	80287
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	80288
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	80289
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	80290
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	80291
(2) For taxable years beginning in 2005:		80292
OHIO ADJUSTED GROSS INCOME LESS		80293
EXEMPTIONS (INDIVIDUALS)		
OR		80294
MODIFIED OHIO		80295
TAXABLE INCOME (TRUSTS)		80296
OR		80297
OHIO TAXABLE INCOME (ESTATES)	TAX	80298
\$5,000 or less	.712%	80299
More than \$5,000 but not more	\$35.60 plus 1.424% of the amount	80300

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	80301
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	80302
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	80303
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	80304
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	80305
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	80306
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	80307
(3) For taxable years beginning in 2006:		80308
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80309
OR		80310
MODIFIED OHIO		80311
TAXABLE INCOME (TRUSTS)		80312
OR		80313
OHIO TAXABLE INCOME (ESTATES)	TAX	80314
\$5,000 or less	.681%	80315
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	80316
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	80317
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	80318
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	80319
More than \$40,000 but not more	\$1,224.95 plus 4.764% of the	80320

than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	80321
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	80322
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	80323
(4) For taxable years beginning in 2007:		80324
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80325
OR		80326
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		80327
OR		80328
OHIO TAXABLE INCOME (ESTATES)		80329
	TAX	80330
\$5,000 or less	.649%	80331
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	80332
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	80333
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	80334
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	80335
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	80336
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	80337
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	80338
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	80339
(5) For taxable years beginning in 2008, 2009, or 2010:		80340

OHIO ADJUSTED GROSS INCOME LESS		80341
EXEMPTIONS (INDIVIDUALS)		
OR		80342
MODIFIED OHIO		80343
TAXABLE INCOME (TRUSTS)		80344
OR		80345
OHIO TAXABLE INCOME (ESTATES)	TAX	80346
\$5,000 or less	.618%	80347
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	80348
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	80349
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	80350
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	80351
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	80352
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	80353
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	80354
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	80355
(6) For taxable years beginning in 2011 or 2012:		80356
OHIO ADJUSTED GROSS INCOME LESS		80357
EXEMPTIONS (INDIVIDUALS)		
OR		80358
MODIFIED OHIO		80359
TAXABLE INCOME (TRUSTS)		80360
OR		80361
OHIO TAXABLE INCOME (ESTATES)	TAX	80362
\$5,000 or less	.587%	80363

More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	80364
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	80365
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	80366
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	80367
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	80368
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	80369
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	80370
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	80371
(7) For taxable years beginning in 2013:		80372
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80373
OR		80374
MODIFIED OHIO		80375
TAXABLE INCOME (TRUSTS)		80376
OR		80377
OHIO TAXABLE INCOME (ESTATES)	TAX	80378
\$5,000 or less	.537%	80379
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	80380
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	80381
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	80382
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	80383

More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	80384
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	80385
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	80386
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	80387
(8) For taxable years beginning in 2014 or thereafter :		80388
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80389
OR		80390
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		80391
OR		80392
OHIO TAXABLE INCOME (ESTATES)	TAX	80393
\$5,000 or less	.528%	80394
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	80395
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	80396
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	80397
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	80398
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	80399
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	80400
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	80401
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	80402
		80403

<u>(9) For taxable years beginning in 2015 or thereafter:</u>		80404
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		80405
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		80406
<u>MODIFIED OHIO</u>		80407
<u>TAXABLE INCOME (TRUSTS)</u>		80408
<u>OR</u>		80409
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	80410
<u>\$5,000 or less</u>	<u>.495%</u>	80411
<u>More than \$5,000 but not more</u>	<u>\$24.75 plus .990% of the amount</u>	80412
<u>than \$10,000</u>	<u>in excess of \$5,000</u>	
<u>More than \$10,000 but not more</u>	<u>\$74.25 plus 1.980% of the amount</u>	80413
<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more</u>	<u>\$173.25 plus 2.476% of the</u>	80414
<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more</u>	<u>\$297.05 plus 2.969% of the</u>	80415
<u>than \$40,000</u>	<u>amount in excess of \$20,000</u>	
<u>More than \$40,000 but not more</u>	<u>\$890.85 plus 3.465% of the</u>	80416
<u>than \$80,000</u>	<u>amount in excess of \$40,000</u>	
<u>More than \$80,000 but not more</u>	<u>\$2,276.85 plus 3.960% of the</u>	80417
<u>than \$100,000</u>	<u>amount in excess of \$80,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$3,068.85 plus 4.597% of the</u>	80418
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the</u>	80419
	<u>amount in excess of \$200,000</u>	
Except as otherwise provided in this division, in August of		80420
each year, the tax commissioner shall make a new adjustment to the		80421
income amounts prescribed in this division by multiplying the		80422
percentage increase in the gross domestic product deflator		80423
computed that year under section 5747.025 of the Revised Code by		80424
each of the income amounts resulting from the adjustment under		80425
this division in the preceding year, adding the resulting product		80426
to the corresponding income amount resulting from the adjustment		80427

in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. The commissioner shall not make a new adjustment for taxable years beginning in 2013, 2014, or 2015.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax 80459
computed under division (D) of this section equal to the lesser of 80460
(1) the tax paid to another state or the District of Columbia on 80461
the resident trust's modified nonbusiness income, other than the 80462
portion of the resident trust's nonbusiness income that is 80463
qualifying investment income as defined in section 5747.012 of the 80464
Revised Code, or (2) the effective tax rate, based on modified 80465
Ohio taxable income, multiplied by the resident trust's modified 80466
nonbusiness income other than the portion of the resident trust's 80467
nonbusiness income that is qualifying investment income. The 80468
credit applies before any other applicable credits. 80469

(3) The credits enumerated in divisions (A)(1) to (13) of 80470
section 5747.98 of the Revised Code do not apply to a trust 80471
subject to division (D) of this section. Any credits enumerated in 80472
other divisions of section 5747.98 of the Revised Code apply to a 80473
trust subject to division (D) of this section. To the extent that 80474
the trust distributes income for the taxable year for which a 80475
credit is available to the trust, the credit shall be shared by 80476
the trust and its beneficiaries. The tax commissioner and the 80477
trust shall be guided by applicable regulations of the United 80478
States treasury regarding the sharing of credits. 80479

(E) For the purposes of this section, "trust" means any trust 80480
described in Subchapter J of Chapter 1 of the Internal Revenue 80481
Code, excluding trusts that are not irrevocable as defined in 80482
division (I)(3)(b) of section 5747.01 of the Revised Code and that 80483
have no modified Ohio taxable income for the taxable year, 80484
charitable remainder trusts, qualified funeral trusts and preneed 80485
funeral contract trusts established pursuant to sections 4717.31 80486
to 4717.38 of the Revised Code that are not qualified funeral 80487
trusts, endowment and perpetual care trusts, qualified settlement 80488
trusts and funds, designated settlement trusts and funds, and 80489
trusts exempted from taxation under section 501(a) of the Internal 80490

Revenue Code. 80491

Sec. 5747.05. As used in this section, "income tax" includes 80492
both a tax on net income and a tax measured by net income. 80493

The following credits shall be allowed against the income tax 80494
imposed by section 5747.02 of the Revised Code on individuals and 80495
estates: 80496

(A)(1) The amount of tax otherwise due under section 5747.02 80497
of the Revised Code on such portion of the adjusted gross income 80498
of any nonresident taxpayer that is not allocable or apportionable 80499
to this state pursuant to sections 5747.20 to 5747.23 of the 80500
Revised Code; 80501

(2) The credit provided under this division shall not exceed 80502
the portion of the total tax due under section 5747.02 of the 80503
Revised Code that the amount of the nonresident taxpayer's 80504
adjusted gross income not allocated to this state pursuant to 80505
sections 5747.20 to 5747.23 of the Revised Code bears to the total 80506
adjusted gross income of the nonresident taxpayer derived from all 80507
sources everywhere. 80508

(3) The tax commissioner may enter into an agreement with the 80509
taxing authorities of any state or of the District of Columbia 80510
that imposes an income tax to provide that compensation paid in 80511
this state to a nonresident taxpayer shall not be subject to the 80512
tax levied in section 5747.02 of the Revised Code so long as 80513
compensation paid in such other state or in the District of 80514
Columbia to a resident taxpayer shall likewise not be subject to 80515
the income tax of such other state or of the District of Columbia. 80516

(B) The lesser of division (B)(1) or (2) of this section: 80517

(1) The amount of tax otherwise due under section 5747.02 of 80518
the Revised Code on such portion of the adjusted gross income of a 80519
resident taxpayer that in another state or in the District of 80520

Columbia is subjected to an income tax. The credit provided under 80521
division (B)(1) of this section shall not exceed the portion of 80522
the total tax due under section 5747.02 of the Revised Code that 80523
the amount of the resident taxpayer's adjusted gross income 80524
subjected to an income tax in the other state or in the District 80525
of Columbia bears to the total adjusted gross income of the 80526
resident taxpayer derived from all sources everywhere. 80527

(2) The amount of income tax liability to another state or 80528
the District of Columbia on the portion of the adjusted gross 80529
income of a resident taxpayer that in another state or in the 80530
District of Columbia is subjected to an income tax. The credit 80531
provided under division (B)(2) of this section shall not exceed 80532
the amount of tax otherwise due under section 5747.02 of the 80533
Revised Code. 80534

(3) If the credit provided under division (B) of this section 80535
is affected by a change in either the portion of adjusted gross 80536
income of a resident taxpayer subjected to an income tax in 80537
another state or the District of Columbia or the amount of income 80538
tax liability that has been paid to another state or the District 80539
of Columbia, the taxpayer shall report the change to the tax 80540
commissioner within sixty days of the change in such form as the 80541
commissioner requires. 80542

(a) In the case of an underpayment, the report shall be 80543
accompanied by payment of any additional tax due as a result of 80544
the reduction in credit together with interest on the additional 80545
tax and is a return subject to assessment under section 5747.13 of 80546
the Revised Code solely for the purpose of assessing any 80547
additional tax due under this division, together with any 80548
applicable penalty and interest. It shall not reopen the 80549
computation of the taxpayer's tax liability under this chapter 80550
from a previously filed return no longer subject to assessment 80551
except to the extent that such liability is affected by an 80552

adjustment to the credit allowed by division (B) of this section. 80553

(b) In the case of an overpayment, an application for refund 80554
may be filed under this division within the sixty-day period 80555
prescribed for filing the report even if it is beyond the period 80556
prescribed in section 5747.11 of the Revised Code if it otherwise 80557
conforms to the requirements of such section. An application filed 80558
under this division shall only claim refund of overpayments 80559
resulting from an adjustment to the credit allowed by division (B) 80560
of this section unless it is also filed within the time prescribed 80561
in section 5747.11 of the Revised Code. It shall not reopen the 80562
computation of the taxpayer's tax liability except to the extent 80563
that such liability is affected by an adjustment to the credit 80564
allowed by division (B) of this section. 80565

(4) No credit shall be allowed under division (B) of this 80566
section ~~for~~: 80567

(a) For income tax paid or accrued to another state or to the 80568
District of Columbia if the taxpayer, when computing federal 80569
adjusted gross income, has directly or indirectly deducted, or was 80570
required to directly or indirectly deduct, the amount of that 80571
income tax; 80572

(b) For compensation that is not subject to the income tax of 80573
another state or the District of Columbia as the result of an 80574
agreement entered into by the tax commissioner under division 80575
(A)(3) of this section; or 80576

(c) For income tax paid or accrued to another state or the 80577
District of Columbia if the taxpayer fails to furnish such proof 80578
as the tax commissioner shall require that such income tax 80579
liability has been paid. 80580

~~(C) For a taxpayer sixty five years of age or older during 80581
the taxable year, a credit for such year equal to fifty dollars 80582
for each return required to be filed under section 5747.08 of the 80583~~

Revised Code. 80584

~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this section in subsequent taxable years except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under such division in subsequent taxable years but may not make another election under this division.~~ 80585
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~~(E) A taxpayer who is not sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in a taxable year ending on or before July 31, 1991, may elect to take a credit against the tax otherwise due under this chapter for such year equal to fifty dollars times the expected remaining life of a taxpayer sixty five years of age as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to a credit under division (C) or (D) of this section in any subsequent year except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under division (C) of this section in subsequent years~~ 80602
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~~but may not make another election under this division. No taxpayer 80616
may make an election under this division for a taxable year ending 80617
on or after August 1, 1991. 80618~~

~~(F) A taxpayer making an election under either division (D) 80619
or (E) of this section may make only one such election in the 80620
taxpayer's lifetime. 80621~~

(G) An individual who is a resident for part of a taxable 80622
year and a nonresident for the remainder of the taxable year is 80623
allowed the credits under divisions (A) and (B) of this section in 80624
accordance with rules prescribed by the tax commissioner. In no 80625
event shall the same income be subject to both credits. 80626

(D) The credit allowed under division (A) of this section 80627
shall be calculated based upon the amount of tax due under section 80628
5747.02 of the Revised Code after subtracting any other credits 80629
that precede the credit under that division in the order required 80630
under section 5747.98 of the Revised Code. The credit allowed 80631
under division (B) of this section shall be calculated based upon 80632
the amount of tax due under section 5747.02 of the Revised Code 80633
after subtracting any other credits that precede the credit under 80634
that division in the order required under section 5747.98 of the 80635
Revised Code. 80636

(E)(1) On a joint return filed by a husband and wife, each of 80637
whom had adjusted gross income of at least five hundred dollars, 80638
exclusive of interest, dividends and distributions, royalties, 80639
rent, and capital gains, a credit equal to the percentage shown in 80640
the table contained in this division of the amount of tax due 80641
after allowing for any other credit that precedes the credit under 80642
this division in the order required under section 5747.98 of the 80643
Revised Code. 80644

(2) The credit to which a taxpayer is entitled under this 80645
division in any taxable year is the percentage shown in column B 80646

that corresponds with the taxpayer's adjusted gross income, less 80647
exemptions for the taxable year: 80648

A.	B.	80649
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	80650
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	

IS:

\$25,000 or less	20%	80651
More than \$25,000 but not more than \$50,000	15%	80652
More than \$50,000 but not more than \$75,000	10%	80653
More than \$75,000	5%	80654

(3) The credit allowed under this division shall not exceed 80655
six hundred fifty dollars in any taxable year. 80656

(4) The credit shall be claimed in the order required under 80657
section 5747.98 of the Revised Code. 80658

~~(H)(F) No claim for credit under this section shall be 80659
allowed unless the claimant furnishes such supporting information 80660
as the tax commissioner prescribes by rules. Each credit under 80661
this section shall be claimed in the order required under section 80662
5747.98 of the Revised Code. 80663~~

~~(I) An individual who is a resident for part of a taxable 80664
year and a nonresident for the remainder of the taxable year is 80665
allowed the credits under divisions (A) and (B) of this section in 80666
accordance with rules prescribed by the tax commissioner. In no 80667
event shall the same income be subject to both credits. 80668~~

~~(J) The credit allowed under division (A) of this section 80669
shall be calculated based upon the amount of tax due under section 80670
5747.02 of the Revised Code after subtracting any other credits 80671
that precede the credit under that division in the order required 80672
under section 5747.98 of the Revised Code. The credit allowed 80673~~

~~under division (B) of this section shall be calculated based upon 80674
the amount of tax due under section 5747.02 of the Revised Code 80675
after subtracting any other credits that precede the credit under 80676
that division in the order required under section 5747.98 of the 80677
Revised Code. 80678~~

~~(K) No credit shall be allowed under division (B) of this 80679
section unless the taxpayer furnishes such proof as the tax 80680
commissioner shall require that the income tax liability has been 80681
paid to another state or the District of Columbia. 80682~~

~~(L) No credit shall be allowed under division (B) of this 80683
section for compensation that is not subject to the income tax of 80684
another state or the District of Columbia as the result of an 80685
agreement entered into by the tax commissioner under division 80686
(A)(3) of this section. 80687~~

Sec. 5747.055. (A) As used in this section "retirement 80688
income" means retirement benefits, annuities, or distributions 80689
that are made from or pursuant to a pension, retirement, or 80690
profit-sharing plan and that: 80691

(1) In the case of an individual, are received by the 80692
individual on account of retirement and are included in the 80693
individual's adjusted gross income; 80694

(2) In the case of an estate, are payable to the estate for 80695
the benefit of the surviving spouse of the decedent and are 80696
included in the estate's taxable income. 80697

(B) A credit shall be allowed against the tax imposed by 80698
section 5747.02 of the Revised Code for taxpayers who received 80699
retirement income during the taxable year and whose adjusted gross 80700
income for the taxable year, less applicable exemptions under 80701
section 5747.025 of the Revised Code, as shown on an individual or 80702
joint annual return is less than one hundred thousand dollars. 80703

Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule, subject to the limitation provided in division (F) of this section:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) At the election of a taxpayer who receives a lump-sum distribution from a pension, retirement, or profit-sharing plan within one taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, the credit allowed by this section for that year shall be computed as follows:

(1) Divide the amount of retirement income received during the taxable year by the taxpayer's expected remaining life on the last day of the taxable year, as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year;

(2) Using the quotient thus obtained as the amount of retirement income received during the taxable year, compute the credit for the taxable year in accordance with division (B) of this section;

(3) Multiply the credit thus obtained by the taxpayer's expected remaining life. The product thus obtained shall be the credit under this division for the taxable year. A taxpayer who

elects to receive a credit under this division is not entitled to 80736
receive a credit under this section for any subsequent year except 80737
as provided in divisions (D) and (E) of this section. 80738

(D) If the credit under division (C) or (E) of this section 80739
exceeds the tax due for the taxable year after allowing for any 80740
other credit that precedes that credit in the order required under 80741
section 5747.98 of the Revised Code, the taxpayer may elect to 80742
receive a credit for each subsequent taxable year. The amount of 80743
the credit for each such year shall be computed as follows: 80744

(1) Determine the amount by which the unused credit elected 80745
under division (C) or (E) of this section exceeded the tax due for 80746
the taxable year after allowing for any preceding credit in the 80747
required order; 80748

(2) Divide the amount of such excess by one year less than 80749
the taxpayer's expected remaining life on the last day of the 80750
taxable year of the distribution for which the credit was allowed 80751
under division (C) or (E) of this section. The quotient thus 80752
obtained shall be the credit for each subsequent year. 80753

(E) If subsequent to the receipt of a lump-sum distribution 80754
and an election under division (C) of this section an individual 80755
receives another lump-sum distribution within one taxable year, 80756
and the taxpayer's adjusted gross income for the taxable year, 80757
less applicable exemptions under section 5747.025 of the Revised 80758
Code, as shown on an individual or joint annual return is less 80759
than one hundred thousand dollars, the taxpayer may elect to 80760
receive a credit for that taxable year. The credit shall equal the 80761
lesser of: 80762

(1) A credit computed in the manner prescribed in division 80763
(C) of this section; 80764

(2) The amount of credit, if any, to which the taxpayer would 80765
otherwise be entitled for the taxable year under division (D) of 80766

this section times the taxpayer's expected remaining life on the 80767
last day of the taxable year. A taxpayer who elects to receive a 80768
credit under this division is not entitled to a credit under this 80769
section for any subsequent year except as provided in division (D) 80770
of this section. 80771

~~(F) In the case of a taxpayer who elected to take an 80772
exclusion under division (A)(1) or (3) of former section 5747.01 80773
of the Revised Code based upon the taxpayer's expected remaining 80774
life, and who was entitled immediately preceding the effective 80775
date of this section under division (A)(2) or (3) of such section 80776
to a further exclusion, any credit computed in accordance with the 80777
schedule in division (B) of this section, including the credit 80778
computed under division (C)(2) of this section, shall not exceed 80779
the credit available upon an amount of retirement income received 80780
during the taxable year equal to the sum of such former exclusion 80781
plus four thousand dollars. A credit equal to fifty dollars for 80782
each return required to be filed under section 5747.08 of the 80783
Revised Code shall be allowed against the tax imposed by section 80784
5747.02 of the Revised Code for taxpayers sixty-five years of age 80785
or older during the taxable year whose adjusted gross income, less 80786
applicable exemptions under section 5747.025 of the Revised Code, 80787
as shown on an individual or joint annual return is less than one 80788
hundred thousand dollars for that taxable year. 80789~~

(G) A taxpayer sixty-five years of age or older during the 80790
taxable year who has received a lump-sum distribution from a 80791
pension, retirement, or profit-sharing plan in the taxable year, 80792
and whose adjusted gross income, less applicable exemptions under 80793
section 5747.025 of the Revised Code, as shown on an individual or 80794
joint annual return is less than one hundred thousand dollars for 80795
that taxable year may elect to receive a credit under this 80796
division in lieu of the credit to which the taxpayer is entitled 80797
under division (F) of this section. A taxpayer making such an 80798

election shall receive a credit for the taxable year against the tax imposed by section 5747.02 of the Revised Code equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (F) of this section in subsequent taxable years.

(H) The credits allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for credit under this section, and no credit shall be allowed unless such information is provided.

Sec. 5747.058. (A) A refundable income tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the taxable year. The refundable credit shall not be claimed for any taxable years ending with or following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable income tax credit granted by the tax credit authority under division (B)~~(1)~~ of section 122.171 of the Revised Code may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code.

Sec. 5747.08. An annual return with respect to the tax 80830
imposed by section 5747.02 of the Revised Code and each tax 80831
imposed under Chapter 5748. of the Revised Code shall be made by 80832
every taxpayer for any taxable year for which the taxpayer is 80833
liable for the tax imposed by that section or under that chapter, 80834
unless the total credits allowed under ~~divisions~~ division (E) ~~7~~ 80835
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 80836
section 5747.055 of the Revised Code for the year are equal to or 80837
exceed the tax imposed by section 5747.02 of the Revised Code, in 80838
which case no return shall be required unless the taxpayer is 80839
liable for a tax imposed pursuant to Chapter 5748. of the Revised 80840
Code. 80841

(A) If an individual is deceased, any return or notice 80842
required of that individual under this chapter shall be made and 80843
filed by that decedent's executor, administrator, or other person 80844
charged with the property of that decedent. 80845

(B) If an individual is unable to make a return or notice 80846
required by this chapter, the return or notice required of that 80847
individual shall be made and filed by the individual's duly 80848
authorized agent, guardian, conservator, fiduciary, or other 80849
person charged with the care of the person or property of that 80850
individual. 80851

(C) Returns or notices required of an estate or a trust shall 80852
be made and filed by the fiduciary of the estate or trust. 80853

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 80854
of this section, any pass-through entity may file a single return 80855
on behalf of one or more of the entity's investors other than an 80856
investor that is a person subject to the tax imposed under section 80857
5733.06 of the Revised Code. The single return shall set forth the 80858
name, address, and social security number or other identifying 80859
number of each of those pass-through entity investors and shall 80860

indicate the distributive share of each of those pass-through 80861
entity investor's income taxable in this state in accordance with 80862
sections 5747.20 to 5747.231 of the Revised Code. Such 80863
pass-through entity investors for whom the pass-through entity 80864
elects to file a single return are not entitled to the exemption 80865
or credit provided for by sections 5747.02 and 5747.022 of the 80866
Revised Code; shall calculate the tax before business credits at 80867
the highest rate of tax set forth in section 5747.02 of the 80868
Revised Code for the taxable year for which the return is filed; 80869
and are entitled to only their distributive share of the business 80870
credits as defined in division (D)(2) of this section. A single 80871
check drawn by the pass-through entity shall accompany the return 80872
in full payment of the tax due, as shown on the single return, for 80873
such investors, other than investors who are persons subject to 80874
the tax imposed under section 5733.06 of the Revised Code. 80875

(b)(i) A pass-through entity shall not include in such a 80876
single return any investor that is a trust to the extent that any 80877
direct or indirect current, future, or contingent beneficiary of 80878
the trust is a person subject to the tax imposed under section 80879
5733.06 of the Revised Code. 80880

(ii) A pass-through entity shall not include in such a single 80881
return any investor that is itself a pass-through entity to the 80882
extent that any direct or indirect investor in the second 80883
pass-through entity is a person subject to the tax imposed under 80884
section 5733.06 of the Revised Code. 80885

(c) Nothing in division (D) of this section precludes the tax 80886
commissioner from requiring such investors to file the return and 80887
make the payment of taxes and related interest, penalty, and 80888
interest penalty required by this section or section 5747.02, 80889
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 80890
of this section precludes such an investor from filing the annual 80891
return under this section, utilizing the refundable credit equal 80892

to the investor's proportionate share of the tax paid by the 80893
pass-through entity on behalf of the investor under division (I) 80894
of this section, and making the payment of taxes imposed under 80895
section 5747.02 of the Revised Code. Nothing in division (D) of 80896
this section shall be construed to provide to such an investor or 80897
pass-through entity any additional deduction or credit, other than 80898
the credit provided by division (I) of this section, solely on 80899
account of the entity's filing a return in accordance with this 80900
section. Such a pass-through entity also shall make the filing and 80901
payment of estimated taxes on behalf of the pass-through entity 80902
investors other than an investor that is a person subject to the 80903
tax imposed under section 5733.06 of the Revised Code. 80904

(2) For the purposes of this section, "business credits" 80905
means the credits listed in section 5747.98 of the Revised Code 80906
excluding the following credits: 80907

(a) The retirement income credit under division (B) of 80908
section 5747.055 of the Revised Code; 80909

(b) The senior citizen credit under division ~~(C)~~(F) of 80910
section ~~5747.05~~ 5747.055 of the Revised Code; 80911

(c) The lump sum distribution credit under division ~~(D)~~(G) of 80912
section ~~5747.05~~ 5747.055 of the Revised Code; 80913

(d) The dependent care credit under section 5747.054 of the 80914
Revised Code; 80915

(e) The lump sum retirement income credit under division (C) 80916
of section 5747.055 of the Revised Code; 80917

(f) The lump sum retirement income credit under division (D) 80918
of section 5747.055 of the Revised Code; 80919

(g) The lump sum retirement income credit under division (E) 80920
of section 5747.055 of the Revised Code; 80921

(h) The credit for displaced workers who pay for job training 80922

under section 5747.27 of the Revised Code;	80923
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	80924 80925
(j) The joint filing credit under division (G) (E) of section 5747.05 of the Revised Code;	80926 80927
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	80928 80929
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	80930 80931
(m) The low-income credit under section 5747.056 of the Revised Code;	80932 80933
(n) The earned income tax credit under section 5747.71 of the Revised Code.	80934 80935
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	80936 80937 80938 80939 80940 80941 80942 80943
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a	80944 80945 80946 80947 80948 80949 80950 80951 80952

result of the pass-through entity's making the election provided 80953
for under division (D) of this section. For the purposes of 80954
division (D) of this section, "correct tax due" means the tax that 80955
would have been paid by the pass-through entity had the single 80956
return been filed in a manner reflecting the commissioner's 80957
findings. Nothing in division (D) of this section shall be 80958
construed to make or hold a pass-through entity liable for tax 80959
attributable to a pass-through entity investor's income from a 80960
source other than the pass-through entity electing to file the 80961
single return. 80962

(E) If a husband and wife file a joint federal income tax 80963
return for a taxable year, they shall file a joint return under 80964
this section for that taxable year, and their liabilities are 80965
joint and several, but, if the federal income tax liability of 80966
either spouse is determined on a separate federal income tax 80967
return, they shall file separate returns under this section. 80968

If either spouse is not required to file a federal income tax 80969
return and either or both are required to file a return pursuant 80970
to this chapter, they may elect to file separate or joint returns, 80971
and, pursuant to that election, their liabilities are separate or 80972
joint and several. If a husband and wife file separate returns 80973
pursuant to this chapter, each must claim the taxpayer's own 80974
exemption, but not both, as authorized under section 5747.02 of 80975
the Revised Code on the taxpayer's own return. 80976

(F) Each return or notice required to be filed under this 80977
section shall contain the signature of the taxpayer or the 80978
taxpayer's duly authorized agent and of the person who prepared 80979
the return for the taxpayer, and shall include the taxpayer's 80980
social security number. Each return shall be verified by a 80981
declaration under the penalties of perjury. The tax commissioner 80982
shall prescribe the form that the signature and declaration shall 80983
take. 80984

(G) Each return or notice required to be filed under this 80985
section shall be made and filed as required by section 5747.04 of 80986
the Revised Code, on or before the fifteenth day of April of each 80987
year, on forms that the tax commissioner shall prescribe, together 80988
with remittance made payable to the treasurer of state in the 80989
combined amount of the state and all school district income taxes 80990
shown to be due on the form. 80991

Upon good cause shown, the commissioner may extend the period 80992
for filing any notice or return required to be filed under this 80993
section and may adopt rules relating to extensions. If the 80994
extension results in an extension of time for the payment of any 80995
state or school district income tax liability with respect to 80996
which the return is filed, the taxpayer shall pay at the time the 80997
tax liability is paid an amount of interest computed at the rate 80998
per annum prescribed by section 5703.47 of the Revised Code on 80999
that liability from the time that payment is due without extension 81000
to the time of actual payment. Except as provided in section 81001
5747.132 of the Revised Code, in addition to all other interest 81002
charges and penalties, all taxes imposed under this chapter or 81003
Chapter 5748. of the Revised Code and remaining unpaid after they 81004
become due, except combined amounts due of one dollar or less, 81005
bear interest at the rate per annum prescribed by section 5703.47 81006
of the Revised Code until paid or until the day an assessment is 81007
issued under section 5747.13 of the Revised Code, whichever occurs 81008
first. 81009

If the commissioner considers it necessary in order to ensure 81010
the payment of the tax imposed by section 5747.02 of the Revised 81011
Code or any tax imposed under Chapter 5748. of the Revised Code, 81012
the commissioner may require returns and payments to be made 81013
otherwise than as provided in this section. 81014

To the extent that any provision in this division conflicts 81015
with any provision in section 5747.026 of the Revised Code, the 81016

provision in that section prevails. 81017

(H) The amounts withheld by an employer pursuant to section 81018
5747.06 of the Revised Code, a casino operator pursuant to section 81019
5747.063 of the Revised Code, or a lottery sales agent pursuant to 81020
section 5747.064 of the Revised Code shall be allowed to the 81021
recipient of the compensation casino winnings, or lottery prize 81022
award as credits against payment of the appropriate taxes imposed 81023
on the recipient by section 5747.02 and under Chapter 5748. of the 81024
Revised Code. 81025

(I) If a pass-through entity elects to file a single return 81026
under division (D) of this section and if any investor is required 81027
to file the annual return and make the payment of taxes required 81028
by this chapter on account of the investor's other income that is 81029
not included in a single return filed by a pass-through entity or 81030
any other investor elects to file the annual return, the investor 81031
is entitled to a refundable credit equal to the investor's 81032
proportionate share of the tax paid by the pass-through entity on 81033
behalf of the investor. The investor shall claim the credit for 81034
the investor's taxable year in which or with which ends the 81035
taxable year of the pass-through entity. Nothing in this chapter 81036
shall be construed to allow any credit provided in this chapter to 81037
be claimed more than once. For the purpose of computing any 81038
interest, penalty, or interest penalty, the investor shall be 81039
deemed to have paid the refundable credit provided by this 81040
division on the day that the pass-through entity paid the 81041
estimated tax or the tax giving rise to the credit. 81042

(J) The tax commissioner shall ensure that each return 81043
required to be filed under this section includes a box that the 81044
taxpayer may check to authorize a paid tax preparer who prepared 81045
the return to communicate with the department of taxation about 81046
matters pertaining to the return. The return or instructions 81047
accompanying the return shall indicate that by checking the box 81048

the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section ~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, or all of those funds may designate on the taxpayer's income tax

return the amount that the taxpayer wishes to contribute to the 81080
fund or funds. A designated contribution is irrevocable upon the 81081
filing of the return and shall be made in the full amount 81082
designated if the refund found due the taxpayer upon the initial 81083
processing of the taxpayer's return, after any deductions 81084
including those required by section 5747.12 of the Revised Code, 81085
is greater than or equal to the designated contribution. If the 81086
refund due as initially determined is less than the designated 81087
contribution, the contribution shall be made in the full amount of 81088
the refund. The tax commissioner shall subtract the amount of the 81089
contribution from the amount of the refund initially found due the 81090
taxpayer and shall certify the difference to the director of 81091
budget and management and treasurer of state for payment to the 81092
taxpayer in accordance with section 5747.11 of the Revised Code. 81093
For the purpose of any subsequent determination of the taxpayer's 81094
net tax payment, the contribution shall be considered a part of 81095
the refund paid to the taxpayer. 81096

(B) The tax commissioner shall provide a space on the income 81097
tax return form in which a taxpayer may indicate that the taxpayer 81098
wishes to make a donation in accordance with this section. The tax 81099
commissioner shall also print in the instructions accompanying the 81100
income tax return form a description of the purposes for which the 81101
natural areas and preserves fund, the nongame and endangered 81102
wildlife fund, the military injury relief fund, the Ohio 81103
historical society income tax contribution fund, and the breast 81104
and cervical cancer project income tax contribution fund were 81105
created and the use of moneys from the income tax refund 81106
contribution system established in this section. No person shall 81107
designate on the person's income tax return any part of a refund 81108
claimed under section 5747.11 of the Revised Code as a 81109
contribution to any fund other than the natural areas and 81110
preserves fund, the nongame and endangered wildlife fund, the 81111
military injury relief fund, the Ohio historical society income 81112

tax contribution fund, or the breast and cervical cancer project 81113
income tax contribution fund. 81114

(C) The money collected under the income tax refund 81115
contribution system established in this section shall be deposited 81116
by the tax commissioner into the natural areas and preserves fund, 81117
the nongame and endangered wildlife fund, the military injury 81118
relief fund, the Ohio historical society income tax contribution 81119
fund, and the breast and cervical cancer project income tax 81120
contribution fund in the amounts designated on the tax returns. 81121

(D) No later than the thirtieth day of September each year, 81122
the tax commissioner shall determine the total amount contributed 81123
to each fund under this section during the preceding eight months, 81124
any adjustments to prior months, and the cost to the department of 81125
taxation of administering the income tax refund contribution 81126
system during that eight-month period. The commissioner shall make 81127
an additional determination no later than the thirty-first day of 81128
January of each year of the total amount contributed to each fund 81129
under this section during the preceding four calendar months, any 81130
adjustments to prior years made during that four-month period, and 81131
the cost to the department of taxation of administering the income 81132
tax contribution system during that period. The cost of 81133
administering the income tax contribution system shall be 81134
certified by the tax commissioner to the director of budget and 81135
management, who shall transfer an amount equal to one-fifth of 81136
such administrative costs from each of the five funds to the 81137
income tax contribution fund, which is hereby created, provided 81138
that the moneys that the department receives to pay the cost of 81139
administering the income tax refund contribution system in any 81140
year shall not exceed two and one-half per cent of the total 81141
amount contributed under that system during that year. 81142

(E) If the total amount contributed to a fund under this 81143
section in each of two consecutive calendar years is less than one 81144

hundred fifty thousand dollars, no person may designate a 81145
contribution to that fund for any taxable year ending after the 81146
last day of that two-year period. In such a case, the tax 81147
commissioner shall remove the space dedicated to the fund on the 81148
income tax return and the description of the fund in the 81149
instructions accompanying the income tax return. 81150

(F) The general assembly may authorize taxpayer refund 81151
contributions to no more than six funds under the income tax 81152
refund contribution system established in this section. If the 81153
general assembly authorizes income tax refund contributions to a 81154
fund other than the natural areas and preserves fund, the nongame 81155
and endangered wildlife fund, the military injury relief fund, the 81156
Ohio historical society income tax contribution fund, or the 81157
breast and cervical cancer project income tax contribution fund, 81158
such contributions may be authorized only for a period of two 81159
calendar years. 81160

With the exception of the Ohio historical society income tax 81161
contribution fund, the general assembly may authorize income tax 81162
refund contributions to a fund only if all the money in the fund 81163
will be expended or distributed by a state agency as defined in 81164
section 1.60 of the Revised Code. 81165

(G)(1) The director of natural resources, in January of every 81166
odd-numbered year, shall report to the general assembly on the 81167
effectiveness of the income tax refund contribution system as it 81168
pertains to the natural areas and preserves fund and the nongame 81169
and endangered wildlife fund. The report shall include the amount 81170
of money contributed to each fund in each of the previous five 81171
years, the amount of money contributed directly to each fund in 81172
addition to or independently of the income tax refund contribution 81173
system in each of the previous five years, and the purposes for 81174
which the money was expended. 81175

(2) The director of ~~job and family~~ veterans services, the 81176

director of the Ohio historical society, and the director of 81177
health, in January of every odd-numbered year, each shall report 81178
to the general assembly on the effectiveness of the income tax 81179
refund contribution system as it pertains to the military injury 81180
relief fund, the Ohio historical society income tax contribution 81181
fund, and the breast and cervical cancer project income tax 81182
contribution fund, respectively. The report shall include the 81183
amount of money contributed to the fund in each of the previous 81184
five years, the amount of money contributed directly to the fund 81185
in addition to or independently of the income tax refund 81186
contribution system in each of the previous five years, and the 81187
purposes for which the money was expended. 81188

Sec. 5747.50. (A) As used in this section: 81189

(1) "County's proportionate share of the calendar year 2007 81190
LGF and LGRAF distributions" means the percentage computed for the 81191
county under division (B)(1)(a) of section 5747.501 of the Revised 81192
Code. 81193

(2) "County's proportionate share of the total amount of the 81194
local government fund additional revenue formula" means each 81195
county's proportionate share of the state's population as 81196
determined for and certified to the county for distributions to be 81197
made during the current calendar year under division (B)(2)(a) of 81198
section 5747.501 of the Revised Code. If prior to the first day of 81199
January of the current calendar year the federal government has 81200
issued a revision to the population figures reflected in the 81201
estimate produced pursuant to division (B)(2)(a) of section 81202
5747.501 of the Revised Code, such revised population figures 81203
shall be used for making the distributions during the current 81204
calendar year. 81205

(3) "2007 LGF and LGRAF county distribution base available in 81206
that month" means the lesser of the amounts described in division 81207

(A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 81208
81209

(a) The total amount available for distribution to counties from the local government fund during the current month. 81210
81211

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 81212
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(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero. 81217
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(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section. 81225
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(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county an amount equal to the sum of: 81230
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(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided that if the 2007 LGF and LGRAF county distribution base available in that month is zero, no payment shall be made under division (B)(1) of this section for the month or the remainder of the 81233
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calendar year; and 81239

(2) The county's proportionate share of the total amount of 81240
the local government fund additional revenue formula multiplied by 81241
the local government fund additional revenue distribution base 81242
available during that month. 81243

Money received into the treasury of a county under this 81244
division shall be credited to the undivided local government fund 81245
in the treasury of the county on or before the fifteenth day of 81246
each month. On or before the twentieth day of each month, the 81247
county auditor shall issue warrants against all of the undivided 81248
local government fund in the county treasury in the respective 81249
amounts allowed as provided in section 5747.51 of the Revised 81250
Code, and the treasurer shall distribute and pay such sums to the 81251
subdivision therein. 81252

(C)(1) As used in division (C) of this section: 81253

(a) "Total amount available for distribution to 81254
municipalities during the current month" means the product 81255
obtained by multiplying the total amount available for 81256
distribution from the local government fund during the current 81257
month by the aggregate municipal share. 81258

(b) "Aggregate municipal share" means the quotient obtained 81259
by dividing the total amount distributed directly from the local 81260
government fund to municipal corporations during calendar year 81261
2007 by the total distributions from the local government fund and 81262
local government revenue assistance fund during calendar year 81263
2007. 81264

(2) On or before the tenth day of each month, the tax 81265
commissioner shall provide for payment from the local government 81266
fund to each municipal corporation an amount equal to the product 81267
derived by multiplying the municipal corporation's percentage of 81268
the total amount distributed to all such municipal corporations 81269

under this division during calendar year 2007 by the total amount 81270
available for distribution to municipal corporations during the 81271
current month. 81272

(3) Payments received by a municipal corporation under this 81273
division shall be paid into its general fund and may be used for 81274
any lawful purpose. 81275

(4) The amount distributed to municipal corporations under 81276
this division during any calendar year shall not exceed the amount 81277
distributed directly from the local government fund to municipal 81278
corporations during calendar year 2007. If that maximum amount is 81279
reached during any month, distributions to municipal corporations 81280
in that month shall be as provided in divisions (C)(1) and (2) of 81281
this section, but no further distributions shall be made to 81282
municipal corporations under division (C) of this section during 81283
the remainder of the calendar year. 81284

(5) Upon being informed of a municipal corporation's 81285
dissolution, the tax commissioner shall cease providing for 81286
payments to that municipal corporation under division (C) of this 81287
section. The proportionate shares of the total amount available 81288
for distribution to each of the remaining municipal corporations 81289
under this division shall be increased on a pro rata basis. 81290

The tax commissioner shall reduce payments under division (C) 81291
of this section to municipal corporations for which reduced 81292
payments are required under section 5747.502 of the Revised Code. 81293

(D) Each municipal corporation which has in effect a tax 81294
imposed under Chapter 718. of the Revised Code shall, no later 81295
than the thirty-first day of August of each year, certify to the 81296
tax commissioner, on a form prescribed by the commissioner, the 81297
amount of income tax revenue collected and refunded by such 81298
municipal corporation pursuant to such chapter during the 81299
preceding calendar year, arranged, when possible, by the type of 81300

income from which the revenue was collected or the refund was 81301
issued. The municipal corporation shall also report the amount of 81302
income tax revenue collected and refunded on behalf of a joint 81303
economic development district or a joint economic development zone 81304
that levies an income tax administered by the municipal 81305
corporation and the amount of such revenue distributed to 81306
contracting parties during the preceding calendar year. The tax 81307
commissioner may withhold payment of local government fund moneys 81308
pursuant to division (C) of this section from any municipal 81309
corporation for failure to comply with this reporting requirement. 81310

Sec. 5747.502. (A) As used in this section: 81311

(1) "Delinquent subdivision" means a municipal corporation, 81312
township, or county that has not filed a report or signed 81313
statement under section 4511.0915 of the Revised Code, as required 81314
under that section. 81315

(2) "Noncompliant subdivision" means a municipal corporation, 81316
township, or county that files a report under division (A)(1) of 81317
section 4511.0915 of the Revised Code for the most recent calendar 81318
quarter. 81319

(B)(1)(a) Upon receiving notification of a delinquent 81320
subdivision under division (C)(2) of section 4511.0915 of the 81321
Revised Code, the tax commissioner shall do both of the following: 81322

(i) If the delinquent subdivision is a municipal corporation, 81323
cease providing for payments to the municipal corporation under 81324
division (C) of section 5747.50 of the Revised Code, beginning 81325
with the next required payment; 81326

(ii) Immediately notify the county auditor and county 81327
treasurer required to provide for payments to the delinquent 81328
subdivision from a county undivided local government fund that 81329
such payments are to cease until the tax commissioner notifies the 81330

auditor and treasurer under division (B)(3)(a)(ii) of this section. 81331
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(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 81333
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(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 81337
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(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment. 81341
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(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code. 81345
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(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 81351
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(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 81355
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(a) If the delinquent subdivision is a municipal corporation, reduce the amount of each of the next three local government fund payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an 81358
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amount equal to one-third of the gross amount of fines reported by 81362
the noncompliant subdivision on the report filed for the calendar 81363
quarter. 81364

(b) If the reduction described in division (C)(1)(a) of this 81365
section exceeds the amount of money the noncompliant subdivision 81366
would otherwise receive under division (C) of section 5747.50 of 81367
the Revised Code, immediately notify the county auditor and county 81368
treasurer required to provide for payments to the noncompliant 81369
subdivision from a county undivided local government fund that 81370
each of the next three such payments are to be reduced to that 81371
subdivision in an amount equal to one-third of that excess. 81372

(2) A county treasurer receiving notice under division 81373
(C)(1)(b) of this section shall reduce the payments to the 81374
noncompliant subdivision from a county undivided local government 81375
fund as required by the notice. 81376

(D)(1) The tax commissioner shall provide for payment of an 81377
amount equal to amounts withheld from municipal corporations under 81378
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 81379
undivided local government fund of the county from which the 81380
municipal corporation receives payments under section 5747.51 or 81381
5747.53 of the Revised Code. The county treasurer shall distribute 81382
that money among subdivisions that are not delinquent or 81383
noncompliant subdivisions and that are entitled to receive 81384
distributions under those sections by increasing each such 81385
subdivision's distribution on a pro rata basis. 81386

(2) A county treasurer shall distribute any amount withheld 81387
from a delinquent or noncompliant subdivision under division 81388
(B)(1)(b) or (C)(2) of this section among other subdivisions that 81389
are not delinquent or noncompliant subdivisions by increasing each 81390
such subdivision's distribution from the county's undivided local 81391
government fund on a pro rata basis. 81392

(E) A county, township, or municipal corporation receiving an increased distribution under division (B) or (C) of this section shall use such money for the current operating expenses of the subdivision. 81393
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Sec. 5747.51. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code. 81397
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(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code. 81405
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Nothing in this section prevents the budget commission, for 81424
the purpose of apportioning the undivided local government fund, 81425
from inquiring into the claimed needs of any subdivision as stated 81426
in its tax budget, or from adjusting claimed needs to reflect 81427
actual needs. For the purposes of this section, "current operating 81428
expenses" means the lawful expenditures of a subdivision, except 81429
those for permanent improvements and except payments for interest, 81430
sinking fund, and retirement of bonds, notes, and certificates of 81431
indebtedness of the subdivision. 81432

(C) The commission shall determine the combined total of the 81433
estimated expenditures, including transfers, from the general fund 81434
and any special funds other than special funds established for 81435
road and bridge; street construction, maintenance, and repair; 81436
state highway improvement; and gas, water, sewer, and electric 81437
public utilities operated by a subdivision, as shown in the 81438
subdivision's tax budget for the ensuing calendar year. 81439

(D) From the combined total of expenditures calculated 81440
pursuant to division (C) of this section, the commission shall 81441
deduct the following expenditures, if included in these funds in 81442
the tax budget: 81443

(1) Expenditures for permanent improvements as defined in 81444
division (E) of section 5705.01 of the Revised Code; 81445

(2) In the case of counties and townships, transfers to the 81446
road and bridge fund, and in the case of municipalities, transfers 81447
to the street construction, maintenance, and repair fund and the 81448
state highway improvement fund; 81449

(3) Expenditures for the payment of debt charges; 81450

(4) Expenditures for the payment of judgments. 81451

(E) In addition to the deductions made pursuant to division 81452
(D) of this section, revenues accruing to the general fund and any 81453
special fund considered under division (C) of this section from 81454

the following sources shall be deducted from the combined total of 81455
expenditures calculated pursuant to division (C) of this section: 81456

(1) Taxes levied within the ten-mill limitation, as defined 81457
in section 5705.02 of the Revised Code; 81458

(2) The budget commission allocation of estimated county 81459
public library fund revenues to be distributed pursuant to section 81460
5747.48 of the Revised Code; 81461

(3) Estimated unencumbered balances as shown on the tax 81462
budget as of the thirty-first day of December of the current year 81463
in the general fund, but not any estimated balance in any special 81464
fund considered in division (C) of this section; 81465

(4) Revenue, including transfers, shown in the general fund 81466
and any special funds other than special funds established for 81467
road and bridge; street construction, maintenance, and repair; 81468
state highway improvement; and gas, water, sewer, and electric 81469
public utilities, from all other sources except those that a 81470
subdivision receives from an additional tax or service charge 81471
voted by its electorate or receives from special assessment or 81472
revenue bond collection. For the purposes of this division, where 81473
the charter of a municipal corporation prohibits the levy of an 81474
income tax, an income tax levied by the legislative authority of 81475
such municipal corporation pursuant to an amendment of the charter 81476
of that municipal corporation to authorize such a levy represents 81477
an additional tax voted by the electorate of that municipal 81478
corporation. For the purposes of this division, any measure 81479
adopted by a board of county commissioners pursuant to section 81480
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 81481
including those measures upheld by the electorate in a referendum 81482
conducted pursuant to section 322.021, 324.021, 4504.021, or 81483
5739.022 of the Revised Code, shall not be considered an 81484
additional tax voted by the electorate. 81485

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county

shall not exceed the following maximum percentages of the total 81518
estimate of the undivided local government fund governed by the 81519
relationship of the percentage of the population of the county 81520
that resides within municipal corporations within the county to 81521
the total population of the county as reported in the reports on 81522
population in Ohio by the department of development as of the 81523
twentieth day of July of the year in which the tax budget is filed 81524
with the budget commission: 81525

Percentage of municipal 81526	Percentage share of the county
population within the county:	shall not exceed:

Less than forty-one per cent	Sixty per cent	81527
Forty-one per cent or more but 81528	Fifty per cent	81529
less than eighty-one per cent		
Eighty-one per cent or more	Thirty per cent	81530

Where the proportionate share of the county exceeds the 81531
limitations established in this division, the budget commission 81532
shall adjust the proportionate shares determined pursuant to this 81533
division so that the proportionate share of the county does not 81534
exceed these limitations, and it shall increase the proportionate 81535
shares of all other subdivisions on a pro rata basis. In counties 81536
having a population of less than one hundred thousand, not less 81537
than ten per cent shall be distributed to the townships therein. 81538

(I) The proportionate share of each subdivision in the 81539
undivided local government fund determined pursuant to division 81540
(H) of this section for any calendar year shall not be less than 81541
the product of the average of the percentages of the undivided 81542
local government fund of the county as apportioned to that 81543
subdivision for the calendar years 1968, 1969, and 1970, 81544
multiplied by the total amount of the undivided local government 81545
fund of the county apportioned pursuant to former section 5735.23 81546
of the Revised Code for the calendar year 1970. For the purposes 81547

of this division, the total apportioned amount for the calendar 81548
year 1970 shall be the amount actually allocated to the county in 81549
1970 from the state collected intangible tax as levied by section 81550
5707.03 of the Revised Code and distributed pursuant to section 81551
5725.24 of the Revised Code, plus the amount received by the 81552
county in the calendar year 1970 pursuant to division (B)(1) of 81553
former section 5739.21 of the Revised Code, and distributed 81554
pursuant to former section 5739.22 of the Revised Code. If the 81555
total amount of the undivided local government fund for any 81556
calendar year is less than the amount of the undivided local 81557
government fund apportioned pursuant to former section 5739.23 of 81558
the Revised Code for the calendar year 1970, the minimum amount 81559
guaranteed to each subdivision for that calendar year pursuant to 81560
this division shall be reduced on a basis proportionate to the 81561
amount by which the amount of the undivided local government fund 81562
for that calendar year is less than the amount of the undivided 81563
local government fund apportioned for the calendar year 1970. 81564

(J) On the basis of such apportionment, the county auditor 81565
shall compute the percentage share of each such subdivision in the 81566
undivided local government fund and shall at the same time certify 81567
to the tax commissioner the percentage share of the county as a 81568
subdivision. No payment shall be made from the undivided local 81569
government fund, except in accordance with such percentage shares. 81570

Within ten days after the budget commission has made its 81571
apportionment, whether conducted pursuant to section 5747.51 or 81572
5747.53 of the Revised Code, the auditor shall publish a list of 81573
the subdivisions and the amount each is to receive from the 81574
undivided local government fund and the percentage share of each 81575
subdivision, in a newspaper or newspapers of countywide 81576
circulation, and send a copy of such allocation to the tax 81577
commissioner. 81578

The county auditor shall also send by certified mail, return 81579

receipt requested, a copy of such allocation to the fiscal officer 81580
of each subdivision entitled to participate in the allocation of 81581
the undivided local government fund of the county. This copy shall 81582
constitute the official notice of the commission action referred 81583
to in section 5705.37 of the Revised Code. 81584

All money received into the treasury of a subdivision from 81585
the undivided local government fund in a county treasury shall be 81586
paid into the general fund and used for the current operating 81587
expenses of the subdivision. 81588

If a municipal corporation maintains a municipal university, 81589
such municipal university, when the board of trustees so requests 81590
the legislative authority of the municipal corporation, shall 81591
participate in the money apportioned to such municipal corporation 81592
from the total local government fund, however created and 81593
constituted, in such amount as requested by the board of trustees, 81594
provided such sum does not exceed nine per cent of the total 81595
amount paid to the municipal corporation. 81596

If any public official fails to maintain the records required 81597
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 81598
issued by the tax commissioner, the auditor of state, or the 81599
treasurer of state pursuant to such sections, or fails to comply 81600
with any law relating to the enforcement of such sections, the 81601
local government fund money allocated to the county may be 81602
withheld until such time as the public official has complied with 81603
such sections or such law or the rules issued pursuant thereto. 81604

Sec. 5747.53. (A) As used in this section: 81605

(1) "City, located wholly or partially in the county, with 81606
the greatest population" means the city, located wholly or 81607
partially in the county, with the greatest population residing in 81608
the county; however, if the county budget commission on or before 81609
January 1, 1998, adopted an alternative method of apportionment 81610

that was approved by the legislative authority of the city, 81611
located partially in the county, with the greatest population but 81612
not the greatest population residing in the county, "city, located 81613
wholly or partially in the county, with the greatest population" 81614
means the city, located wholly or partially in the county, with 81615
the greatest population whether residing in the county or not, if 81616
this alternative meaning is adopted by action of the board of 81617
county commissioners and a majority of the boards of township 81618
trustees and legislative authorities of municipal corporations 81619
located wholly or partially in the county. 81620

(2) "Participating political subdivision" means a municipal 81621
corporation or township that satisfies all of the following: 81622

(a) It is located wholly or partially in the county. 81623

(b) It is not the city, located wholly or partially in the 81624
county, with the greatest population. 81625

(c) Undivided local government fund moneys are apportioned to 81626
it under the county's alternative method or formula of 81627
apportionment in the current calendar year. 81628

(B) In lieu of the method of apportionment of the undivided 81629
local government fund of the county provided by section 5747.51 of 81630
the Revised Code, the county budget commission may provide for the 81631
apportionment of the fund under an alternative method or on a 81632
formula basis as authorized by this section. The commissioner 81633
shall reduce or increase the amount of funds from the undivided 81634
local government fund to a subdivision required to receive reduced 81635
or increased funds under section 5747.502 of the Revised Code. 81636

Except as otherwise provided in division (C) of this section, 81637
the alternative method of apportionment shall have first been 81638
approved by all of the following governmental units: the board of 81639
county commissioners; the legislative authority of the city, 81640
located wholly or partially in the county, with the greatest 81641

population; and a majority of the boards of township trustees and 81642
legislative authorities of municipal corporations, located wholly 81643
or partially in the county, excluding the legislative authority of 81644
the city, located wholly or partially in the county, with the 81645
greatest population. In granting or denying approval for an 81646
alternative method of apportionment, the board of county 81647
commissioners, boards of township trustees, and legislative 81648
authorities of municipal corporations shall act by motion. A 81649
motion to approve shall be passed upon a majority vote of the 81650
members of a board of county commissioners, board of township 81651
trustees, or legislative authority of a municipal corporation, 81652
shall take effect immediately, and need not be published. 81653

Any alternative method of apportionment adopted and approved 81654
under this division may be revised, amended, or repealed in the 81655
same manner as it may be adopted and approved. If an alternative 81656
method of apportionment adopted and approved under this division 81657
is repealed, the undivided local government fund of the county 81658
shall be apportioned among the subdivisions eligible to 81659
participate in the fund, commencing in the ensuing calendar year, 81660
under the apportionment provided in section 5747.52 of the Revised 81661
Code, unless the repeal occurs by operation of division (C) of 81662
this section or a new method for apportionment of the fund is 81663
provided in the action of repeal. 81664

(C) This division applies only in counties in which the city, 81665
located wholly or partially in the county, with the greatest 81666
population has a population of twenty thousand or less and a 81667
population that is less than fifteen per cent of the total 81668
population of the county. In such a county, the legislative 81669
authorities or boards of township trustees of two or more 81670
participating political subdivisions, which together have a 81671
population residing in the county that is a majority of the total 81672
population of the county, each may adopt a resolution to exclude 81673

the approval otherwise required of the legislative authority of 81674
the city, located wholly or partially in the county, with the 81675
greatest population. All of the resolutions to exclude that 81676
approval shall be adopted not later than the first Monday of 81677
August of the year preceding the calendar year in which 81678
distributions are to be made under an alternative method of 81679
apportionment. 81680

A motion granting or denying approval of an alternative 81681
method of apportionment under this division shall be adopted by a 81682
majority vote of the members of the board of county commissioners 81683
and by a majority vote of a majority of the boards of township 81684
trustees and legislative authorities of the municipal corporations 81685
located wholly or partially in the county, other than the city, 81686
located wholly or partially in the county, with the greatest 81687
population, shall take effect immediately, and need not be 81688
published. The alternative method of apportionment under this 81689
division shall be adopted and approved annually, not later than 81690
the first Monday of August of the year preceding the calendar year 81691
in which distributions are to be made under it. A motion granting 81692
approval of an alternative method of apportionment under this 81693
division repeals any existing alternative method of apportionment, 81694
effective with distributions to be made from the fund in the 81695
ensuing calendar year. An alternative method of apportionment 81696
under this division shall not be revised or amended after the 81697
first Monday of August of the year preceding the calendar year in 81698
which distributions are to be made under it. 81699

(D) In determining an alternative method of apportionment 81700
authorized by this section, the county budget commission may 81701
include in the method any factor considered to be appropriate and 81702
reliable, in the sole discretion of the county budget commission. 81703

(E) The limitations set forth in section 5747.51 of the 81704
Revised Code, stating the maximum amount that the county may 81705

receive from the undivided local government fund and the minimum 81706
amount the townships in counties having a population of less than 81707
one hundred thousand may receive from the fund, are applicable to 81708
any alternative method of apportionment authorized under this 81709
section. 81710

(F) On the basis of any alternative method of apportionment 81711
adopted and approved as authorized by this section, as certified 81712
by the auditor to the county treasurer, the county treasurer shall 81713
make distribution of the money in the undivided local government 81714
fund to each subdivision eligible to participate in the fund, and 81715
the auditor, when the amount of those shares is in the custody of 81716
the treasurer in the amounts so computed to be due the respective 81717
subdivisions, shall at the same time certify to the tax 81718
commissioner the percentage share of the county as a subdivision. 81719
All money received into the treasury of a subdivision from the 81720
undivided local government fund in a county treasury shall be paid 81721
into the general fund and used for the current operating expenses 81722
of the subdivision. If a municipal corporation maintains a 81723
municipal university, the university, when the board of trustees 81724
so requests the legislative authority of the municipal 81725
corporation, shall participate in the money apportioned to the 81726
municipal corporation from the total local government fund, 81727
however created and constituted, in the amount requested by the 81728
board of trustees, provided that amount does not exceed nine per 81729
cent of the total amount paid to the municipal corporation. 81730

(G) The actions of the county budget commission taken 81731
pursuant to this section are final and may not be appealed to the 81732
board of tax appeals, except on the issues of abuse of discretion 81733
and failure to comply with the formula. 81734

Sec. 5747.71. There is hereby allowed a nonrefundable credit 81735
against the tax imposed by section 5747.02 of the Revised Code for 81736

a taxpayer who is an "eligible individual" as defined in section 81737
32 of the Internal Revenue Code. The credit shall equal five per 81738
cent of the credit allowed on the taxpayer's federal income tax 81739
return pursuant to section 32 of the Internal Revenue Code for 81740
taxable years beginning in 2013, and ten per cent of the federal 81741
credit allowed for taxable years beginning in or after 2014. If 81742
the Ohio adjusted gross income of the taxpayer, or the taxpayer 81743
and the taxpayer's spouse if the taxpayer and the taxpayer's 81744
spouse file a joint return under section 5747.08 of the Revised 81745
Code, less applicable exemptions under section 5747.025 of the 81746
Revised Code, exceeds twenty thousand dollars, the credit 81747
authorized by this section shall not exceed fifty per cent of the 81748
amount of tax otherwise due under section 5747.02 of the Revised 81749
Code after deducting any other nonrefundable credits that precede 81750
the credit allowed under this section in the order prescribed by 81751
section 5747.98 of the Revised Code except for the joint filing 81752
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 81753
Revised Code. In all other cases, the credit authorized by this 81754
section shall not exceed the amount of tax otherwise due under 81755
section 5747.02 of the Revised Code after deducting any other 81756
nonrefundable credits that precede the credit allowed under this 81757
section in the order prescribed by section 5747.98 of the Revised 81758
Code. 81759

The credit shall be claimed in the order prescribed by 81760
section 5747.98 of the Revised Code. 81761

Sec. 5747.98. (A) To provide a uniform procedure for 81762
calculating the amount of tax due under section 5747.02 of the 81763
Revised Code, a taxpayer shall claim any credits to which the 81764
taxpayer is entitled in the following order: 81765

(1) The retirement income credit under division (B) of 81766
section 5747.055 of the Revised Code; 81767

(2) The senior citizen credit under division (C) (F) of section 5747.05 <u>5747.055</u> of the Revised Code;	81768 81769
(3) The lump sum distribution credit under division (D) (G) of section 5747.05 <u>5747.055</u> of the Revised Code;	81770 81771
(4) The dependent care credit under section 5747.054 of the Revised Code;	81772 81773
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	81774 81775
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	81776 81777
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	81778 81779
(8) The low-income credit under section 5747.056 of the Revised Code;	81780 81781
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	81782 81783
(10) The <u>For taxable years ending before January 1, 2015, the</u> campaign contribution credit under section 5747.29 of the Revised Code <u>as that section existed before its repeal by H.B. 64 of the 131st general assembly;</u>	81784 81785 81786 81787
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	81788 81789
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	81790 81791
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	81792 81793
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	81794 81795
(15) The earned income credit under section 5747.71 of the	81796

Revised Code;	81797
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	81798 81799
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	81800 81801
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	81802 81803
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	81804 81805
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	81806 81807 81808
(21) The job training credit under section 5747.39 of the Revised Code;	81809 81810
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	81811 81812
(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	81813 81814
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	81815 81816
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	81817 81818
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	81819 81820
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	81821 81822
(28) The small business investment credit under section 5747.81 of the Revised Code;	81823 81824
(29) The enterprise zone credits under section 5709.65 of the	81825

Revised Code;	81826
(30) The research and development credit under section 5747.331 of the Revised Code;	81827 81828
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	81829 81830
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	81831 81832
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	81833 81834
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	81835 81836
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	81837 81838 81839
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	81840 81841 81842
(37) The refundable motion picture production credit under section 5747.66 of the Revised Code;	81843 81844
(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	81845 81846 81847
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	81848 81849 81850 81851 81852 81853 81854
Nothing in this chapter shall be construed to allow a taxpayer to	81855

claim, directly or indirectly, a credit more than once for a 81856
taxable year. 81857

Sec. 5751.02. (A) For the purpose of funding the needs of 81858
this state and its local governments, there is hereby levied a 81859
commercial activity tax on each person with taxable gross receipts 81860
for the privilege of doing business in this state. For the 81861
purposes of this chapter, "doing business" means engaging in any 81862
activity, whether legal or illegal, that is conducted for, or 81863
results in, gain, profit, or income, at any time during a calendar 81864
year. Persons on which the commercial activity tax is levied 81865
include, but are not limited to, persons with substantial nexus 81866
with this state. The tax imposed under this section is not a 81867
transactional tax and is not subject to Public Law No. 86-272, 73 81868
Stat. 555. The tax imposed under this section is in addition to 81869
any other taxes or fees imposed under the Revised Code. The tax 81870
levied under this section is imposed on the person receiving the 81871
gross receipts and is not a tax imposed directly on a purchaser. 81872
The tax imposed by this section is an annual privilege tax for the 81873
calendar year that, in the case of calendar year taxpayers, is the 81874
annual tax period and, in the case of calendar quarter taxpayers, 81875
contains all quarterly tax periods in the calendar year. A 81876
taxpayer is subject to the annual privilege tax for doing business 81877
during any portion of such calendar year. 81878

(B) The tax imposed by this section is a tax on the taxpayer 81879
and shall not be billed or invoiced to another person. Even if the 81880
tax or any portion thereof is billed or invoiced and separately 81881
stated, such amounts remain part of the price for purposes of the 81882
sales and use taxes levied under Chapters 5739. and 5741. of the 81883
Revised Code. Nothing in division (B) of this section prohibits: 81884

(1) A person from including in the price charged for a good 81885
or service an amount sufficient to recover the tax imposed by this 81886

section; or 81887

(2) A lessor from including an amount sufficient to recover 81888
the tax imposed by this section in a lease payment charged, or 81889
from including such an amount on a billing or invoice pursuant to 81890
the terms of a written lease agreement providing for the recovery 81891
of the lessor's tax costs. The recovery of such costs shall be 81892
based on an estimate of the total tax cost of the lessor during 81893
the tax period, as the tax liability of the lessor cannot be 81894
calculated until the end of that period. 81895

(C)(1) The commercial activities tax receipts fund is hereby 81896
created in the state treasury and shall consist of money arising 81897
from the tax imposed under this chapter. Eighty-five 81898
one-hundredths of one per cent of the money credited to that fund 81899
shall be credited to the revenue enhancement fund and shall be 81900
used to defray the costs incurred by the department of taxation in 81901
administering the tax imposed by this chapter and in implementing 81902
tax reform measures. The remainder of the money in the commercial 81903
activities tax receipts fund shall first be credited to the 81904
commercial activity tax motor fuel receipts fund, pursuant to 81905
division (C)(2) of this section, and the remainder shall be 81906
credited in the following percentages each fiscal year to the 81907
general revenue fund, to the school district tangible property tax 81908
replacement fund, which is hereby created in the state treasury 81909
for the purpose of making the payments described in section 81910
5709.92 of the Revised Code, and to the local government tangible 81911
property tax replacement fund, which is hereby created in the 81912
state treasury for the purpose of making the payments described in 81913
section 5709.93 of the Revised Code, in the following percentages: 81914

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	81915
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	

<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	81916
<u>2016 and</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	81917
<u>thereafter</u>				
<u>(2) Not later than the twentieth day of February, May,</u>				81918
<u>August, and November of each year, the commissioner shall provide</u>				81919
<u>for payment from the commercial activities tax receipts fund to</u>				81920
<u>the commercial activity tax motor fuel receipts fund an amount</u>				81921
<u>that bears the same ratio to the balance in the commercial</u>				81922
<u>activities tax receipts fund that (a) the taxable gross receipts</u>				81923
<u>attributed to motor fuel used for propelling vehicles on public</u>				81924
<u>highways as indicated by returns filed by the tenth day of that</u>				81925
<u>month for a liability that is due and payable on or after July 1,</u>				81926
<u>2013, for a tax period ending before July 1, 2014, bears to (b)</u>				81927
<u>all taxable gross receipts as indicated by those returns for such</u>				81928
<u>liabilities.</u>				81929
<u>(D)(1) If the total amount in the school district tangible</u>				81930
<u>property tax replacement fund is insufficient to make all payments</u>				81931
<u>under section 5709.92 of the Revised Code at the times the</u>				81932
<u>payments are to be made, the director of budget and management</u>				81933
<u>shall transfer from the general revenue fund to the school</u>				81934
<u>district tangible property tax replacement fund the difference</u>				81935
<u>between the total amount to be paid and the amount in the school</u>				81936
<u>district tangible property tax replacement fund.</u>				81937
<u>(2) If the total amount in the local government tangible</u>				81938
<u>property tax replacement fund is insufficient to make all payments</u>				81939
<u>under section 5709.93 of the Revised Code at the times the</u>				81940
<u>payments are to be made, the director of budget and management</u>				81941
<u>shall transfer from the general revenue fund to the local</u>				81942
<u>government tangible property tax replacement fund the difference</u>				81943
<u>between the total amount to be paid and the amount in the local</u>				81944
<u>government tangible property tax replacement fund.</u>				81945
<u>(E)(1) On or after the first day of June of each year, the</u>				81946

director of budget and management may transfer any balance in the 81947
school district tangible property tax replacement fund to the 81948
general revenue fund. 81949

(2) On or after the first day of June of each year, the 81950
director of budget and management may transfer any balance in the 81951
local government tangible property tax replacement fund to the 81952
general revenue fund. 81953

(F)(1) There is hereby created in the state treasury the 81954
commercial activity tax motor fuel receipts fund. 81955

(2) On or before the fifteenth day of June of each fiscal 81956
year beginning with fiscal year 2015, the director of the Ohio 81957
public works commission shall certify to the director of budget 81958
and management the amount of debt service paid from the general 81959
revenue fund in the current fiscal year on bonds issued to finance 81960
or assist in the financing of the cost of local subdivision public 81961
infrastructure capital improvement projects, as provided for in 81962
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 81963
are attributable to costs for construction, reconstruction, 81964
maintenance, or repair of public highways and bridges and other 81965
statutory highway purposes. That certification shall allocate the 81966
total amount of debt service paid from the general revenue fund 81967
and attributable to those costs in the current fiscal year 81968
according to the applicable section of the Ohio Constitution under 81969
which the bonds were originally issued. 81970

(3) On or before the thirtieth day of June of each fiscal 81971
year beginning with fiscal year 2015, the director of budget and 81972
management shall determine an amount up to but not exceeding the 81973
amount certified under division (F)(2) of this section and shall 81974
reserve that amount from the cash balance in the petroleum 81975
activity tax public highways fund or the commercial activity tax 81976
motor fuel receipts fund for transfer to the general revenue fund 81977
at times and in amounts to be determined by the director. The 81978

director shall transfer the cash balance in the petroleum activity 81979
tax public highways fund or the commercial activity tax motor fuel 81980
receipts fund in excess of the amount so reserved to the highway 81981
operating fund on or before the thirtieth day of June of the 81982
current fiscal year. 81983

Sec. 5751.20. ~~(A)~~ No determinations, computations, 81984
certifications, or payments shall be made under this section after 81985
June 30, 2015. 81986

(A) As used in sections 5751.20 to 5751.22 of the Revised 81987
Code: 81988

(1) "School district," "joint vocational school district," 81989
"local taxing unit," "recognized valuation," "fixed-rate levy," 81990
and "fixed-sum levy" have the same meanings as used in section 81991
5727.84 of the Revised Code. 81992

(2) "State education aid" for a school district means the 81993
following: 81994

(a) For fiscal years prior to fiscal year 2010, the sum of 81995
state aid amounts computed for the district under the following 81996
provisions, as they existed for the applicable fiscal year: 81997
division (A) of section 3317.022 of the Revised Code, including 81998
the amounts calculated under former section 3317.029 and section 81999
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), 82000
and (F) of section 3317.022; divisions (B), (C), and (D) of 82001
section 3317.023; divisions (L) and (N) of section 3317.024; 82002
section 3317.0216; and any unit payments for gifted student 82003
services paid under section 3317.05 and former sections 3317.052 82004
and 3317.053 of the Revised Code; except that, for fiscal years 82005
2008 and 2009, the amount computed for the district under Section 82006
269.20.80 of H.B. 119 of the 127th general assembly and as that 82007
section subsequently may be amended shall be substituted for the 82008
amount computed under division (D) of section 3317.022 of the 82009

Revised Code, and the amount computed under Section 269.30.80 of 82010
H.B. 119 of the 127th general assembly and as that section 82011
subsequently may be amended shall be included. 82012

(b) For fiscal years 2010 and 2011, the sum of the amounts 82013
computed under former sections 3306.052, 3306.12, 3306.13, 82014
3306.19, 3306.191, and 3306.192 of the Revised Code; 82015

(c) For fiscal years 2012 and 2013, the sum of the amounts 82016
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 82017
153 of the 129th general assembly; 82018

(d) For fiscal year 2014 and each fiscal year thereafter, the 82019
sum of state amounts computed for the district under section 82020
3317.022 of the Revised Code; except that, for fiscal years 2014 82021
and 2015, the amount computed for the district under the section 82022
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 82023
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 82024

(3) "State education aid" for a joint vocational school 82025
district means the following: 82026

(a) For fiscal years prior to fiscal year 2010, the sum of 82027
the state aid computed for the district under division (N) of 82028
section 3317.024 and former section 3317.16 of the Revised Code, 82029
except that, for fiscal years 2008 and 2009, the amount computed 82030
under Section 269.30.80 of H.B. 119 of the 127th general assembly 82031
and as that section subsequently may be amended shall be included. 82032

(b) For fiscal years 2010 and 2011, the amount paid in 82033
accordance with Section 265.30.50 of H.B. 1 of the 128th general 82034
assembly. 82035

(c) For fiscal years 2012 and 2013, the amount paid in 82036
accordance with Section 267.30.60 of H.B. 153 of the 129th general 82037
assembly. 82038

(d) For fiscal year 2014 and each fiscal year thereafter, the 82039

amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.

(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.

(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.

(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.

(14) "Inventory" means personal property subject to the

assessment rate specified in division (E) of section 5711.22 of 82070
the Revised Code. 82071

(15) "Furniture and fixtures" means personal property subject 82072
to the assessment rate specified in division (G) of section 82073
5711.22 of the Revised Code. 82074

(16) "Qualifying levies" are levies in effect for tax year 82075
2004 or applicable to tax year 2005 or approved at an election 82076
conducted before September 1, 2005. For the purpose of determining 82077
the rate of a qualifying levy authorized by section 5705.212 or 82078
5705.213 of the Revised Code, the rate shall be the rate that 82079
would be in effect for tax year 2010. 82080

(17) "Telephone property" means tangible personal property of 82081
a telephone, telegraph, or interexchange telecommunications 82082
company subject to an assessment rate specified in section 82083
5727.111 of the Revised Code in tax year 2004. 82084

(18) "Telephone property tax value loss" means the amount 82085
determined under division (C)(4) of this section. 82086

(19) "Telephone property fixed-rate levy loss" means the 82087
amount determined under division (D)(4) of this section. 82088

(20) "Taxes charged and payable" means taxes charged and 82089
payable after the reduction required by section 319.301 of the 82090
Revised Code but before the reductions required by sections 82091
319.302 and 323.152 of the Revised Code. 82092

(21) "Median estate tax collections" means, in the case of a 82093
municipal corporation to which revenue from the taxes levied in 82094
Chapter 5731. of the Revised Code was distributed in each of 82095
calendar years 2006, 2007, 2008, and 2009, the median of those 82096
distributions. In the case of a municipal corporation to which no 82097
distributions were made in one or more of those years, "median 82098
estate tax collections" means zero. 82099

(22) "Total resources," in the case of a school district, 82100
means the sum of the amounts in divisions (A)(22)(a) to (h) of 82101
this section less any reduction required under division (A)(32) or 82102
(33) of this section. 82103

(a) The state education aid for fiscal year 2010; 82104

(b) The sum of the payments received by the school district 82105
in fiscal year 2010 for current expense levy losses pursuant to 82106
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 82107
section 5751.21 of the Revised Code, excluding the portion of such 82108
payments attributable to levies for joint vocational school 82109
district purposes; 82110

(c) The sum of fixed-sum levy loss payments received by the 82111
school district in fiscal year 2010 pursuant to division (E)(1) of 82112
section 5727.85 and division (E)(1) of section 5751.21 of the 82113
Revised Code for fixed-sum levies charged and payable for a 82114
purpose other than paying debt charges; 82115

(d) Fifty per cent of the school district's taxes charged and 82116
payable against all property on the tax list of real and public 82117
utility property for current expense purposes for tax year 2008, 82118
including taxes charged and payable from emergency levies charged 82119
and payable under section 5709.194 of the Revised Code and 82120
excluding taxes levied for joint vocational school district 82121
purposes; 82122

(e) Fifty per cent of the school district's taxes charged and 82123
payable against all property on the tax list of real and public 82124
utility property for current expenses for tax year 2009, including 82125
taxes charged and payable from emergency levies and excluding 82126
taxes levied for joint vocational school district purposes; 82127

(f) The school district's taxes charged and payable against 82128
all property on the general tax list of personal property for 82129
current expenses for tax year 2009, including taxes charged and 82130

payable from emergency levies;	82131
(g) The amount certified for fiscal year 2010 under division	82132
(A)(2) of section 3317.08 of the Revised Code;	82133
(h) Distributions received during calendar year 2009 from	82134
taxes levied under section 718.09 of the Revised Code.	82135
(23) "Total resources," in the case of a joint vocational	82136
school district, means the sum of amounts in divisions (A)(23)(a)	82137
to (g) of this section less any reduction required under division	82138
(A)(32) of this section.	82139
(a) The state education aid for fiscal year 2010;	82140
(b) The sum of the payments received by the joint vocational	82141
school district in fiscal year 2010 for current expense levy	82142
losses pursuant to division (C)(2) of section 5727.85 and	82143
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	82144
(c) Fifty per cent of the joint vocational school district's	82145
taxes charged and payable against all property on the tax list of	82146
real and public utility property for current expense purposes for	82147
tax year 2008;	82148
(d) Fifty per cent of the joint vocational school district's	82149
taxes charged and payable against all property on the tax list of	82150
real and public utility property for current expenses for tax year	82151
2009;	82152
(e) Fifty per cent of a city, local, or exempted village	82153
school district's taxes charged and payable against all property	82154
on the tax list of real and public utility property for current	82155
expenses of the joint vocational school district for tax year	82156
2008;	82157
(f) Fifty per cent of a city, local, or exempted village	82158
school district's taxes charged and payable against all property	82159
on the tax list of real and public utility property for current	82160

expenses of the joint vocational school district for tax year 2009; 82161
2009; 82162

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009. 82163
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(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 82166
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 82170
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(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 82175
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(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 82179
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 82183
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 82187
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(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of

section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 82222
the Revised Code as they existed at that time; 82223

(b) The county's percentage share of county undivided local 82224
government fund allocations as certified to the tax commissioner 82225
for calendar year 2010 by the county auditor under division (J) of 82226
section 5747.51 of the Revised Code or division (F) of section 82227
5747.53 of the Revised Code multiplied by the total amount 82228
actually distributed in calendar year 2010 from the county 82229
undivided local government fund; 82230

(c) With respect to taxes levied by the county for all other 82231
purposes, the taxes charged and payable for such purposes against 82232
all property on the tax list of real and public utility property 82233
for tax year 2009, excluding taxes charged and payable for the 82234
purpose of paying debt charges; 82235

(d) The sum of the amounts distributed to the county in 82236
calendar year 2010 for the taxes levied pursuant to sections 82237
5739.021 and 5741.021 of the Revised Code. 82238

(29) "Total resources," in the case of a municipal 82239
corporation, means the sum of the amounts in divisions (A)(29)(a) 82240
to (g) of this section less any reduction required under division 82241
(A)(32) or (33) of this section. 82242

(a) The sum of the payments received by the municipal 82243
corporation in calendar year 2010 for current expense levy losses 82244
under division (A)(1) of section 5727.86 and divisions (A)(1) and 82245
(2) of section 5751.22 of the Revised Code as they existed at that 82246
time; 82247

(b) The municipal corporation's percentage share of county 82248
undivided local government fund allocations as certified to the 82249
tax commissioner for calendar year 2010 by the county auditor 82250
under division (J) of section 5747.51 of the Revised Code or 82251
division (F) of section 5747.53 of the Revised Code multiplied by 82252

the total amount actually distributed in calendar year 2010 from 82253
the county undivided local government fund; 82254

(c) The sum of the amounts distributed to the municipal 82255
corporation in calendar year 2010 pursuant to section 5747.50 of 82256
the Revised Code; 82257

(d) With respect to taxes levied by the municipal 82258
corporation, the taxes charged and payable against all property on 82259
the tax list of real and public utility property for current 82260
expenses, defined in division (A)(35) of this section, for tax 82261
year 2009; 82262

(e) The amount of admissions tax collected by the municipal 82263
corporation in calendar year 2008, or if such information has not 82264
yet been reported to the tax commissioner, in the most recent year 82265
before 2008 for which the municipal corporation has reported data 82266
to the commissioner; 82267

(f) The amount of income taxes collected by the municipal 82268
corporation in calendar year 2008, or if such information has not 82269
yet been reported to the tax commissioner, in the most recent year 82270
before 2008 for which the municipal corporation has reported data 82271
to the commissioner; 82272

(g) The municipal corporation's median estate tax 82273
collections. 82274

(30) "Total resources," in the case of a township, means the 82275
sum of the amounts in divisions (A)(30)(a) to (c) of this section 82276
less any reduction required under division (A)(32) or (33) of this 82277
section. 82278

(a) The sum of the payments received by the township in 82279
calendar year 2010 pursuant to division (A)(1) of section 5727.86 82280
of the Revised Code and divisions (A)(1) and (2) of section 82281
5751.22 of the Revised Code as they existed at that time, 82282
excluding payments received for debt purposes; 82283

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during 82315
calendar year 2010 for sales or use taxes authorized under 82316
sections 5739.023 and 5741.022 of the Revised Code; 82317

(e) For institutions of higher education receiving tax 82318
revenue from a local levy, as identified in section 3358.02 of the 82319
Revised Code, the final state share of instruction allocation for 82320
fiscal year 2010 as calculated by the ~~board of regents~~ director of 82321
higher education and reported to the state controlling board. 82322

(32) If a fixed-rate levy that is a qualifying levy is not 82323
charged and payable in any year after tax year 2010, "total 82324
resources" used to compute payments to be made under division 82325
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 82326
5751.22 of the Revised Code in the tax years following the last 82327
year the levy is charged and payable shall be reduced to the 82328
extent that the payments are attributable to the fixed-rate levy 82329
loss of that levy as would be computed under division (C)(2) of 82330
section 5727.85, division (A)(1) of section 5727.85, divisions 82331
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 82332
5751.22 of the Revised Code. 82333

(33) In the case of a county, municipal corporation, school 82334
district, or township with fixed-rate levy losses attributable to 82335
a tax levied under section 5705.23 of the Revised Code, "total 82336
resources" used to compute payments to be made under division 82337
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 82338
division (C)(12) of section 5751.21, or division (A)(1)(c) of 82339
section 5751.22 of the Revised Code shall be reduced by the 82340
amounts described in divisions (A)(34)(a) to (c) of this section 82341
to the extent that those amounts were included in calculating the 82342
"total resources" of the school district or local taxing unit 82343
under division (A)(22), (28), (29), or (30) of this section. 82344

(34) "Total library resources," in the case of a county, 82345
municipal corporation, school district, or township public library 82346

that receives the proceeds of a tax levied under section 5705.23 82347
of the Revised Code, means the sum of the amounts in divisions 82348
(A)(34)(a) to (c) of this section less any reduction required 82349
under division (A)(32) of this section. 82350

(a) The sum of the payments received by the county, municipal 82351
corporation, school district, or township public library in 82352
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 82353
Revised Code, as they existed at that time, for fixed-rate levy 82354
losses attributable to a tax levied under section 5705.23 of the 82355
Revised Code for the benefit of the public library; 82356

(b) The public library's percentage share of county undivided 82357
local government fund allocations as certified to the tax 82358
commissioner for calendar year 2010 by the county auditor under 82359
division (J) of section 5747.51 of the Revised Code or division 82360
(F) of section 5747.53 of the Revised Code multiplied by the total 82361
amount actually distributed in calendar year 2010 from the county 82362
undivided local government fund; 82363

(c) With respect to a tax levied pursuant to section 5705.23 82364
of the Revised Code for the benefit of the public library, the 82365
amount of such tax that is charged and payable against all 82366
property on the tax list of real and public utility property for 82367
tax year 2009 excluding any tax that is charged and payable for 82368
the purpose of paying debt charges. 82369

(35) "Municipal current expense property tax levies" means 82370
all property tax levies of a municipality, except those with the 82371
following levy names: airport resurfacing; bond or any levy name 82372
including the word "bond"; capital improvement or any levy name 82373
including the word "capital"; debt or any levy name including the 82374
word "debt"; equipment or any levy name including the word 82375
"equipment," unless the levy is for combined operating and 82376
equipment; employee termination fund; fire pension or any levy 82377
containing the word "pension," including police pensions; 82378

fireman's fund or any practically similar name; sinking fund; road 82379
improvements or any levy containing the word "road"; fire truck or 82380
apparatus; flood or any levy containing the word "flood"; 82381
conservancy district; county health; note retirement; sewage, or 82382
any levy containing the words "sewage" or "sewer"; park 82383
improvement; parkland acquisition; storm drain; street or any levy 82384
name containing the word "street"; lighting, or any levy name 82385
containing the word "lighting"; and water. 82386

(36) "Current expense TPP allocation" means, in the case of a 82387
school district or joint vocational school district, the sum of 82388
the payments received by the school district in fiscal year 2011 82389
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 82390
Revised Code to the extent paid for current expense levies. In the 82391
case of a municipal corporation, "current expense TPP allocation" 82392
means the sum of the payments received by the municipal 82393
corporation in calendar year 2010 pursuant to divisions (A)(1) and 82394
(2) of section 5751.22 of the Revised Code to the extent paid for 82395
municipal current expense property tax levies as defined in 82396
division (A)(35) of this section, excluding any such payments 82397
received for current expense levy losses attributable to a tax 82398
levied under section 5705.23 of the Revised Code. If a fixed-rate 82399
levy that is a qualifying levy is not charged and payable in any 82400
year after tax year 2010, "current expense TPP allocation" used to 82401
compute payments to be made under division (C)(12) of section 82402
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 82403
Revised Code in the tax years following the last year the levy is 82404
charged and payable shall be reduced to the extent that the 82405
payments are attributable to the fixed-rate levy loss of that levy 82406
as would be computed under divisions (C)(10) and (11) of section 82407
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 82408

(37) "TPP allocation" means the sum of payments received by a 82409
local taxing unit in calendar year 2010 pursuant to divisions 82410

(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 82411
any such payments received for fixed-rate levy losses attributable 82412
to a tax levied under section 5705.23 of the Revised Code. If a 82413
fixed-rate levy that is a qualifying levy is not charged and 82414
payable in any year after tax year 2010, "TPP allocation" used to 82415
compute payments to be made under division (A)(1)(b) or (c) of 82416
section 5751.22 of the Revised Code in the tax years following the 82417
last year the levy is charged and payable shall be reduced to the 82418
extent that the payments are attributable to the fixed-rate levy 82419
loss of that levy as would be computed under division (A)(1) of 82420
that section. 82421

(38) "Total TPP allocation" means, in the case of a school 82422
district or joint vocational school district, the sum of the 82423
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 82424
and (11) and (D) of section 5751.21 of the Revised Code. In the 82425
case of a local taxing unit, "total TPP allocation" means the sum 82426
of payments received by the unit in calendar year 2010 pursuant to 82427
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 82428
Code. If a fixed-rate levy that is a qualifying levy is not 82429
charged and payable in any year after tax year 2010, "total TPP 82430
allocation" used to compute payments to be made under division 82431
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 82432
5751.22 of the Revised Code in the tax years following the last 82433
year the levy is charged and payable shall be reduced to the 82434
extent that the payments are attributable to the fixed-rate levy 82435
loss of that levy as would be computed under divisions (C)(10) and 82436
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 82437
the Revised Code. 82438

(39) "Non-current expense TPP allocation" means the 82439
difference of total TPP allocation minus the sum of current 82440
expense TPP allocation and the portion of total TPP allocation 82441
constituting reimbursement for debt levies, pursuant to division 82442

(D) of section 5751.21 of the Revised Code in the case of a school 82443
district or joint vocational school district and pursuant to 82444
division (A)(3) of section 5751.22 of the Revised Code in the case 82445
of a municipal corporation. 82446

(40) "TPP allocation for library purposes" means the sum of 82447
payments received by a county, municipal corporation, school 82448
district, or township public library in calendar year 2010 82449
pursuant to section 5751.22 of the Revised Code for fixed-rate 82450
levy losses attributable to a tax levied under section 5705.23 of 82451
the Revised Code. If a fixed-rate levy authorized under section 82452
5705.23 of the Revised Code that is a qualifying levy is not 82453
charged and payable in any year after tax year 2010, "TPP 82454
allocation for library purposes" used to compute payments to be 82455
made under division (A)(1)(d) of section 5751.22 of the Revised 82456
Code in the tax years following the last year the levy is charged 82457
and payable shall be reduced to the extent that the payments are 82458
attributable to the fixed-rate levy loss of that levy as would be 82459
computed under division (A)(1) of section 5751.22 of the Revised 82460
Code. 82461

(41) "Threshold per cent" means, in the case of a school 82462
district or joint vocational school district, two per cent for 82463
fiscal year 2012 and four per cent for fiscal years 2013 and 82464
thereafter. In the case of a local taxing unit or public library 82465
that receives the proceeds of a tax levied under section 5705.23 82466
of the Revised Code, "threshold per cent" means two per cent for 82467
tax year 2011, four per cent for tax year 2012, and six per cent 82468
for tax years 2013 and thereafter. 82469

(B)(1) The commercial activities tax receipts fund is hereby 82470
created in the state treasury and shall consist of money arising 82471
from the tax imposed under this chapter. Eighty-five 82472
one-hundredths of one per cent of the money credited to that fund 82473
shall be credited to the revenue enhancement fund and shall be 82474

used to defray the costs incurred by the department of taxation in 82475
administering the tax imposed by this chapter and in implementing 82476
tax reform measures. The remainder of the money in the commercial 82477
activities tax receipts fund shall first be credited to the 82478
commercial activity tax motor fuel receipts fund, pursuant to 82479
division (B)(2) of this section, and the remainder shall be 82480
credited in the following percentages each fiscal year to the 82481
general revenue fund, to the school district tangible property tax 82482
replacement fund, which is hereby created in the state treasury 82483
for the purpose of making the payments described in section 82484
5751.21 of the Revised Code, and to the local government tangible 82485
property tax replacement fund, which is hereby created in the 82486
state treasury for the purpose of making the payments described in 82487
section 5751.22 of the Revised Code, in the following percentages: 82488

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	82490
2007	0%	70.0%	30.0%	82491
2008	0%	70.0%	30.0%	82492
2009	0%	70.0%	30.0%	82493
2010	0%	70.0%	30.0%	82494
2011	0%	70.0%	30.0%	82495
2012	25.0%	52.5%	22.5%	82496
2013 and thereafter	50.0%	35.0%	15.0%	82497

(2) Not later than the twentieth day of February, May, 82498
August, and November of each year, the commissioner shall provide 82499
for payment from the commercial activities tax receipts fund to 82500
the commercial activity tax motor fuel receipts fund an amount 82501
that bears the same ratio to the balance in the commercial 82502
activities tax receipts fund that (a) the taxable gross receipts 82503

attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is

thirteen and one-fourth and the denominator of which is	82534
twenty-three;	82535
(d) For tax year 2009 and thereafter a fraction, the	82536
numerator of which is seventeen and the denominator of which is	82537
twenty-three.	82538
(3) Furniture and fixtures property tax value loss is the	82539
taxable value of furniture and fixture property as reported by	82540
taxpayers for tax year 2004 multiplied by:	82541
(a) For tax year 2006, twenty-five per cent;	82542
(b) For tax year 2007, fifty per cent;	82543
(c) For tax year 2008, seventy-five per cent;	82544
(d) For tax year 2009 and thereafter, one hundred per cent.	82545
The taxable value of property reported by taxpayers used in	82546
divisions (C)(1), (2), and (3) of this section shall be such	82547
values as determined to be final by the tax commissioner as of	82548
August 31, 2005. Such determinations shall be final except for any	82549
correction of a clerical error that was made prior to August 31,	82550
2005, by the tax commissioner.	82551
(4) Telephone property tax value loss is the taxable value of	82552
telephone property as taxpayers would have reported that property	82553
for tax year 2004 if the assessment rate for all telephone	82554
property for that year were twenty-five per cent, multiplied by:	82555
(a) For tax year 2006, zero per cent;	82556
(b) For tax year 2007, zero per cent;	82557
(c) For tax year 2008, zero per cent;	82558
(d) For tax year 2009, sixty per cent;	82559
(e) For tax year 2010, eighty per cent;	82560
(f) For tax year 2011 and thereafter, one hundred per cent.	82561

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 82625
levies. For 2006 through 2010, this computation shall include all 82626
qualifying levies remaining in effect for the current tax year and 82627
any school district levies charged and payable under section 82628
5705.194 or 5705.213 of the Revised Code that are qualifying 82629
levies not remaining in effect for the current year. For 2011 82630
through 2017 in the case of school district levies charged and 82631
payable under section 5705.194 or 5705.213 of the Revised Code and 82632
for all years after 2010 in the case of other fixed-sum levies, 82633
this computation shall include only qualifying levies remaining in 82634
effect for the current year. For purposes of this computation, a 82635
qualifying school district levy charged and payable under section 82636
5705.194 or 5705.213 of the Revised Code remains in effect in a 82637
year after 2010 only if, for that year, the board of education 82638
levies a school district levy charged and payable under section 82639
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 82640
an annual sum at least equal to the annual sum levied by the board 82641
in tax year 2004 less the amount of the payment certified under 82642
this division for 2006. 82643

(2) The total taxable value in tax year 2004 less the sum of 82644
the machinery and equipment, inventory, furniture and fixtures, 82645
and telephone property tax value losses in each school district, 82646
joint vocational school district, and local taxing unit multiplied 82647
by one-half of one mill per dollar. 82648

(3) For the calculations in divisions (E)(1) and (2) of this 82649
section, the tax value losses are those that would be calculated 82650
for tax year 2009 under divisions (C)(1), (2), and (3) of this 82651
section and for tax year 2011 under division (C)(4) of this 82652
section. 82653

(4) To facilitate the calculation under divisions (D) and (E) 82654
of this section, not later than September 1, 2005, any school 82655
district, joint vocational school district, or local taxing unit 82656

that has a qualifying levy that was approved at an election 82657
conducted during 2005 before September 1, 2005, shall certify to 82658
the tax commissioner a copy of the county auditor's certificate of 82659
estimated property tax millage for such levy as required under 82660
division (B) of section 5705.03 of the Revised Code, which is the 82661
rate that shall be used in the calculations under such divisions. 82662

If the amount determined under division (E) of this section 82663
for any school district, joint vocational school district, or 82664
local taxing unit is greater than zero, that amount shall equal 82665
the reimbursement to be paid pursuant to division (E) of section 82666
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 82667
and the one-half of one mill that is subtracted under division 82668
(E)(2) of this section shall be apportioned among all contributing 82669
fixed-sum levies in the proportion that each levy bears to the sum 82670
of all fixed-sum levies within each school district, joint 82671
vocational school district, or local taxing unit. 82672

(F) If a school district levies a tax under section 5705.219 82673
of the Revised Code, the fixed-rate levy loss for qualifying 82674
levies, to the extent repealed under that section, shall equal the 82675
sum of the following amounts in lieu of the amounts computed for 82676
such levies under division (D) of this section: 82677

(1) The sum of the rates of qualifying levies to the extent 82678
so repealed multiplied by the sum of the machinery and equipment, 82679
inventory, and furniture and fixtures tax value losses for 2009 as 82680
determined under that division; 82681

(2) The sum of the rates of qualifying levies to the extent 82682
so repealed multiplied by the telephone property tax value loss 82683
for 2011 as determined under that division. 82684

The fixed-rate levy losses for qualifying levies to the 82685
extent not repealed under section 5705.219 of the Revised Code 82686
shall be as determined under division (D) of this section. The 82687

revised fixed-rate levy losses determined under this division and 82688
division (D) of this section first apply in the year following the 82689
first year the district levies the tax under section 5705.219 of 82690
the Revised Code. 82691

(G) Not later than October 1, 2005, the tax commissioner 82692
shall certify to the department of education for every school 82693
district and joint vocational school district the machinery and 82694
equipment, inventory, furniture and fixtures, and telephone 82695
property tax value losses determined under division (C) of this 82696
section, the machinery and equipment, inventory, furniture and 82697
fixtures, and telephone fixed-rate levy losses determined under 82698
division (D) of this section, and the fixed-sum levy losses 82699
calculated under division (E) of this section. The calculations 82700
under divisions (D) and (E) of this section shall separately 82701
display the levy loss for each levy eligible for reimbursement. 82702

(H) Not later than October 1, 2005, the tax commissioner 82703
shall certify the amount of the fixed-sum levy losses to the 82704
county auditor of each county in which a school district, joint 82705
vocational school district, or local taxing unit with a fixed-sum 82706
levy loss reimbursement has territory. 82707

(I) Not later than the twenty-eighth day of February each 82708
year beginning in 2011 and ending in 2014, the tax commissioner 82709
shall certify to the department of education for each school 82710
district first levying a tax under section 5705.219 of the Revised 82711
Code in the preceding year the revised fixed-rate levy losses 82712
determined under divisions (D) and (F) of this section. 82713

(J)(1) There is hereby created in the state treasury the 82714
commercial activity tax motor fuel receipts fund. 82715

(2)(a) On or before June 15, 2014, the director of the Ohio 82716
public works commission shall certify to the director of budget 82717
and management the amount of debt service paid from the general 82718

revenue fund in fiscal years 2013 and 2014 on bonds issued to 82719
finance or assist in the financing of the cost of local 82720
subdivision public infrastructure capital improvement projects, as 82721
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 82722
Constitution, that are attributable to costs for construction, 82723
reconstruction, maintenance, or repair of public highways and 82724
bridges and other statutory highway purposes. That certification 82725
shall allocate the total amount of debt service paid from the 82726
general revenue fund and attributable to those costs in each of 82727
fiscal years 2013 and 2014 according to the applicable section of 82728
the Ohio Constitution under which the bonds were originally 82729
issued. 82730

(b) On or before June 30, 2014, the director of budget and 82731
management shall determine an amount up to but not exceeding the 82732
amount certified under division (J)(2)(a) of this section and 82733
shall reserve that amount from the cash balance in the commercial 82734
activity tax motor fuel receipts fund for transfer to the general 82735
revenue fund at times and in amounts to be determined by the 82736
director. The director shall transfer the cash balance in the 82737
commercial activity tax motor fuel receipts fund in excess of the 82738
amount so reserved to the highway operating fund on or before June 82739
30, 2014. 82740

(3)(a) On or before the fifteenth day of June of each fiscal 82741
year beginning with fiscal year 2015, the director of the Ohio 82742
public works commission shall certify to the director of budget 82743
and management the amount of debt service paid from the general 82744
revenue fund in the current fiscal year on bonds issued to finance 82745
or assist in the financing of the cost of local subdivision public 82746
infrastructure capital improvement projects, as provided for in 82747
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 82748
are attributable to costs for construction, reconstruction, 82749
maintenance, or repair of public highways and bridges and other 82750

statutory highway purposes. That certification shall allocate the 82751
total amount of debt service paid from the general revenue fund 82752
and attributable to those costs in the current fiscal year 82753
according to the applicable section of the Ohio Constitution under 82754
which the bonds were originally issued. 82755

(b) On or before the thirtieth day of June of each fiscal 82756
year beginning with fiscal year 2015, the director of budget and 82757
management shall determine an amount up to but not exceeding the 82758
amount certified under division (J)(3)(a) of this section and 82759
shall reserve that amount from the cash balance in the petroleum 82760
activity tax public highways fund or the commercial activity tax 82761
motor fuel receipts fund for transfer to the general revenue fund 82762
at times and in amounts to be determined by the director. The 82763
director shall transfer the cash balance in the petroleum activity 82764
tax public highways fund or the commercial activity tax motor fuel 82765
receipts fund in excess of the amount so reserved to the highway 82766
operating fund on or before the thirtieth day of June of the 82767
current fiscal year. 82768

Sec. 5751.21. ~~(A) No determinations, computations,~~ 82769
~~certifications, or payments shall be made under this section after~~ 82770
~~June 30, 2015.~~ 82771

(A) Not later than the thirtieth day of July of 2007 through 82772
2010, the department of education shall consult with the director 82773
of budget and management and determine the following for each 82774
school district and each joint vocational school district eligible 82775
for payment under division (B) of this section: 82776

(1) The state education aid offset, which, except as provided 82777
in division (A)(1)(c) of this section, is the difference obtained 82778
by subtracting the amount described in division (A)(1)(b) of this 82779
section from the amount described in division (A)(1)(a) of this 82780
section: 82781

(a) The state education aid computed for the school district 82782
or joint vocational school district for the current fiscal year as 82783
of the thirtieth day of July; 82784

(b) The state education aid that would be computed for the 82785
school district or joint vocational school district for the 82786
current fiscal year as of the thirtieth day of July if the 82787
valuation used in the calculation in division (B)(1) of section 82788
3306.13 of the Revised Code as that division existed for fiscal 82789
years 2010 and 2011 included the machinery and equipment, 82790
inventory, furniture and fixtures, and telephone property tax 82791
value losses for the school district or joint vocational school 82792
district for the second preceding tax year, and if taxes charged 82793
and payable associated with the tax value losses are accounted for 82794
in any state education aid computation dependent on taxes charged 82795
and payable. 82796

(c) The state education aid offset for fiscal year 2010 and 82797
fiscal year 2011 equals the greater of the state education aid 82798
offset calculated for that fiscal year under divisions (A)(1)(a) 82799
and (b) of this section and the state education aid offset 82800
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 82801
2013, the state education aid offset equals the state education 82802
aid offset for fiscal year 2011. 82803

(2) For fiscal years 2008 through 2011, the greater of zero 82804
or the difference obtained by subtracting the state education aid 82805
offset determined under division (A)(1) of this section from the 82806
sum of the machinery and equipment fixed-rate levy loss, the 82807
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 82808
levy loss, and telephone property fixed-rate levy loss certified 82809
under divisions (G) and (I) of section 5751.20 of the Revised Code 82810
for all taxing districts in each school district and joint 82811
vocational school district for the second preceding tax year. 82812

By the thirtieth day of July of each such year, the 82813

department of education and the director of budget and management 82814
shall agree upon the amount to be determined under division (A)(1) 82815
of this section. 82816

(B) On or before the thirty-first day of August of 2008, 82817
2009, and 2010, the department of education shall recalculate the 82818
offset described under division (A) of this section for the 82819
previous fiscal year and recalculate the payments made under 82820
division (C) of this section in the preceding fiscal year using 82821
the offset calculated under this division. If the payments 82822
calculated under this division differ from the payments made under 82823
division (C) of this section in the preceding fiscal year, the 82824
difference shall either be paid to a school district or recaptured 82825
from a school district through an adjustment at the same times 82826
during the current fiscal year that the payments under division 82827
(C) of this section are made. In August and October of the current 82828
fiscal year, the amount of each adjustment shall be three-sevenths 82829
of the amount calculated under this division. In May of the 82830
current fiscal year, the adjustment shall be one-seventh of the 82831
amount calculated under this division. 82832

(C) The department of education shall pay from the school 82833
district tangible property tax replacement fund to each school 82834
district and joint vocational school district all of the following 82835
for fixed-rate levy losses certified under divisions (G) and (I) 82836
of section 5751.20 of the Revised Code: 82837

(1) On or before May 31, 2006, one-seventh of the total 82838
fixed-rate levy loss for tax year 2006; 82839

(2) On or before August 31, 2006, and October 31, 2006, 82840
one-half of six-sevenths of the total fixed-rate levy loss for tax 82841
year 2006; 82842

(3) On or before May 31, 2007, one-seventh of the total 82843
fixed-rate levy loss for tax year 2007; 82844

(4) On or before August 31, 2007, and October 31, 2007, 82845
forty-three per cent of the amount determined under division 82846
(A)(2) of this section for fiscal year 2008, but not less than 82847
zero, plus one-half of six-sevenths of the difference between the 82848
total fixed-rate levy loss for tax year 2007 and the total 82849
fixed-rate levy loss for tax year 2006. 82850

(5) On or before May 31, 2008, fourteen per cent of the 82851
amount determined under division (A)(2) of this section for fiscal 82852
year 2008, but not less than zero, plus one-seventh of the 82853
difference between the total fixed-rate levy loss for tax year 82854
2008 and the total fixed-rate levy loss for tax year 2006. 82855

(6) On or before August 31, 2008, and October 31, 2008, 82856
forty-three per cent of the amount determined under division 82857
(A)(2) of this section for fiscal year 2009, but not less than 82858
zero, plus one-half of six-sevenths of the difference between the 82859
total fixed-rate levy loss in tax year 2008 and the total 82860
fixed-rate levy loss in tax year 2007. 82861

(7) On or before May 31, 2009, fourteen per cent of the 82862
amount determined under division (A)(2) of this section for fiscal 82863
year 2009, but not less than zero, plus one-seventh of the 82864
difference between the total fixed-rate levy loss for tax year 82865
2009 and the total fixed-rate levy loss for tax year 2007. 82866

(8) On or before August 31, 2009, and October 31, 2009, 82867
forty-three per cent of the amount determined under division 82868
(A)(2) of this section for fiscal year 2010, but not less than 82869
zero, plus one-half of six-sevenths of the difference between the 82870
total fixed-rate levy loss in tax year 2009 and the total 82871
fixed-rate levy loss in tax year 2008. 82872

(9) On or before May 31, 2010, fourteen per cent of the 82873
amount determined under division (A)(2) of this section for fiscal 82874
year 2010, but not less than zero, plus one-seventh of the 82875

difference between the total fixed-rate levy loss in tax year 2010 82876
and the total fixed-rate levy loss in tax year 2008. 82877

(10) On or before August 31, 2010, and October 31, 2010, 82878
forty-three per cent of the amount determined under division 82879
(A)(2) of this section for fiscal year 2011, but not less than 82880
zero, plus one-half of six-sevenths of the difference between the 82881
telephone property fixed-rate levy loss for tax year 2010 and the 82882
telephone property fixed-rate levy loss for tax year 2009. 82883

(11) On or before May 31, 2011, fourteen per cent of the 82884
amount determined under division (A)(2) of this section for fiscal 82885
year 2011, but not less than zero, plus one-seventh of the 82886
difference between the telephone property fixed-rate levy loss for 82887
tax year 2011 and the telephone property fixed-rate levy loss for 82888
tax year 2009. 82889

(12) For fiscal years 2012 and thereafter, the sum of the 82890
amounts in divisions (C)(12)(a) or (b) and (c) of this section 82891
shall be paid on or before the last day of November and the last 82892
day of May: 82893

(a) If the ratio of current expense TPP allocation to total 82894
resources is equal to or less than the threshold per cent, zero; 82895

(b) If the ratio of current expense TPP allocation to total 82896
resources is greater than the threshold per cent, fifty per cent 82897
of the difference of current expense TPP allocation minus the 82898
product of total resources multiplied by the threshold per cent; 82899

(c) Fifty per cent of the product of non-current expense TPP 82900
allocation multiplied by seventy-five per cent for fiscal year 82901
2012 and fifty per cent for fiscal years 2013 and thereafter. 82902

The department of education shall report to each school 82903
district and joint vocational school district the apportionment of 82904
the payments among the school district's or joint vocational 82905
school district's funds based on the certifications under 82906

divisions (G) and (I) of section 5751.20 of the Revised Code. 82907

(D) For taxes levied within the ten-mill limitation for debt 82908
purposes in tax year 2005, payments shall be made equal to one 82909
hundred per cent of the loss computed as if the tax were a 82910
fixed-rate levy, but those payments shall extend from fiscal year 82911
2006 through fiscal year 2018, as long as the qualifying levy 82912
continues to be used for debt purposes. If the purpose of such a 82913
qualifying levy is changed, that levy becomes subject to the 82914
payments determined in division (C) of this section. 82915

(E)(1) Not later than January 1, 2006, for each fixed-sum 82916
levy of each school district or joint vocational school district 82917
and for each year for which a determination is made under division 82918
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 82919
loss is to be reimbursed, the tax commissioner shall certify to 82920
the department of education the fixed-sum levy loss determined 82921
under that division. The certification shall cover a time period 82922
sufficient to include all fixed-sum levies for which the 82923
commissioner made such a determination. On or before the last day 82924
of May of the current year, the department shall pay from the 82925
school district property tax replacement fund to the school 82926
district or joint vocational school district one-third of the 82927
fixed-sum levy loss so certified, plus one-third of the amount 82928
certified under division (I) of section 5751.20 of the Revised 82929
Code, and on or before the last day of November, two-thirds of the 82930
fixed-sum levy loss so certified, plus two-thirds of the amount 82931
certified under division (I) of section 5751.20 of the Revised 82932
Code. Payments under this division of the amounts certified under 82933
division (I) of section 5751.20 of the Revised Code shall continue 82934
until the levy adopted under section 5705.219 of the Revised Code 82935
expires. 82936

(2) Beginning in 2006, by the first day of January of each 82937
year, the tax commissioner shall review the certification 82938

originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) Beginning in September 2007 and through June 2013, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section.

If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year.

(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments

under divisions (C), (D), and (E) of this section at the times the 82970
payments are to be made, the director of budget and management 82971
shall transfer from the general revenue fund to the school 82972
district tangible property tax replacement fund the difference 82973
between the total amount to be paid and the amount in the school 82974
district tangible property tax replacement fund. 82975

(H) On the fifteenth day of June of each year, the director 82976
of budget and management may transfer any balance in the school 82977
district tangible property tax replacement fund to the general 82978
revenue fund. 82979

(I) If all of the territory of a school district or joint 82980
vocational school district is merged with another district, or if 82981
a part of the territory of a school district or joint vocational 82982
school district is transferred to an existing or newly created 82983
district, the department of education, in consultation with the 82984
tax commissioner, shall adjust the payments made under this 82985
section as follows: 82986

(1) For a merger of two or more districts, the fixed-sum levy 82987
losses, total resources, current expense TPP allocation, total TPP 82988
allocation, and non-current expense TPP allocation of the 82989
successor district shall be the sum of such items for each of the 82990
districts involved in the merger. 82991

(2) If property is transferred from one district to a 82992
previously existing district, the amount of total resources, 82993
current expense TPP allocation, total TPP allocation, and 82994
non-current expense TPP allocation that shall be transferred to 82995
the recipient district shall be an amount equal to total 82996
resources, current expense TPP allocation, total TPP allocation, 82997
and non-current expense TPP allocation of the transferor district 82998
times a fraction, the numerator of which is the number of pupils 82999
being transferred to the recipient district, measured, in the case 83000
of a school district, by formula ADM as that term is defined in 83001

section 3317.02 of the Revised Code or, in the case of a joint 83002
vocational school district, by formula ADM as defined for a joint 83003
vocational school district in that section, and the denominator of 83004
which is the formula ADM of the transferor district. 83005

(3) After December 31, 2010, if property is transferred from 83006
one or more districts to a district that is newly created out of 83007
the transferred property, the newly created district shall be 83008
deemed not to have any total resources, current expense TPP 83009
allocation, total TPP allocation, or non-current expense TPP 83010
allocation. 83011

(4) If the recipient district under division (I)(2) of this 83012
section or the newly created district under division (I)(3) of 83013
this section is assuming debt from one or more of the districts 83014
from which the property was transferred and any of the districts 83015
losing the property had fixed-sum levy losses, the department of 83016
education, in consultation with the tax commissioner, shall make 83017
an equitable division of the fixed-sum levy loss reimbursements. 83018

Sec. 5751.22. ~~(A) No determinations, computations,~~ 83019
~~certifications, or payments shall be made under this section after~~ 83020
~~June 30, 2015.~~ 83021

~~(A)~~ Not later than January 1, 2006, the tax commissioner 83022
shall compute the payments to be made to each local taxing unit, 83023
and to each public library that receives the proceeds of a tax 83024
levied under section 5705.23 of the Revised Code, for each year 83025
according to divisions (A)(1), (2), (3), and (4) of this section 83026
as this section existed on that date, and shall distribute the 83027
payments in the manner prescribed by division (C) of this section. 83028
The calculation of the fixed-sum levy loss shall cover a time 83029
period sufficient to include all fixed-sum levies for which the 83030
commissioner determined, pursuant to division (E) of section 83031
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 83032

reimbursed. 83033

(1) Except as provided in division (A)(3) of this section, 83034
for fixed-rate levy losses determined under division (D) of 83035
section 5751.20 of the Revised Code, payments shall be made in an 83036
amount equal to the following: 83037

(a) For tax years 2006 through 2010, one hundred per cent of 83038
such losses; 83039

(b) For the payment in tax year 2011 to be made on or before 83040
the twentieth day of November, the sum of the amount in division 83041
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 83042

(i) If the ratio of six-sevenths of the TPP allocation to 83043
total resources is equal to or less than the threshold per cent, 83044
zero; 83045

(ii) If the ratio of six-sevenths of the TPP allocation to 83046
total resources is greater than the threshold per cent, the 83047
difference of six-sevenths of the TPP allocation minus the product 83048
of total resources multiplied by the threshold per cent; 83049

(iii) In the case of a municipal corporation, six-sevenths of 83050
the product of the non-current expense TPP allocation multiplied 83051
by seventy-five per cent. 83052

(c) For tax years 2012 and thereafter, the sum of the amount 83053
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 83054
this section: 83055

(i) If the ratio of TPP allocation to total resources is 83056
equal to or less than the threshold per cent, zero; 83057

(ii) If the ratio of TPP allocation to total resources is 83058
greater than the threshold per cent, the TPP allocation minus the 83059
product of total resources multiplied by the threshold per cent; 83060

(iii) In the case of a municipal corporation, non-current 83061
expense TPP allocation multiplied by fifty per cent for tax year 83062

2012 and twenty-five per cent for tax years 2013 and thereafter; 83063

(d) For tax years 2012 and thereafter, in the case of a 83064
county, school district, municipal corporation, or township public 83065
library, the amount in division (A)(1)(d)(i) or (ii) of this 83066
section: 83067

(i) If the ratio of TPP allocation for library purposes to 83068
total library resources is equal to or less than the threshold per 83069
cent, zero; 83070

(ii) If the ratio of TPP allocation for library purposes to 83071
total library resources is greater than the threshold per cent, 83072
the TPP allocation for library purposes minus the product of total 83073
library resources multiplied by the threshold per cent. 83074

(2) For fixed-sum levy losses determined under division (E) 83075
of section 5751.20 of the Revised Code, payments shall be made in 83076
the amount of one hundred per cent of the fixed-sum levy loss for 83077
payments required to be made in 2006 through 2011, except that no 83078
payments shall be made for qualifying levies that have expired. 83079
For payments required to be made in 2012 and thereafter, payments 83080
shall be made in the amount of fifty per cent of the fixed-sum 83081
levy loss until the qualifying levy has expired. 83082

(3) For taxes levied within the ten-mill limitation or 83083
pursuant to a municipal charter for debt purposes in tax year 83084
2005, payments shall be made based on the schedule in division 83085
(A)(1) of this section for each of the calendar years 2006 through 83086
2010. For each of the calendar years 2011 through 2017, the 83087
percentages for calendar year 2010 shall be used for taxes levied 83088
within the ten-mill limitation or pursuant to a municipal charter 83089
for debt purposes in tax year 2010, as long as such levies 83090
continue to be used for debt purposes. If the purpose of such a 83091
qualifying levy is changed, that levy becomes subject to the 83092
payment schedules in divisions (A)(1)(a) to (h) of this section. 83093

No payments shall be made for such levies after calendar year 83094
2017. For the purposes of this division, taxes levied pursuant to 83095
a municipal charter refer to taxes levied pursuant to a provision 83096
of a municipal charter that permits the tax to be levied without 83097
prior voter approval. 83098

(B) Beginning in 2007, by the thirty-first day of January of 83099
each year, the tax commissioner shall review the calculation 83100
originally made under division (A) of this section of the 83101
fixed-sum levy losses determined under division (E) of section 83102
5751.20 of the Revised Code. If the commissioner determines that a 83103
fixed-sum levy that had been scheduled to be reimbursed in the 83104
current year has expired, a revised calculation for that and all 83105
subsequent years shall be made. 83106

(C) Payments to local taxing units and public libraries 83107
required to be made under division (A) of this section shall be 83108
paid from the local government tangible property tax replacement 83109
fund to the county undivided income tax fund in the proper county 83110
treasury. From May 2006 through November 2010, one-seventh of the 83111
amount determined under that division shall be paid by the last 83112
day of May each year, and three-sevenths shall be paid by the last 83113
day of August and October each year. From May 2011 through 83114
November 2013, one-seventh of the amount determined under that 83115
division shall be paid on or before the last day of May each year, 83116
and six-sevenths shall be paid on or before the thirtieth day of 83117
November each year, except that in November 2011, the payment 83118
shall equal one hundred per cent of the amount calculated for that 83119
payment. Beginning in May 2014, one-half of the amount determined 83120
under that division shall be paid on or before the last day of May 83121
each year, and one-half shall be paid on or before the thirtieth 83122
day of November each year. Within thirty days after receipt of 83123
such payments, the county treasurer shall distribute amounts 83124
determined under division (A) of this section to the proper local 83125

taxing unit or public library as if they had been levied and 83126
collected as taxes, and the local taxing unit or public library 83127
shall apportion the amounts so received among its funds in the 83128
same proportions as if those amounts had been levied and collected 83129
as taxes. 83130

(D) For each of the fiscal years 2006 through 2018, if the 83131
total amount in the local government tangible property tax 83132
replacement fund is insufficient to make all payments under 83133
division (C) of this section at the times the payments are to be 83134
made, the director of budget and management shall transfer from 83135
the general revenue fund to the local government tangible property 83136
tax replacement fund the difference between the total amount to be 83137
paid and the amount in the local government tangible property tax 83138
replacement fund. For each fiscal year after 2018, at the time 83139
payments under division (A)(2) of this section are to be made, the 83140
director of budget and management shall transfer from the general 83141
revenue fund to the local government property tax replacement fund 83142
the amount necessary to make such payments. 83143

(E) On the fifteenth day of June of each year from 2006 83144
through 2018, the director of budget and management may transfer 83145
any balance in the local government tangible property tax 83146
replacement fund to the general revenue fund. 83147

(F) If all or a part of the territories of two or more local 83148
taxing units are merged, or unincorporated territory of a township 83149
is annexed by a municipal corporation, the tax commissioner shall 83150
adjust the payments made under this section to each of the local 83151
taxing units in proportion to the square mileage of the merged or 83152
annexed territory as a percentage of the total square mileage of 83153
the jurisdiction from which the territory originated, or as 83154
otherwise provided by a written agreement between the legislative 83155
authorities of the local taxing units certified to the 83156
commissioner not later than the first day of June of the calendar 83157

year in which the payment is to be made. 83158

Sec. 5751.50. (A) For tax periods beginning on or after 83159
January 1, 2008, a refundable credit granted by the tax credit 83160
authority under section 122.17 or former division (B)(2) or (3) of 83161
section 122.171 of the Revised Code, as those divisions existed 83162
before the effective date of the amendment of this section by H.B. 83163
64 of the 131st general assembly, may be claimed under this 83164
chapter in the order required under section 5751.98 of the Revised 83165
Code. For purposes of making tax payments under this chapter, 83166
taxes equal to the amount of the refundable credit shall be 83167
considered to be paid to this state on the first day of the tax 83168
period. A credit claimed in calendar year 2008 may not be applied 83169
against the tax otherwise due for a tax period beginning before 83170
July 1, 2008. The refundable credit shall not be claimed against 83171
the tax otherwise due for any tax period beginning after the date 83172
on which a relocation of employment positions occurs in violation 83173
of an agreement entered into under section 122.17 or 122.171 of 83174
the Revised Code. 83175

(B) For tax periods beginning on or after January 1, 2008, a 83176
nonrefundable credit granted by the tax credit authority under 83177
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 83178
claimed under this chapter in the order required under section 83179
5751.98 of the Revised Code. A credit claimed in calendar year 83180
2008 may not be applied against the tax otherwise due under this 83181
chapter for a tax period beginning before July 1, 2008. The credit 83182
shall not be claimed against the tax otherwise due for any tax 83183
period beginning after the date on which a relocation of 83184
employment positions occurs in violation of an agreement entered 83185
into under section 122.17 or 122.171 of the Revised Code. No 83186
credit shall be allowed under this chapter if the credit was 83187
available against the tax imposed by section 5733.06 or 5747.02 of 83188
the Revised Code, except to the extent the credit was not applied 83189

against such tax. 83190

Sec. 5902.02. The duties of the director of veterans services 83191
shall include the following: 83192

(A) Furnishing the veterans service commissions of all 83193
counties of the state copies of the state laws, rules, and 83194
legislation relating to the operation of the commissions and their 83195
offices; 83196

(B) Upon application, assisting the general public in 83197
obtaining records of vital statistics pertaining to veterans or 83198
their dependents; 83199

(C) Adopting rules pursuant to Chapter 119. of the Revised 83200
Code pertaining to minimum qualifications for hiring, certifying, 83201
and accrediting county veterans service officers, pertaining to 83202
their required duties, and pertaining to revocation of the 83203
certification of county veterans service officers; 83204

(D) Adopting rules pursuant to Chapter 119. of the Revised 83205
Code for the education, training, certification, and duties of 83206
veterans service commissioners and for the revocation of the 83207
certification of a veterans service commissioner; 83208

(E) Developing and monitoring programs and agreements 83209
enhancing employment and training for veterans in single or 83210
multiple county areas; 83211

(F) Developing and monitoring programs and agreements to 83212
enable county veterans service commissions to address 83213
homelessness, indigency, and other veteran-related issues 83214
individually or jointly; 83215

(G) Developing and monitoring programs and agreements to 83216
enable state agencies, individually or jointly, that provide 83217
services to veterans, including the veterans' homes operated under 83218
Chapter 5907. of the Revised Code and the director of job and 83219

family services, to address homelessness, indigency, employment, 83220
and other veteran-related issues; 83221

(H) Establishing and providing statistical reporting formats 83222
and procedures for county veterans service commissions; 83223

(I) Publishing electronically a listing of county veterans 83224
service offices and county veterans service commissioners. The 83225
listing shall include the expiration dates of commission members' 83226
terms of office and the organizations they represent; the names, 83227
addresses, and telephone numbers of county veterans service 83228
offices; and the addresses and telephone numbers of the Ohio 83229
offices and headquarters of state and national veterans service 83230
organizations. 83231

(J) Establishing a veterans advisory committee to advise and 83232
assist the department of veterans services in its duties. Members 83233
shall include a member of the national guard association of the 83234
United States who is a resident of this state, a member of the 83235
military officers association of America who is a resident of this 83236
state, a state representative of congressionally chartered 83237
veterans organizations referred to in section 5901.02 of the 83238
Revised Code, a representative of any other congressionally 83239
chartered state veterans organization that has at least one 83240
veterans service commissioner in the state, three representatives 83241
of the Ohio state association of county veterans service 83242
commissioners, who shall have a combined vote of one, three 83243
representatives of the state association of county veterans 83244
service officers, who shall have a combined vote of one, one 83245
representative of the county commissioners association of Ohio, 83246
who shall be a county commissioner not from the same county as any 83247
of the other county representatives, a representative of the 83248
advisory committee on women veterans, a representative of a labor 83249
organization, and a representative of the office of the attorney 83250
general. The department of veterans services shall submit to the 83251

advisory committee proposed rules for the committee's operation. 83252
The committee may review and revise these proposed rules prior to 83253
submitting them to the joint committee on agency rule review. 83254

(K) Adopting, with the advice and assistance of the veterans 83255
advisory committee, policy and procedural guidelines that the 83256
veterans service commissions shall adhere to in the development 83257
and implementation of rules, policies, procedures, and guidelines 83258
for the administration of Chapter 5901. of the Revised Code. The 83259
department of veterans services shall adopt no guidelines or rules 83260
regulating the purposes, scope, duration, or amounts of financial 83261
assistance provided to applicants pursuant to sections 5901.01 to 83262
5901.15 of the Revised Code. The director of veterans services may 83263
obtain opinions from the office of the attorney general regarding 83264
rules, policies, procedures, and guidelines of the veterans 83265
service commissions and may enforce compliance with Chapter 5901. 83266
of the Revised Code. 83267

(L) Receiving copies of form DD214 filed in accordance with 83268
the director's guidelines adopted under division (L) of this 83269
section from members of veterans service commissions appointed 83270
under section 5901.02 and from county veterans service officers 83271
employed under section 5901.07 of the Revised Code; 83272

(M) Developing and maintaining and improving a resource, such 83273
as a telephone answering point or a web site, by means of which 83274
veterans and their dependents, through a single portal, can access 83275
multiple sources of information and interaction with regard to the 83276
rights of, and the benefits available to, veterans and their 83277
dependents. The director of veterans services may enter into 83278
agreements with state and federal agencies, with agencies of 83279
political subdivisions, with state and local instrumentalities, 83280
and with private entities as necessary to make the resource as 83281
complete as is possible. 83282

(N) Planning, organizing, advertising, and conducting 83283

outreach efforts, such as conferences and fairs, at which veterans 83284
and their dependents may meet, learn about the organization and 83285
operation of the department of veterans services and of veterans 83286
service commissions, and obtain information about the rights of, 83287
and the benefits and services available to, veterans and their 83288
dependents; 83289

(O) Advertising, in print, on radio and television, and 83290
otherwise, the rights of, and the benefits and services available 83291
to, veterans and their dependents; 83292

(P) Developing and advocating improved benefits and services 83293
for, and improved delivery of benefits and services to, veterans 83294
and their dependents; 83295

(Q) Searching for, identifying, and reviewing statutory and 83296
administrative policies that relate to veterans and their 83297
dependents and reporting to the general assembly statutory and 83298
administrative policies that should be consolidated in whole or in 83299
part within the organization of the department of veterans 83300
services to unify funding, delivery, and accounting of statutory 83301
and administrative policy expressions that relate particularly to 83302
veterans and their dependents; 83303

(R) Encouraging veterans service commissions to innovate and 83304
otherwise to improve efficiency in delivering benefits and 83305
services to veterans and their dependents and to report successful 83306
innovations and efficiencies to the director of veterans services; 83307

(S) Publishing and encouraging adoption of successful 83308
innovations and efficiencies veterans service commissions have 83309
achieved in delivering benefits and services to veterans and their 83310
dependents; 83311

(T) Establishing advisory committees, in addition to the 83312
veterans advisory committee established under division (K) of this 83313
section, on veterans issues; 83314

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;

(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;

(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory;

(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly;

(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary;

(BB) Developing and maintaining a web site that is accessible 83346
by veterans and their dependents and provides a link to the web 83347
site of each state agency that issues a license, certificate, or 83348
other authorization permitting an individual to engage in an 83349
occupation or occupational activity; 83350

(CC) Encouraging state agencies to conduct outreach efforts 83351
through which veterans and their dependents can learn about 83352
available job and education benefits; 83353

(DD) Informing state agencies about changes in statutes and 83354
rules that affect veterans and their dependents; 83355

(EE) Assisting licensing agencies in adopting rules under 83356
section 5903.03 of the Revised Code; 83357

(FF) Administering the provision of grants from the military 83358
injury relief fund under section 5902.05 of the Revised Code; 83359

(GG) Taking any other actions required by this chapter. 83360

Sec. ~~5101.98~~ 5902.05. (A) There is hereby created in the 83361
state treasury the military injury relief fund, which shall 83362
consist of money contributed to it under sections 4503.535 and 83363
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 83364
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 83365
contributions made directly to it. Any person or entity may 83366
contribute directly to the fund in addition to or independently of 83367
the income tax refund contribution system established in section 83368
5747.113 of the Revised Code. 83369

(B) Upon application, the director of ~~job and family~~ veterans 83370
services shall grant money in the fund to individuals injured 83371
while in active service as a member of the armed forces of the 83372
United States while serving ~~under operation Iraqi freedom,~~ 83373
~~operation new dawn, or operation enduring freedom~~ after October 7, 83374
2001, and to individuals diagnosed with post-traumatic stress 83375

disorder while serving, or after having served, ~~in operation Iraqi~~ 83376
~~freedom, operation new dawn, or operation enduring freedom after~~ 83377
October 7, 2001. 83378

(C) An individual who receives a grant under this section is 83379
precluded from receiving additional grants under this section 83380
during the same state fiscal year but is not precluded from being 83381
considered for or receiving other assistance offered by the 83382
department of ~~job and family~~ veterans services. 83383

(D) The director shall adopt rules under Chapter 119. of the 83384
Revised Code establishing: 83385

(1) Forms and procedures by which individuals may apply for a 83386
grant under this section; 83387

(2) Criteria for reviewing, evaluating, and approving or 83388
denying grant applications; 83389

(3) Criteria for determining the amount of grants awarded 83390
under this section; 83391

(4) Definitions and standards applicable to determining 83392
whether an individual meets the requirements established in 83393
division (B) of this section; 83394

(5) The process for appealing eligibility determinations; and 83395

(6) Any other rules necessary to administer the grant program 83396
established in this section. 83397

(E) An eligibility determination, a grant approval, or a 83398
grant denial made under this section may not be appealed under 83399
Chapter 119., ~~section 5101.35,~~ or any other provision of the 83400
Revised Code. 83401

Sec. 5903.12. (A) As used in this section: 83402

"Continuing education" means continuing education required of 83403
a licensee by law and includes, but is not limited to, the 83404

continuing education required of licensees under sections 83405
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 83406
4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.282, 4734.25, 83407
4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 83408
4759.06, 4761.06, and 4763.07 of the Revised Code. 83409

"Reporting period" means the period of time during which a 83410
licensee must complete the number of hours of continuing education 83411
required of the licensee by law. 83412

(B) A licensee may submit an application to a licensing 83413
agency, stating that the licensee requires an extension of the 83414
current reporting period because the licensee has served on active 83415
duty during the current or a prior reporting period. The licensee 83416
shall submit proper documentation certifying the active duty 83417
service and the length of that active duty service. Upon receiving 83418
the application and proper documentation, the licensing agency 83419
shall extend the current reporting period by an amount of time 83420
equal to the total number of months that the licensee spent on 83421
active duty during the current reporting period. For purposes of 83422
this division, any portion of a month served on active duty shall 83423
be considered one full month. 83424

Sec. 5910.08. There is hereby created in the state treasury 83425
the war orphans scholarship reserve fund. ~~Not later than the first~~ 83426
~~day of July~~ As soon as possible following the end of each fiscal 83427
year, the ~~chancellor of the Ohio board of regents~~ director of 83428
higher education shall certify to the director of budget and 83429
management the unencumbered balance of the general revenue fund 83430
appropriations made in the immediately preceding fiscal year for 83431
purposes of the war orphans scholarship program created in Chapter 83432
5910. of the Revised Code. Upon receipt of the certification, the 83433
director of budget and management may transfer an amount not 83434
exceeding the certified amount from the general revenue fund to 83435

the war orphans scholarship reserve fund. Moneys in the war 83436
orphans scholarship reserve fund shall be used to pay scholarship 83437
obligations in excess of the general revenue fund appropriations 83438
made for that purpose. 83439

The director of budget and management may transfer any 83440
unencumbered balance from the war orphans scholarship reserve fund 83441
to the general revenue fund. 83442

If it is determined that general revenue fund appropriations 83443
are insufficient to meet the obligations of the war orphans 83444
scholarship in a fiscal year, the director of budget and 83445
management may transfer funds from the war orphans scholarship 83446
reserve fund to the general revenue fund in order to meet those 83447
obligations. The amount transferred is hereby appropriated. If the 83448
funds transferred from the war orphans scholarship reserve fund 83449
are not needed, the director of budget and management may transfer 83450
the unexpended balance from the general revenue fund back to the 83451
war orphans scholarship reserve fund. 83452

Sec. 5919.341. There is hereby created in the state treasury 83453
the national guard scholarship reserve fund. ~~Not later than the~~ 83454
~~first day of July~~ As soon as possible following the end of each 83455
fiscal year, the ~~chancellor of the Ohio board of regents~~ director 83456
of higher education shall certify to the director of budget and 83457
management the unencumbered balance of the general revenue fund 83458
appropriations made in the immediately preceding fiscal year for 83459
purposes of the Ohio national guard scholarship program created 83460
under division (B) of section 5919.34 of the Revised Code. Upon 83461
receipt of the certification, the director of budget and 83462
management may transfer an amount not exceeding the certified 83463
amount from the general revenue fund to the national guard 83464
scholarship reserve fund. Moneys in the national guard scholarship 83465
reserve fund shall be used to pay scholarship obligations in 83466

excess of the general revenue fund appropriations made for that 83467
purpose. ~~Upon request of the chancellor, the director may seek~~ 83468
~~controlling board approval to establish appropriations as~~ 83469
~~necessary.~~ 83470

The director of budget and management may transfer any 83471
unencumbered balance from the national guard scholarship reserve 83472
fund to the general revenue fund. 83473

If it is determined that general revenue fund appropriations 83474
are insufficient to meet the obligations of the national guard 83475
scholarship in a fiscal year, the director of budget and 83476
management may transfer funds from the national guard scholarship 83477
reserve fund to the general revenue fund in order to meet those 83478
obligations. The amount transferred is hereby appropriated. If the 83479
funds transferred from the national guard scholarship reserve fund 83480
are not needed, the director of budget and management may transfer 83481
the unexpended balance from the general revenue fund back to the 83482
national guard scholarship reserve fund. 83483

Sec. 6101.16. When it is determined to let the work relating 83484
to the improvements for which a conservancy district was 83485
established by contract, contracts in amounts to exceed 83486
~~twenty-five~~ fifty thousand dollars shall be advertised after 83487
notice calling for bids has been published once a week for two 83488
consecutive weeks or as provided in section 7.16 of the Revised 83489
Code, with the last publication to occur at least eight days prior 83490
to the date on which bids will be accepted, in a newspaper of 83491
general circulation within the conservancy district where the work 83492
is to be done. If the bids are for a contract for the 83493
construction, demolition, alteration, repair, or reconstruction of 83494
an improvement, the board of directors of the conservancy district 83495
may let the contract to the lowest responsive and most responsible 83496
bidder who meets the requirements of section 153.54 of the Revised 83497

Code. If the bids are for a contract for any other work relating 83498
to the improvements for which a conservancy district was 83499
established, the board of directors of the district may let the 83500
contract to the lowest responsive and most responsible bidder who 83501
gives a good and approved bond, with ample security, conditioned 83502
on the carrying out of the contract. The contract shall be in 83503
writing and shall be accompanied by or refer to plans and 83504
specifications for the work to be done prepared by the chief 83505
engineer. The plans and specifications shall at all times be made 83506
and considered a part of the contract. The contract shall be 83507
approved by the board and signed by the president of the board and 83508
by the contractor and shall be executed in duplicate. In case of 83509
sudden emergency when it is necessary in order to protect the 83510
district, the advertising of contracts may be waived upon the 83511
consent of the board, with the approval of the court or a judge of 83512
the court of common pleas of the county in which the office of the 83513
district is located. 83514

Sec. 6109.30. (A) There is hereby created in the state 83515
treasury the drinking water protection fund, which shall be 83516
administered by the director of environmental protection. The fund 83517
shall consist of moneys distributed to it and shall be used for 83518
all of the following purposes: 83519

(1) Administration of this chapter and rules adopted under 83520
it; 83521

(2) Administration in this state of the "Safe Drinking Water 83522
Act"; 83523

(3) Provision of technical assistance to public water systems 83524
in this state for the purposes of this chapter and rules adopted 83525
under it; 83526

(4) Special studies conducted by the director for the 83527
monitoring and testing of drinking water quality in this state; 83528

(5) Support of programs for the prevention of contamination 83529
of surface and ground water supplies in this state that are 83530
sources of drinking water. 83531

~~Moneys in the fund shall not be used to meet any state 83532
matching requirements that are necessary to obtain federal grants. 83533~~

(B) The director may expend not more than two hundred 83534
thousand dollars from the fund in each fiscal year for the purpose 83535
of making loans to owners and operators of public water systems 83536
for emergency remediation of threats of contamination to public 83537
water supplies. The director shall not loan more than twenty-five 83538
thousand dollars to the owner or operator of any single public 83539
water system. The director shall adopt, and may amend and rescind, 83540
rules in accordance with Chapter 119. of the Revised Code 83541
establishing application procedures and requirements for those 83542
loans. The rules shall require that an owner or operator receiving 83543
a loan under this division repay the loan to the fund not later 83544
than twelve months after receiving it. 83545

Sec. 6111.01. As used in this chapter: 83546

(A) "Pollution" means the placing of any sewage, sludge, 83547
sludge materials, industrial waste, or other wastes in any waters 83548
of the state. 83549

(B) "Sewage" means any liquid waste containing sludge, sludge 83550
materials, or animal or vegetable matter in suspension or 83551
solution, and may include household wastes as commonly discharged 83552
from residences and from commercial, institutional, or similar 83553
facilities. 83554

(C) "Industrial waste" means any liquid, gaseous, or solid 83555
waste substance resulting from any process of industry, 83556
manufacture, trade, or business, or from the development, 83557
processing, or recovery of any natural resource, together with 83558

such sewage as is present. "Industrial waste" does not include 83559
either of the following: 83560

(1) Shale and clay products regardless of whether they are 83561
placed on the ground, placed below grade, or used in products that 83562
come into contact with the ground or are placed below grade; 83563

(2) Slag regardless of whether it is placed on the ground, 83564
placed below grade, or used in products that come into contact 83565
with the ground or are placed below grade. 83566

(D) "Other wastes" means garbage, refuse, decayed wood, 83567
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 83568
offal, night soil, oil, tar, coal dust, dredged or fill material, 83569
or silt, other substances that are not sewage, sludge, sludge 83570
materials, or industrial waste, and any other "pollutants" or 83571
"toxic pollutants" as defined in the Federal Water Pollution 83572
Control Act that are not sewage, sludge, sludge materials, or 83573
industrial waste. 83574

(E) "Sewerage system" means pipelines or conduits, pumping 83575
stations, and force mains, and all other constructions, devices, 83576
appurtenances, and facilities used for collecting or conducting 83577
water-borne sewage, industrial waste, or other wastes to a point 83578
of disposal or treatment, but does not include plumbing fixtures, 83579
building drains and subdrains, building sewers, and building storm 83580
sewers. 83581

(F) "Treatment works" means any plant, disposal field, 83582
lagoon, dam, pumping station, building sewer connected directly to 83583
treatment works, incinerator, or other works used for the purpose 83584
of treating, stabilizing, blending, composting, or holding sewage, 83585
sludge, sludge materials, industrial waste, or other wastes, 83586
except as otherwise defined. 83587

(G) "Disposal system" means a system for disposing of sewage, 83588
sludge, sludge materials, industrial waste, or other wastes and 83589

includes sewerage systems and treatment works. 83590

(H) "Waters of the state" means all streams, lakes, ponds, 83591
marshes, watercourses, waterways, wells, springs, irrigation 83592
systems, drainage systems, and other bodies or accumulations of 83593
water, surface and underground, natural or artificial, regardless 83594
of the depth of the strata in which underground water is located, 83595
that are situated wholly or partly within, or border upon, this 83596
state, or are within its jurisdiction, except those private waters 83597
that do not combine or effect a junction with natural surface or 83598
underground waters. 83599

(I) "Person" means the state, any municipal corporation, any 83600
other political subdivision of the state, any person as defined in 83601
section 1.59 of the Revised Code, any interstate body created by 83602
compact, or the federal government or any department, agency, or 83603
instrumentality thereof. 83604

(J) "Industrial water pollution control facility" means any 83605
disposal system or any treatment works, pretreatment works, 83606
appliance, equipment, machinery, pipeline or conduit, pumping 83607
station, force main, or installation constructed, used, or placed 83608
in operation primarily for the purpose of collecting or conducting 83609
industrial waste to a point of disposal or treatment; reducing, 83610
controlling, or eliminating water pollution caused by industrial 83611
waste; or reducing, controlling, or eliminating the discharge into 83612
a disposal system of industrial waste or what would be industrial 83613
waste if discharged into the waters of the state. 83614

(K) "Schedule of compliance" means a schedule of remedial 83615
measures including an enforceable sequence of actions or 83616
operations leading to compliance with standards and rules adopted 83617
under sections 6111.041 and 6111.042 of the Revised Code or 83618
compliance with terms and conditions of permits set under division 83619
(J) of section 6111.03 of the Revised Code. 83620

(L) "Federal Water Pollution Control Act" means the "Federal
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that
act.

(M) "Historically channelized watercourse" means the portion
of a watercourse on which an improvement, as defined in divisions
(C)(2) to (4) of section 6131.01 of the Revised Code, was
constructed pursuant to Chapter 1515., 6131., or 6133. of the
Revised Code or a similar state law that preceded any of those
chapters and authorized such an improvement.

(N) "Sludge" means sewage sludge and a solid, semi-solid, or
liquid residue that is generated from an industrial wastewater
treatment process and that is applied to land for agronomic
benefit. "Sludge" does not include ash generated during the firing
of sludge in a sludge incinerator, grit and screening generated
during preliminary treatment of sewage in a treatment works,
animal manure, residue generated during treatment of animal
manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid
materials derived from sludge and includes products from a
treatment works that result from the treatment, blending, or
composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land
on which the sludge remains for not longer than two years, but
does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an
entity that begins with the generation of sludge and includes
treatment or disposal of the sludge, as "treatment" and "disposal"
are defined in division (Y) of section 3745.11 of the Revised
Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and sludge materials.

(T) "Sludge management permit" means a permit for sludge management that is issued under division (J) of section 6111.03 of the Revised Code.

(U) "Sewage sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(V) "Shale and clay products" means nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products.

(W) "Slag" means nonmetallic product resulting from melting or smelting operations for iron or steel.

Sec. 6111.02. As used in this section and sections 6111.021 to 6111.028 of the Revised Code:

(A) "Category 1 wetland," "category 2 wetland," or "category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method

for wetlands version 4.1. 83682

(B) "Creation" means the establishment of a wetland where one 83683
did not formerly exist and that involves wetland construction on 83684
nonhydraulic soils. 83685

(C) "Enhancement" means activities conducted in an existing 83686
wetland to improve or repair existing or natural wetland functions 83687
and values of that wetland. 83688

(D) "Fill material" means any material that is used to fill 83689
an aquatic area, to replace an aquatic area with dry land, or to 83690
change the bottom elevation of a wetland for any purpose and that 83691
consists of suitable material that is free from toxic contaminants 83692
in other than trace quantities. "Fill material" does not include 83693
either of the following: 83694

(1) Material resulting from normal farming, silviculture, and 83695
ranching activities, such as plowing, cultivating, seeding, and 83696
harvesting, for the production of food, fiber, and forest 83697
products; 83698

(2) Material placed for the purpose of maintenance of 83699
existing structures, including emergency reconstruction of 83700
recently damaged parts of currently serviceable structures such as 83701
dikes, dams, levees, groins, riprap, breakwaters, causeways, and 83702
bridge abutments or approaches, and transportation structures. 83703

(E) "Filling" means the addition of fill material into a 83704
wetland for the purpose of creating upland, changing the bottom 83705
elevation of the wetland, or creating impoundments of water. 83706
"Filling" includes, without limitation, the placement of the 83707
following in wetlands: fill material that is necessary for the 83708
construction of any structure; structures or impoundments 83709
requiring rock, sand, dirt, or other material for its 83710
construction; site-development fills for recreational, industrial, 83711
commercial, residential, or other uses; causeways or road fills; 83712

dams and dikes; artificial islands, property protection, or 83713
reclamation devices such as riprap, groins, seawalls, breakwalls, 83714
and bulkheads and fills; beach nourishment; levees; sanitary 83715
landfills; fill material for structures such as sewage treatment 83716
facilities, intake and outfall pipes associated with power plants, 83717
and underwater utility lines; and artificial reefs. 83718

(F) "Isolated wetland" means a wetland that is not subject to 83719
regulation under the Federal Water Pollution Control Act. 83720

(G) "Mitigation" means the restoration, creation, 83721
enhancement, or, in exceptional circumstances, preservation of 83722
wetlands expressly for the purpose of compensating for wetland 83723
impacts. 83724

(H) "Mitigation bank service area" means the designated area 83725
where a mitigation bank can reasonably be expected to provide 83726
appropriate compensation for impacts to wetlands and other aquatic 83727
resources and that is designated as such in accordance with the 83728
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 83729

(I) "Off-site mitigation" means wetland restoration, 83730
creation, enhancement, or preservation occurring farther than one 83731
mile from a project boundary, but within the same watershed. 83732

(J) "On-site mitigation" means wetland restoration, creation, 83733
enhancement, or preservation occurring within and not more than 83734
one mile from the project boundary and within the same watershed. 83735

(K) "Practicable" means available and capable of being 83736
executed with existing technology and without significant adverse 83737
effect on the economic feasibility of the project in light of the 83738
overall project purposes and in consideration of the relative 83739
environmental benefit. 83740

(L) "Preservation" means the long-term protection of 83741
ecologically important wetlands ~~in perpetuity~~ through the 83742
implementation of appropriate legal mechanisms to prevent harm to 83743

the wetlands. "Preservation" may include protection of adjacent upland areas as necessary to ensure protection of a wetland. 83744
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(M) "Restoration" means the reestablishment of a previously existing wetland at a site where it has ceased to exist. 83746
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(N) "State isolated wetland permit" means a permit issued in accordance with sections 6111.02 to 6111.027 of the Revised Code authorizing the filling of an isolated wetland. 83748
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(O) "Watershed" means an eight-digit hydrologic unit. 83751

(P) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States army corps of engineers wetland delineation manual and any other procedures and requirements adopted by the United States army corps of engineers for delineating wetlands. 83752
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(Q) "Wetland mitigation bank" means a site where wetlands have been restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of providing mitigation for impacts to wetlands and that has been approved in accordance with the process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 83762
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(R) "Eight-digit hydrologic unit" means a common surface drainage area corresponding to one from the list of thirty-seven adapted from the forty-four cataloging units as depicted on the hydrologic unit map of Ohio, United States geological survey, 1988, and as described in division (F)(2) of rule 3745-1-54 of the Administrative Code or as otherwise shown on map number 1 found in rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 83768
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unit" is limited to those parts of the cataloging units that 83775
geographically lie within the borders of this state. 83776

(S) "In-lieu fee mitigation" means a payment made by an 83777
applicant to satisfy a wetland mitigation requirement established 83778
in sections 6111.02 to 6111.027 of the Revised Code. 83779

Sec. 6111.027. (A) Mitigation for impacts to isolated 83780
wetlands under sections 6111.02 to 6111.027 shall be conducted in 83781
accordance with the following ratios: 83782

(1) For category 1 and category 2 isolated wetlands, other 83783
than forested category 2 isolated wetlands, mitigation located at 83784
an approved wetland mitigation bank shall be conducted, or 83785
mitigation shall be paid for under an in-lieu fee mitigation 83786
program, at a rate of two times the size of the area of isolated 83787
wetland that is being impacted. 83788

(2) For forested category 2 isolated wetlands, mitigation 83789
located at an approved wetland mitigation bank shall be conducted, 83790
or mitigation shall be paid for under an in-lieu fee mitigation 83791
program, at a rate of two and one-half times the size of the area 83792
of isolated wetland that is being impacted. 83793

(3) All other mitigation shall be subject to mitigation 83794
ratios established in division (F) of rule 3745-1-54 of the 83795
Administrative Code. 83796

(B) Mitigation that involves the enhancement or preservation 83797
of isolated wetlands shall be calculated and performed in 83798
accordance with rule 3745-1-54 of the Administrative Code. 83799

(C) An applicant for coverage under a general state isolated 83800
wetland permit or for an individual state isolated wetland permit 83801
under sections 6111.022 to 6111.024 of the Revised Code shall 83802
demonstrate that the mitigation site will be protected ~~in~~ 83803
~~perpetuity~~ long term and that appropriate practicable management 83804

measures are, or will be, in place to restrict harmful activities 83805
that jeopardize the mitigation. 83806

Sec. 6111.30. (A) Applications for a section 401 water 83807
quality certification required under division (P) of section 83808
6111.03 of the Revised Code shall be submitted on forms provided 83809
by the director of environmental protection and shall include all 83810
information required on those forms as well as all of the 83811
following: 83812

(1) A copy of a letter from the United States army corps of 83813
engineers documenting its jurisdiction over the wetlands, streams, 83814
or other waters of the state that are the subject of the section 83815
401 water quality certification application; 83816

(2) If the project involves impacts to a wetland, a wetland 83817
characterization analysis consistent with the Ohio rapid 83818
assessment method; 83819

(3) If the project involves a stream for which a specific 83820
aquatic life use designation has not been made, ~~a use~~ 83821
~~attainability analysis~~ data sufficient to determine the existing 83822
aquatic life use; 83823

(4) A specific and detailed mitigation proposal, including 83824
the location and proposed ~~legal~~ real estate instrument or other 83825
available mechanism for protecting the property ~~in perpetuity~~ long 83826
term; 83827

(5) Applicable fees; 83828

(6) Site photographs; 83829

(7) Adequate documentation confirming that the applicant has 83830
requested comments from the department of natural resources and 83831
the United States fish and wildlife service regarding threatened 83832
and endangered species, including the presence or absence of 83833
critical habitat; 83834

(8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of

the complete application in a newspaper of general circulation in 83867
the county in which the project that is the subject of the 83868
application is located. The public notice shall be in a form 83869
acceptable to the director. The applicant shall promptly provide 83870
the director with proof of publication. The applicant may choose, 83871
subject to review by and approval of the director, to include in 83872
the public notice an advertisement for an antidegradation public 83873
hearing on the application pursuant to section 6111.12 of the 83874
Revised Code. There shall be a public comment period of thirty 83875
days following the publication of the public notice. 83876

(D) If the director determines that there is significant 83877
public interest in a public hearing as evidenced by the public 83878
comments received concerning the application and by other requests 83879
for a public hearing on the application, the director or the 83880
director's representative shall conduct a public hearing 83881
concerning the application. Notice of the public hearing shall be 83882
published by the applicant, subject to review and approval by the 83883
director, at least thirty days prior to the date of the hearing in 83884
a newspaper of general circulation in the county in which the 83885
project that is the subject of the application is to take place. 83886
If a public hearing is requested concerning an application, the 83887
director shall accept comments concerning the application until 83888
five business days after the public hearing. A public hearing 83889
conducted under this division shall take place not later than one 83890
hundred days after the application is determined to be complete. 83891

(E) The director shall forward all public comments concerning 83892
an application submitted under this section that are received 83893
through the public involvement process required by rules adopted 83894
under this chapter to the applicant not later than five business 83895
days after receipt of the comments by the director. 83896

(F) The applicant shall respond in writing to written 83897
comments or to deficiencies identified by the director during the 83898

course of reviewing the application not later than fifteen days 83899
after receiving or being notified of them. 83900

(G) The director shall issue or deny a section 401 water 83901
quality certification not later than one hundred eighty days after 83902
the complete application for the certification is received. The 83903
director shall provide an applicant for a section 401 water 83904
quality certification with an opportunity to review the 83905
certification prior to its issuance. 83906

(H) The director shall maintain an accessible database that 83907
includes environmentally beneficial water restoration and 83908
protection projects that may serve as potential mitigation 83909
projects for projects in the state for which a section 401 water 83910
quality certification is required. A project's inclusion in the 83911
database does not constitute an approval of the project. 83912

(I) Mitigation required by a section 401 water quality 83913
certification may be accomplished by any of the following: 83914

(1) Purchasing credits at a mitigation bank approved in 83915
accordance with 33 C.F.R. 332.8; 83916

(2) Participating in an in-lieu fee mitigation program 83917
approved in accordance with 33 C.F.R. 332.8; 83918

(3) Constructing individual mitigation projects. 83919

Notwithstanding the mitigation hierarchy specified in section 83920
3745-1-54 of the Administrative Code, mitigation projects shall be 83921
approved in accordance with the hierarchy specified in 33 C.F.R. 83922
332.3 unless the director determines that the size or quality of 83923
the impacted resource necessitates reasonably identifiable, 83924
available, and practicable mitigation conducted by the applicant. 83925
The director shall adopt rules in accordance with Chapter 119. of 83926
the Revised Code consistent with the mitigation hierarchy 83927
specified in 33 C.F.R. 332.3. 83928

(J) The director may establish a program and adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of certifying water quality professionals to assess streams to determine existing aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification under divisions (A)(2) and (3) of this section and isolated wetland permits under sections 6111.022 to 6111.024 of the Revised Code. The director shall use information submitted by certified water quality professionals in the review of those applications. 83929
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Rules adopted under this division shall do all of the following: 83939
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(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following: 83941
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(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 83948
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 83953
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(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 83956
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(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 83960
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 83965
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 83968
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 83974
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(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 83980
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(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director; 83984
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(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted 83988
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under division (J)(7) of this section; 83991

(7) Establish technical standards to be used by certified 83992
water quality professionals in conducting stream assessments and 83993
wetlands categorizations. 83994

(K) As used in this section and section 6111.31 of the 83995
Revised Code, "section 401 water quality certification" means 83996
certification pursuant to section 401 of the Federal Water 83997
Pollution Control Act and this chapter and rules adopted under it 83998
that any discharge, as set forth in section 401, will comply with 83999
sections 301, 302, 303, 306, and 307 of the Federal Water 84000
Pollution Control Act. 84001

Sec. 6111.99. (A) Whoever purposely violates section 6111.04, 84002
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 84003
the Revised Code is guilty of a felony and shall be fined not more 84004
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 84005
~~year~~ four years, or both. Each day of violation is a separate 84006
offense. 84007

(B) Whoever knowingly violates section 6111.04, 6111.042, 84008
6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 84009
section 6111.07 of the Revised Code is guilty of a misdemeanor and 84010
shall be fined not more than ten thousand dollars or imprisoned 84011
not more than one year, or both. Each day of violation is a 84012
separate offense. 84013

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 84014
Revised Code shall be fined not more than five hundred dollars. 84015

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 84016
~~Revised Code shall be fined not more than twenty-five thousand~~ 84017
~~dollars.~~ 84018

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 84019
shall be fined not more than one hundred dollars for a first 84020

offense; for each subsequent offense, the person shall be fined 84021
not more than one hundred fifty dollars. 84022

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 84023
shall be fined not more than ~~one hundred~~ ten thousand dollars. 84024
Each day of violation is a separate offense. 84025

(F) If a person is convicted of or pleads guilty to a 84026
violation of any section of this chapter, in addition to the 84027
financial sanctions authorized by this chapter or section 2929.18 84028
or 2929.28 or any other section of the Revised Code, the court 84029
imposing the sentence on the person may order the person to 84030
reimburse the state agency or a political subdivision for any 84031
actual costs that it incurred in responding to the violation, 84032
including the cost of restoring affected aquatic resources or 84033
otherwise compensating for adverse impact to aquatic resources 84034
directly caused by the violation, but not including the costs of 84035
prosecution. 84036

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 84037
in an adult training or education program funded under the 84038
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 84039
create an account with OhioMeansJobs at the time of enrollment in 84040
the program. 84041

(B) Division (A) of this section does not apply to any 84042
individual who is legally prohibited from using a computer, has a 84043
physical or visual impairment that makes the individual unable to 84044
use a computer, or has a limited ability to read, write, speak, or 84045
understand a language in which OhioMeansJobs is available. 84046

Section 101.02. That existing sections 1.05, 9.312, 9.333, 84047
9.83, 9.833, 9.90, 9.901, 103.412, 105.41, 109.57, 109.572, 84048
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5919.341, 6101.16, 6109.30, 6111.01, 6111.02, 6111.027, 6111.30, 84161
and 6111.99 of the Revised Code are hereby repealed. 84162

Section 105.01. That sections 103.132, 111.181, 122.26, 84163
122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 125.06, 84164
125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 125.53, 84165
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125.96, 125.98, 149.13, 183.26, 901.61, 901.62, 901.63, 901.64, 84167
903.04, 955.29, 955.30, 955.32, 955.35, 955.351, 955.36, 955.37, 84168
955.38, 3302.05, 3313.473, 3318.33, 3326.29, 3337.11, 3734.51, 84169
3736.04, 3769.086, 3770.061, 4731.283, 4741.09, 5101.90, 5104.012, 84170
5104.037, 5108.051, 5108.10, 5119.411, 5163.061, 5163.08, 5164.37, 84171
5165.25, 5165.26, 5168.12, 5739.212, and 5747.29 of the Revised 84172
Code are hereby repealed. 84173

Section 110.10. That the versions of sections 340.01, 340.03, 84174
340.15, and 5119.21 of the Revised Code that are scheduled to take 84175
effect September 15, 2016, be amended to read as follows: 84176

Sec. 340.01. (A) As used in this chapter:	84177
(1) "Addiction," "addiction services," "alcohol and drug addiction services," " <u>alcoholism</u> ," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "mental health services," and "mental illness" have the same meanings as in section 5119.01 of the Revised Code.	84178 84179 84180 84181 84182 84183
(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of drug addiction, prevention of relapse of drug addiction, or both.	84184 84185 84186 84187 84188
(3) "Recovery housing" means housing for individuals recovering from <u>alcoholism or</u> drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining <u>alcohol and</u> drug addiction services, and other <u>alcoholism and</u> drug addiction recovery assistance.	84189 84190 84191 84192 84193
(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand to provide addiction services and mental health services. With the approval of the director of mental health and addiction services, any county or combination of counties having a population of less than fifty thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.	84194 84195 84196 84197 84198 84199 84200 84201
The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a comprehensive plan or plans that are in compliance with rules adopted by the director of mental health and addiction services under section 5119.22 of the Revised Code, and that provide for the equitable adjustment and	84202 84203 84204 84205 84206 84207

division of all services, assets, property, debts, and 84208
obligations, if any, of the joint-county district to the board of 84209
alcohol, drug addiction, and mental health services, to the boards 84210
of county commissioners of each county in the district, and to the 84211
director. No county participating in a joint-county service 84212
district may withdraw from the district without the consent of the 84213
director of mental health and addiction services nor earlier than 84214
one year after the submission of such resolution unless all of the 84215
participating counties agree to an earlier withdrawal. Any county 84216
withdrawing from a joint-county district shall continue to have 84217
levied against its tax list and duplicate any tax levied by the 84218
district during the period in which the county was a member of the 84219
district until such time as the levy expires or is renewed or 84220
replaced. 84221

Sec. 340.03. (A) Subject to rules issued by the director of 84222
mental health and addiction services after consultation with 84223
relevant constituencies as required by division (A)(10) of section 84224
5119.21 of the Revised Code, the board of alcohol, drug addiction, 84225
and mental health services shall: 84226

(1) Serve as the community addiction and mental health 84227
services planning agency for the county or counties under its 84228
jurisdiction, and in so doing it shall: 84229

(a) Evaluate the need for facilities and community addiction 84230
and mental health services; 84231

(b) In cooperation with other local and regional planning and 84232
funding bodies and with relevant ethnic organizations, assess the 84233
community addiction and mental health needs, evaluate strengths 84234
and challenges, and set priorities for community addiction and 84235
mental health services, including treatment and prevention. When 84236
the board sets priorities for the operation of addiction services, 84237
the board shall consult with the county commissioners of the 84238

counties in the board's service district regarding the services 84239
described in section 340.15 of the Revised Code and shall give 84240
priority to those services, except that those services shall not 84241
have a priority over services provided to pregnant women under 84242
programs developed in relation to the mandate established in 84243
section 5119.17 of the Revised Code; 84244

(c) In accordance with guidelines issued by the director of 84245
mental health and addiction services after consultation with board 84246
representatives, annually develop and submit to the department of 84247
mental health and addiction services a community addiction and 84248
mental health services plan listing community addiction and mental 84249
health services needs, including the needs of all residents of the 84250
district currently receiving inpatient services in state-operated 84251
hospitals, the needs of other populations as required by state or 84252
federal law or programs, and the needs of all children subject to 84253
a determination made pursuant to section 121.38 of the Revised 84254
Code, and priorities for facilities and community addiction and 84255
mental health services during the period for which the plan will 84256
be in effect. 84257

In alcohol, drug addiction, and mental health service 84258
districts that have separate alcohol and drug addiction services 84259
and community mental health boards, the alcohol and drug addiction 84260
services board shall submit a community addiction services plan 84261
and the community mental health board shall submit a community 84262
mental health services plan. Each board shall consult with its 84263
counterpart in developing its plan and address the interaction 84264
between the local addiction services and mental health services 84265
systems and populations with regard to needs and priorities in 84266
developing its plan. 84267

The department shall approve or disapprove the plan, in whole 84268
or in part, according to the criteria developed pursuant to 84269
section 5119.22 of the Revised Code. Eligibility for state and 84270

federal funding shall be contingent upon an approved plan or 84271
relevant part of a plan. 84272

If a board determines that it is necessary to amend a plan 84273
that has been approved under this division, the board shall submit 84274
a proposed amendment to the director. The director may approve or 84275
disapprove all or part of the amendment. The director shall inform 84276
the board of the reasons for disapproval of all or part of an 84277
amendment and of the criteria that must be met before the 84278
amendment may be approved. The director shall provide the board an 84279
opportunity to present its case on behalf of the amendment. The 84280
director shall give the board a reasonable time in which to meet 84281
the criteria, and shall offer the board technical assistance to 84282
help it meet the criteria. 84283

The board shall operate in accordance with the plan approved 84284
by the department. 84285

(d) Promote, arrange, and implement working agreements with 84286
social agencies, both public and private, and with judicial 84287
agencies. 84288

(2) Investigate, or request another agency to investigate, 84289
any complaint alleging abuse or neglect of any person receiving 84290
services from a community addiction or mental health services 84291
provider ~~certified under section 5119.36 of the Revised Code~~ or 84292
alleging abuse or neglect of a resident receiving addiction 84293
services or with mental illness or severe mental disability 84294
residing in a residential facility licensed under section 5119.34 84295
of the Revised Code. If the investigation substantiates the charge 84296
of abuse or neglect, the board shall take whatever action it 84297
determines is necessary to correct the situation, including 84298
notification of the appropriate authorities. Upon request, the 84299
board shall provide information about such investigations to the 84300
department. 84301

(3) For the purpose of section 5119.36 of the Revised Code, 84302
cooperate with the director of mental health and addiction 84303
services in visiting and evaluating whether the addiction or 84304
mental health services of a community addiction or mental health 84305
services provider satisfy the certification standards established 84306
by rules adopted under that section; 84307

(4) In accordance with criteria established under division 84308
(E) of section 5119.22 of the Revised Code, conduct program audits 84309
that review and evaluate the quality, effectiveness, and 84310
efficiency of addiction and mental health services provided 84311
through its community addiction and mental health ~~contracted~~ 84312
services providers and submit its findings and recommendations to 84313
the department of mental health and addiction services; 84314

(5) In accordance with section 5119.34 of the Revised Code, 84315
review an application for a residential facility license and 84316
provide to the department of mental health and addiction services 84317
any information about the applicant or facility that the board 84318
would like the department to consider in reviewing the 84319
application; 84320

(6) Audit, in accordance with rules adopted by the auditor of 84321
state pursuant to section 117.20 of the Revised Code, at least 84322
annually all programs and services provided under contract with 84323
the board. In so doing, the board may contract for or employ the 84324
services of private auditors. A copy of the fiscal audit report 84325
shall be provided to the director of mental health and addiction 84326
services, the auditor of state, and the county auditor of each 84327
county in the board's district. 84328

(7) Recruit and promote local financial support for addiction 84329
and mental health services from private and public sources; 84330

(8)(a) Enter into contracts with public and private 84331
facilities for the operation of facility services and enter into 84332

contracts with public and private community addiction and mental 84333
health ~~service~~ services providers for the provision of ~~community~~ 84334
addiction and mental health services. The board may not contract 84335
with a residential facility subject to section 5119.34 of the 84336
Revised Code unless the facility is licensed by the director of 84337
mental health and addiction services ~~and~~. The board may not 84338
contract with a community addiction or mental health services 84339
provider to provide ~~community~~ addiction or mental health services 84340
unless the services are certified by the director of mental health 84341
and addiction services under section 5119.36 of the Revised Code. 84342
Section 307.86 of the Revised Code does not apply to contracts 84343
entered into under this division. In contracting with a community 84344
addiction or mental health services provider, a board shall 84345
consider the cost effectiveness of addiction or mental health 84346
services provided by that provider and the quality and continuity 84347
of care, and may review cost elements, including salary costs, of 84348
the services to be provided. A utilization review process may be 84349
established as part of the contract for services entered into 84350
between a board and a community addiction or mental health 84351
services provider. The board may establish this process in a way 84352
that is most effective and efficient in meeting local needs. 84353

If either the board or a facility or community addiction or 84354
mental health services provider with which the board contracts 84355
under this division proposes not to renew the contract or proposes 84356
substantial changes in contract terms, the other party shall be 84357
given written notice at least one hundred twenty days before the 84358
expiration date of the contract. During the first sixty days of 84359
this one hundred twenty-day period, both parties shall attempt to 84360
resolve any dispute through good faith collaboration and 84361
negotiation in order to continue to provide services to persons in 84362
need. If the dispute has not been resolved sixty days before the 84363
expiration date of the contract, either party may notify the 84364
department of mental health and addiction services of the 84365

unresolved dispute. The director may require both parties to 84366
submit the dispute to a third party with the cost to be shared by 84367
the board and the facility or provider. The third party shall 84368
issue to the board, the facility or provider, and the department 84369
recommendations on how the dispute may be resolved twenty days 84370
prior to the expiration date of the contract, unless both parties 84371
agree to a time extension. The director shall adopt rules 84372
establishing the procedures of this dispute resolution process. 84373

(b) With the prior approval of the director of mental health 84374
and addiction services, a board may operate a facility or provide 84375
~~a community~~ an addiction or mental health service as follows, if 84376
there is no other qualified private or public facility or 84377
community addiction or mental health services provider that is 84378
immediately available and willing to operate such a facility or 84379
provide the service: 84380

(i) In an emergency situation, any board may operate a 84381
facility or provide ~~a community~~ an addiction or mental health 84382
service in order to provide essential services for the duration of 84383
the emergency~~+~~. 84384

(ii) In a service district with a population of at least one 84385
hundred thousand but less than five hundred thousand, a board may 84386
operate a facility or provide ~~a community~~ an addiction or mental 84387
health service for no longer than one year~~+~~. 84388

(iii) In a service district with a population of less than 84389
one hundred thousand, a board may operate a facility or provide ~~a~~ 84390
~~community~~ an addiction or mental health service for no longer than 84391
one year, except that such a board may operate a facility or 84392
provide ~~a community~~ an addiction or mental health service for more 84393
than one year with the prior approval of the director and the 84394
prior approval of the board of county commissioners, or of a 84395
majority of the boards of county commissioners if the district is 84396
a joint-county district. 84397

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

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

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a ~~community~~ an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of ~~community~~ addiction or mental health ~~service~~ services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a

facility or provider may contract with a board to receive 84430
administrative services or staff direction from the board under 84431
the direction of the governing body of the facility or provider. 84432

(9) Approve fee schedules and related charges or adopt a unit 84433
cost schedule or other methods of payment for contract services 84434
provided by community addiction or mental health services 84435
providers in accordance with guidelines issued by the department 84436
as necessary to comply with state and federal laws pertaining to 84437
financial assistance; 84438

(10) Submit to the director and the county commissioners of 84439
the county or counties served by the board, and make available to 84440
the public, an annual report of the services under the 84441
jurisdiction of the board, including a fiscal accounting; 84442

(11) Establish, to the extent resources are available, a 84443
continuum of care that provides for prevention, treatment, 84444
support, and rehabilitation services and opportunities. The 84445
essential elements of the continuum of care shall include the 84446
following components: 84447

(a) To locate persons in need of addiction or mental health 84448
services to inform them of available services and benefits; 84449

(b) Assistance for persons receiving addiction or mental 84450
health services to obtain services necessary to meet basic human 84451
needs for food, clothing, shelter, medical care, personal safety, 84452
and income; 84453

(c) Addiction and mental health services, including all of 84454
the following: 84455

(i) Outpatient; 84456

(ii) Residential; 84457

(iii) Partial hospitalization; 84458

(iv) Where appropriate, inpatient care; 84459

(v) Sub-acute detoxification;	84460
(vi) Intensive and other supports;	84461
(vii) Recovery support;	84462
(viii) Prevention and wellness management;	84463
(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.	84464 84465 84466
(d) Emergency services and crisis intervention;	84467
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	84468 84469
(f) The provision of services designed to develop social, community, and personal living skills;	84470 84471
(g) Access to a wide range of housing and the provision of residential treatment and support;	84472 84473
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	84474 84475 84476
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	84477 84478 84479 84480 84481
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	84482 84483
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;	84484 84485 84486
(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to	84487 84488

establish the continuum of care. 84489

(12) Establish a method for evaluating referrals for 84490
~~involuntary commitment~~ court-ordered treatment and affidavits 84491
filed pursuant to section 5122.11 of the Revised Code in order to 84492
assist the probate division of the court of common pleas in 84493
determining whether there is probable cause that a respondent is 84494
subject to ~~involuntary hospitalization~~ court-ordered treatment and 84495
~~what alternative treatment is~~ whether alternatives to 84496
hospitalization are available and appropriate, ~~if any;~~ 84497

(13) Designate the treatment services, provider, facility, or 84498
other placement for each person involuntarily committed to the 84499
board pursuant to Chapter 5122. of the Revised Code. The board 84500
shall provide the least restrictive and most appropriate 84501
alternative that is available for any person involuntarily 84502
committed to it and shall assure that the listed services 84503
submitted and approved in accordance with division (B) of section 84504
340.08 of the Revised Code are available to severely mentally 84505
disabled persons residing within its service district. The board 84506
shall establish the procedure for authorizing payment for 84507
services, which may include prior authorization in appropriate 84508
circumstances. The In accordance with division (A)(8)(b) of this 84509
section, the board may provide for services directly to a severely 84510
mentally disabled person when life or safety is endangered and 84511
when no community mental health services provider is available to 84512
provide the service. 84513

(14) Ensure that ~~apartments or rooms~~ housing built, 84514
subsidized, renovated, rented, owned, or leased by the board or a 84515
community addiction or mental health services provider ~~have~~ has 84516
been approved as meeting minimum fire safety standards and that 84517
persons residing in the ~~rooms or apartments are receiving~~ housing 84518
have access to appropriate and necessary services, including 84519
culturally relevant services, from a community addiction or mental 84520

health services provider. This division does not apply to 84521
residential facilities licensed pursuant to section 5119.34 of the 84522
Revised Code. 84523

(15) Establish a mechanism for obtaining advice and 84524
involvement of persons receiving ~~publicly funded~~ addiction or 84525
mental health services on matters pertaining to addiction and 84526
mental health services in the alcohol, drug addiction, and mental 84527
health service district; 84528

(16) Perform the duties required by rules adopted under 84529
section 5119.22 of the Revised Code regarding referrals by the 84530
board or mental health services providers under contract with the 84531
board of individuals with mental illness or severe mental 84532
disability to residential facilities ~~as defined in division~~ 84533
~~(A)(9)(b)(iii)~~ of licensed under section 5119.34 of the Revised 84534
Code and effective arrangements for ongoing mental health services 84535
for the individuals. The board is accountable in the manner 84536
specified in the rules for ensuring that the ongoing mental health 84537
services are effectively arranged for the individuals. 84538

(B) The board shall establish such rules, operating 84539
procedures, standards, and bylaws, and perform such other duties 84540
as may be necessary or proper to carry out the purposes of this 84541
chapter. 84542

(C) A board of alcohol, drug addiction, and mental health 84543
services may receive by gift, grant, devise, or bequest any 84544
moneys, lands, or property for the benefit of the purposes for 84545
which the board is established, and may hold and apply it 84546
according to the terms of the gift, grant, or bequest. All money 84547
received, including accrued interest, by gift, grant, or bequest 84548
shall be deposited in the treasury of the county, the treasurer of 84549
which is custodian of the alcohol, drug addiction, and mental 84550
health services funds to the credit of the board and shall be 84551
available for use by the board for purposes stated by the donor or 84552

grantor. 84553

(D) No board member or employee of a board of alcohol, drug 84554
addiction, and mental health services shall be liable for injury 84555
or damages caused by any action or inaction taken within the scope 84556
of the board member's official duties or the employee's 84557
employment, whether or not such action or inaction is expressly 84558
authorized by this section or any other section of the Revised 84559
Code, unless such action or inaction constitutes willful or wanton 84560
misconduct. Chapter 2744. of the Revised Code applies to any 84561
action or inaction by a board member or employee of a board taken 84562
within the scope of the board member's official duties or 84563
employee's employment. For the purposes of this division, the 84564
conduct of a board member or employee shall not be considered 84565
willful or wanton misconduct if the board member or employee acted 84566
in good faith and in a manner that the board member or employee 84567
reasonably believed was in or was not opposed to the best 84568
interests of the board and, with respect to any criminal action or 84569
proceeding, had no reasonable cause to believe the conduct was 84570
unlawful. 84571

(E) The meetings held by any committee established by a board 84572
of alcohol, drug addiction, and mental health services shall be 84573
considered to be meetings of a public body subject to section 84574
121.22 of the Revised Code. 84575

Sec. 340.15. (A) A public children services agency that 84576
identifies a child by a risk assessment conducted pursuant to 84577
section 5153.16 of the Revised Code as being at imminent risk of 84578
being abused or neglected because of an addiction of a parent, 84579
guardian, or custodian of the child to a drug of abuse or alcohol 84580
shall refer the child's addicted parent, guardian, or custodian 84581
and, if the agency determines that the child needs alcohol or 84582
other drug addiction services, the child to a community addiction 84583

services provider ~~certified by the department of mental health and~~ 84584
~~addiction services under section 5119.36 of the Revised Code.~~ A 84585
public children services agency that is sent a court order issued 84586
pursuant to division (B) of section 2151.3514 of the Revised Code 84587
shall refer the addicted parent or other caregiver of the child 84588
identified in the court order to a community addiction services 84589
provider ~~certified by the department of mental health and~~ 84590
~~addiction services under section 5119.36 of the Revised Code.~~ On 84591
receipt of a referral under this division and to the extent 84592
funding identified under division (A)(2) of section 340.08 of the 84593
Revised Code is available, the provider shall provide the 84594
following services to the addicted parent, guardian, custodian, or 84595
caregiver and child in need of addiction services: 84596

(1) If it is determined pursuant to an initial screening to 84597
be needed, assessment and appropriate treatment; 84598

(2) Documentation of progress in accordance with a treatment 84599
plan developed for the addicted parent, guardian, custodian, 84600
caregiver, or child; 84601

(3) If the referral is based on a court order issued pursuant 84602
to division (B) of section 2151.3514 of the Revised Code and the 84603
order requires the specified parent or other caregiver of the 84604
child to submit to alcohol or other drug testing during, after, or 84605
both during and after, treatment, testing in accordance with the 84606
court order. 84607

(B) The services described in division (A) of this section 84608
shall have a priority as provided in the addiction and mental 84609
health services plan and budget established pursuant to sections 84610
340.03 and 340.08 of the Revised Code. Once a referral has been 84611
received pursuant to this section, the public children services 84612
agency and the addiction services provider shall, in accordance 84613
with 42 C.F.R. Part 2, share with each other any information 84614
concerning the persons and services described in that division 84615

that the agency and provider determine are necessary to share. If 84616
the referral is based on a court order issued pursuant to division 84617
(B) of section 2151.3514 of the Revised Code, the results and 84618
recommendations of the addiction services provider also shall be 84619
provided and used as described in division (D) of that section. 84620
Information obtained or maintained by the agency or provider 84621
pursuant to this section that could enable the identification of 84622
any person described in division (A) of this section is not a 84623
public record subject to inspection or copying under section 84624
149.43 of the Revised Code. 84625

Sec. 5119.21. (A) The department of mental health and 84626
addiction services shall: 84627

(1) To the extent the department has available resources and 84628
in consultation with boards of alcohol, drug addiction, and mental 84629
health services, support the continuum of care that the boards are 84630
required by division (A)(11) of section 340.03 of the Revised Code 84631
to establish. The department shall provide the support on a 84632
district or multi-district basis. The department shall assist in 84633
identifying resources, and may prioritize support, for one or more 84634
of the elements of the continuum of care. For the purpose of 84635
division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 84636
the extent the department determines is necessary, the department 84637
shall define additional components to be included in the essential 84638
elements of the continuum of care. 84639

(2) Provide training, consultation, and technical assistance 84640
regarding ~~mental health and~~ addiction and mental health services 84641
and appropriate prevention, recovery, and mental health promotion 84642
activities, including those that are culturally competent, to 84643
employees of the department, community mental health and addiction 84644
services providers, boards of alcohol, drug addiction, and mental 84645
health services, and other agencies providing ~~mental health and~~ 84646

addiction and mental health services; 84647

(3) To the extent the department has available resources, 84648
promote and support a full range of ~~mental health and~~ addiction 84649
and mental health services that are available and accessible to 84650
all residents of this state, especially for severely ~~mentally~~ 84651
~~disabled~~ emotionally disturbed children, and adolescents, severely 84652
mentally disabled adults, pregnant women, parents, guardians or 84653
custodians of children at risk of abuse or neglect, and other 84654
special target populations, including racial and ethnic 84655
minorities, as determined by the department; 84656

(4) Develop standards and measures for evaluating the 84657
effectiveness of ~~mental health and~~ addiction and mental health 84658
services, including services that use methadone treatment, of 84659
gambling addiction services, and for increasing the accountability 84660
of community mental health and ~~alcohol and~~ addiction services 84661
providers ~~and of gambling addiction services providers~~; 84662

(5) Design and set criteria for the determination of priority 84663
populations; 84664

(6) Promote, direct, conduct, and coordinate scientific 84665
research, taking ethnic and racial differences into consideration, 84666
concerning the causes and prevention of mental illness and 84667
addiction, methods of providing effective services and treatment, 84668
and means of enhancing the mental health of and recovery from 84669
addiction of all residents of this state; 84670

(7) Foster the establishment and availability of vocational 84671
rehabilitation services and the creation of employment 84672
opportunities for ~~consumers of mental health and~~ individuals with 84673
addiction ~~services~~ and mental health needs, including members of 84674
racial and ethnic minorities; 84675

(8) Establish a program to protect and promote the rights of 84676
persons receiving ~~mental health and~~ addiction and mental health 84677

services, including the issuance of guidelines on informed consent 84678
and other rights; 84679

(9) Promote the involvement of persons who are receiving or 84680
have received ~~mental health and addiction~~ and mental health 84681
services, including families and other persons having a close 84682
relationship to a person receiving those services, in the 84683
planning, evaluation, delivery, and operation of ~~mental health and~~ 84684
addiction and mental health services; 84685

(10) Notify and consult with the relevant constituencies that 84686
may be affected by rules, standards, and guidelines issued by the 84687
department of mental health and addiction services. These 84688
constituencies shall include consumers of ~~mental health and~~ 84689
addiction and mental health services and their families, and may 84690
include public and private providers, employee organizations, and 84691
others when appropriate. Whenever the department proposes the 84692
adoption, amendment, or rescission of rules under Chapter 119. of 84693
the Revised Code, the notification and consultation required by 84694
this division shall occur prior to the commencement of proceedings 84695
under Chapter 119. The department shall adopt rules under Chapter 84696
119. of the Revised Code that establish procedures for the 84697
notification and consultation required by this division. 84698

(11) Provide consultation to the department of rehabilitation 84699
and correction concerning the delivery of ~~mental health and~~ 84700
addiction and mental health services in state correctional 84701
institutions-; 84702

(12) Promote and coordinate efforts in the provision of 84703
alcohol and drug addiction services and of gambling addiction 84704
services by other state agencies, as defined in section 1.60 of 84705
the Revised Code; courts; hospitals; clinics; physicians in 84706
private practice; public health authorities; boards of alcohol, 84707
drug addiction, and mental health services; ~~alcohol and drug~~ 84708
community addiction services providers; law enforcement agencies; 84709

~~gambling addiction services providers;~~ and related groups; 84710

(13) Provide to each court of record, and biennially update, 84711
a list of the treatment and education programs within that court's 84712
jurisdiction that the court may require an offender, sentenced 84713
pursuant to section 4511.19 of the Revised Code, to attend; 84714

(14) Make the warning sign described in sections 3313.752, 84715
3345.41, and 3707.50 of the Revised Code available on the 84716
department's internet web site; 84717

(15) Provide a program of gambling addiction services on 84718
behalf of the state lottery commission, pursuant to an agreement 84719
entered into with the director of the commission under division 84720
(K) of section 3770.02 of the Revised Code, and provide a program 84721
of gambling addiction services on behalf of the Ohio casino 84722
control commission, under an agreement entered into with the 84723
executive director of the commission under section 3772.062 of the 84724
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 84725
Constitution, the department may enter into agreements with boards 84726
of alcohol, drug addiction, and mental health services, including 84727
boards with districts in which a casino facility is not located, 84728
and nonprofit organizations to provide gambling addiction services 84729
and ~~substance abuse~~ alcohol and drug addiction services, and with 84730
state institutions of higher education or private nonprofit 84731
institutions that possess a certificate of authorization issued 84732
under Chapter 1713. of the Revised Code to perform related 84733
research. 84734

(B) The department may accept and administer grants from 84735
public or private sources for carrying out any of the duties 84736
enumerated in this section. 84737

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 84738
~~department shall adopt a rule defining the term "intervention" as~~ 84739
~~it is used in this chapter in connection with alcohol and drug~~ 84740

~~addiction services and in connection with gambling addiction~~ 84741
~~services.~~ The department may adopt ~~other~~ rules in accordance with 84742
Chapter 119. of the Revised Code as necessary to implement the 84743
requirements of this chapter. 84744

Section 110.11. That the existing versions of sections 84745
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 84746
scheduled to take effect September 15, 2016, are hereby repealed. 84747

Section 110.12. Sections 110.10 and 110.11 of this act shall 84748
take effect September 15, 2016. 84749

Section 201.10. Except as otherwise provided in this act, all 84750
appropriation items in this act are appropriated out of any moneys 84751
in the state treasury to the credit of the designated fund that 84752
are not otherwise appropriated. For all appropriations made in 84753
this act, the amounts in the first column are for fiscal year 2016 84754
and the amounts in the second column are for fiscal year 2017. 84755
84756

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 84757

Dedicated Purpose Fund Group					84758
4J80 889601 CPA Education	\$	325,000	\$	325,000	84759
Assistance					
4K90 889609 Operating Expenses	\$	1,052,714	\$	1,074,173	84760
TOTAL DPF Dedicated Purpose Fund					84761
Group	\$	1,377,714	\$	1,399,173	84762
TOTAL ALL BUDGET FUND GROUPS	\$	1,377,714	\$	1,399,173	84763

Section 205.10. ADJ ADJUTANT GENERAL 84765

General Revenue Fund					84766
GRF 745401 Ohio Military Reserve	\$	12,308	\$	12,308	84767

GRF	745404	Air National Guard	\$	3,095,606	\$	3,095,606	84768
GRF	745407	National Guard	\$	400,000	\$	400,000	84769
		Benefits					
GRF	745409	Central	\$	2,682,098	\$	2,682,098	84770
		Administration					
GRF	745499	Army National Guard	\$	3,689,871	\$	3,689,871	84771
TOTAL GRF		General Revenue Fund	\$	9,879,883	\$	9,879,883	84772
		Dedicated Purpose Fund Group					84773
5340	745612	Property Operations	\$	534,304	\$	534,304	84774
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	84775
		Activities					
5360	745620	Camp Perry and	\$	978,846	\$	978,846	84776
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	84777
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	84778
		Distinction					
5QP0	745629	Patriot Inn Lodging	\$	200,000	\$	200,000	84779
		Operations					
5U80	745613	Community Match	\$	350,000	\$	350,000	84780
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	2,258,750	\$	2,258,750	84781
		Group					
		Federal Fund Group					84782
3420	745616	Army National Guard	\$	26,000,000	\$	26,000,000	84783
		Service Agreement					
3E80	745628	Air National Guard	\$	15,642,000	\$	15,642,000	84784
		Operations and					
		Maintenance					

3R80 745603 Counter Drug	\$	15,000	\$	15,000	84785
Operations					
TOTAL FED Federal Fund Group	\$	41,657,000	\$	41,657,000	84786
TOTAL ALL BUDGET FUND GROUPS	\$	53,795,633	\$	53,795,633	84787

NATIONAL GUARD BENEFITS 84788

The foregoing appropriation item 745407, National Guard 84789
Benefits, shall be used for purposes of sections 5919.31 and 84790
5919.33 of the Revised Code, and for administrative costs of the 84791
associated programs. 84792

If necessary, in order to pay benefits in a timely manner 84793
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 84794
Adjutant General may request the Director of Budget and Management 84795
transfer appropriation from any appropriation item used by the 84796
Adjutant General to appropriation item 745407, National Guard 84797
Benefits. The Adjutant General may subsequently seek Controlling 84798
Board approval to restore the appropriation in the appropriation 84799
item from which such a transfer was made. 84800

For active duty members of the Ohio National Guard who died 84801
after October 7, 2001, while performing active duty, the death 84802
benefit, pursuant to section 5919.33 of the Revised Code, shall be 84803
paid to the beneficiary or beneficiaries designated on the 84804
member's Servicemembers' Group Life Insurance Policy. 84805

STATE ACTIVE DUTY COSTS 84806

Of the foregoing appropriation item 745409, Central 84807
Administration, \$50,000 in each fiscal year shall be used for the 84808
purpose of paying expenses related to state active duty of members 84809
of the Ohio organized militia, in accordance with a proclamation 84810
of the Governor. Expenses include, but are not limited to, the 84811
cost of equipment, supplies, and services, as determined by the 84812
Adjutant General's Department. 84813

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			84814
General Revenue Fund			84815
GRF 100413	Enterprise Data Center Solutions Lease Rental Payments	\$ 4,252,900 \$ 4,256,500	84816
GRF 100414	MARCS Lease Rental Payments	\$ 6,769,700 \$ 6,764,600	84817
GRF 100415	OAKS Lease Rental Payments	\$ 22,244,800 \$ 22,223,800	84818
GRF 100416	STARS Lease Rental Payments	\$ 5,393,700 \$ 7,437,400	84819
GRF 100447	Administrative Buildings Lease Rental Bond Payments	\$ 99,641,900 \$ 96,716,600	84820
GRF 100452	Lean Ohio	\$ 1,059,624 \$ 1,059,624	84821
GRF 100456	State IT Services	\$ 1,772,416 \$ 1,772,416	84822
GRF 100457	Equal Opportunity Services	\$ 2,174,661 \$ 2,174,661	84823
GRF 100459	Ohio Business Gateway	\$ 4,049,094 \$ 4,049,094	84824
GRF 130321	State Agency Support Services	\$ 18,768,016 \$ 18,878,171	84825
TOTAL GRF General Revenue Fund		\$ 166,126,811 \$ 165,332,866	84826
Dedicated Purpose Fund Group			84827
5L70 100610	Professional Development	\$ 2,100,000 \$ 2,100,000	84828
5MV0 100662	Theater Equipment Maintenance	\$ 80,891 \$ 80,891	84829
5NM0 100663	911 Program	\$ 290,000 290,000	84830
5V60 100619	Employee Educational Development	\$ 800,000 \$ 800,000	84831
TOTAL DPF Dedicated Purpose Fund		\$ 3,270,891 \$ 3,270,891	84832

Group

	Internal Service Activity Fund Group					84833	
1120	100616	DAS Administration	\$	7,388,356	\$	7,071,978	84834
1150	100632	Central Service Agency	\$	1,096,906	\$	1,111,099	84835
1170	100644	General Services	\$	12,493,870	\$	12,493,870	84836
		Division - Operating					
1220	100637	Fleet Management	\$	5,182,000	\$	5,182,000	84837
1250	100622	Human Resources	\$	17,249,839	\$	17,249,839	84838
		Division - Operating					
1250	100657	Benefits Communication	\$	612,316	\$	612,316	84839
1280	100620	Office of Collective	\$	3,479,507	\$	3,379,507	84840
		Bargaining					
1300	100606	Risk Management	\$	6,635,784	\$	12,741,616	84841
		Reserve					
1320	100631	DAS Building	\$	51,157,818	\$	51,157,818	84842
		Management					
1330	100607	IT Services Delivery	\$	121,336,868	\$	121,336,868	84843
1880	100649	Equal Opportunity	\$	991,613	\$	953,613	84844
		Division - Operating					
2100	100612	State Printing	\$	21,568,075	\$	21,688,106	84845
2290	100630	IT Governance	\$	28,212,195	\$	29,134,695	84846
2290	100640	Consolidated IT	\$	6,565,639	\$	6,565,639	84847
		Purchases					
4270	100602	Investment Recovery	\$	1,638,515	\$	1,638,515	84848
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	84849
5C20	100605	MARCS Administration	\$	14,940,712	\$	14,953,307	84850
5C30	100608	Minor Construction	\$	4,004,375	\$	4,004,375	84851
		Project Management					
5EB0	100635	OAKS Support	\$	19,813,077	\$	19,813,077	84852
		Organization					
5EB0	100656	OAKS Updates and	\$	10,400,000	\$	6,300,000	84853
		Developments					
5JQ0	100658	Professionals	\$	990,000	\$	990,000	84854

Licensing System				
5KZ0 100659	Building Improvement	\$	6,148,000	\$ 1,289,000 84855
5LJ0 100661	IT Development	\$	13,200,000	\$ 13,200,000 84856
5PC0 100665	Ohio Benefits	\$	80,475,949	\$ 80,475,949 84857
Operations				
TOTAL ISA Internal Service Activity				84858
Fund Group		\$	492,470,049	\$ 490,231,822 84859
Federal Fund Group				84860
3AJ0 100623	Information Technology	\$	1,237,909	\$ 1,237,909 84861
Grants				
TOTAL FED Federal Fund Group				\$ 1,237,909 \$ 1,237,909 84862
TOTAL ALL BUDGET FUND GROUPS				\$ 663,105,660 \$ 660,073,488 84863

Section 207.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 84865
 RENTAL PAYMENTS 84866

The foregoing appropriation item 100415, OAKS Lease Rental 84867
 Payments, shall be used for payments during the period from July 84868
 1, 2015, through June 30, 2017, pursuant to leases and agreements 84869
 entered into under Chapter 125. of the Revised Code, as 84870
 supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 84871
 General Assembly and other prior acts of the General Assembly, 84872
 with respect to financing the costs associated with the 84873
 acquisition, development, installation, and implementation of the 84874
 Ohio Administrative Knowledge System. If it is determined that 84875
 additional appropriations are necessary for this purpose, the 84876
 amounts are hereby appropriated. 84877

Section 207.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 84878
 LEASE RENTAL PAYMENTS 84879

The foregoing appropriation item 100416, STARS Lease Rental 84880
 Payments, shall be used for payments during the period from July 84881
 1, 2015, through June 30, 2017, pursuant to leases and agreements 84882

entered into under Chapter 125. of the Revised Code, as 84883
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 84884
General Assembly and other prior acts of the General Assembly, 84885
with respect to financing the cost for the acquisition, 84886
development, installation, and implementation of the State 84887
Taxation Accounting and Revenue System (STARS). If it is 84888
determined that additional appropriations are necessary for this 84889
purpose, the amounts are hereby appropriated. 84890

Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 84891
RENTAL PAYMENTS 84892

The foregoing appropriation item 100414, MARCS Lease Rental 84893
Payments, shall be used for payments during the period from July 84894
1, 2015, through June 30, 2017, pursuant to leases and agreements 84895
entered into under Chapter 125. of the Revised Code, as 84896
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 84897
General Assembly, with respect to financing the cost for the 84898
acquisition, development, installation, and implementation of the 84899
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 84900
determined that additional appropriations are necessary for this 84901
purpose, the amounts are hereby appropriated. 84902

Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 84903
PAYMENTS 84904

The foregoing appropriation item 100413, EDCS Lease Rental 84905
Payments, shall be used for payments during the period from July 84906
1, 2015, through June 30, 2017, pursuant to leases and agreements 84907
entered into under Chapter 125. of the Revised Code, as 84908
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 84909
General Assembly, with respect to financing the costs associated 84910
with the acquisition, development, installation, and 84911
implementation of the Enterprise Data Center Solutions initiative. 84912

If it is determined that additional appropriations are necessary 84913
for this purpose, the amounts are hereby appropriated. 84914

Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 84915
PAYMENTS 84916

The foregoing appropriation item 100447, Administrative 84917
Buildings Lease Rental Bond Payments, shall be used to meet all 84918
payments during the period from July 1, 2015, through June 30, 84919
2017, by the Department of Administrative Services pursuant to 84920
leases and agreements under Chapters 152. and 154. of the Revised 84921
Code. These appropriations are the source of funds pledged for 84922
bond service charges on related obligations issued under Chapters 84923
152. and 154. of the Revised Code. 84924

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND 84925
BUILDING MANAGEMENT FUND 84926

Following the Director of Budget and Management's approval of 84927
FY 2016 rental rates for buildings managed by the Department of 84928
Administrative Services, the Director of Budget and Management may 84929
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 84930
the Department of Administrative Services and other state agencies 84931
to reflect accurately the rental amounts agencies will pay for 84932
occupied, vacant, or other space that is supported by the General 84933
Revenue Fund. Total General Revenue Fund appropriations may 84934
decrease but may not increase as a result of the appropriation 84935
adjustments made under this section. The foregoing appropriation 84936
item 130321, State Agency Support Services, shall be used to pay 84937
the rent expenses of veterans organizations pursuant to section 84938
123.024 of the Revised Code in fiscal years 2016 and 2017. 84939

The foregoing appropriation item, 130321, State Agency 84940
Support Services, also may be used to provide funding for the cost 84941
of property appraisals or building studies that the Department of 84942

Administrative Services may be required to obtain for property 84943
that is being sold by the state or property under consideration to 84944
be renovated or purchased by the state. 84945

Notwithstanding section 125.28 of the Revised Code, the 84946
foregoing appropriation item 130321, State Agency Support 84947
Services, also may be used to pay the operating expenses of state 84948
facilities maintained by the Department of Administrative Services 84949
that are not billed to building tenants, or other costs associated 84950
with the Voinovich Center in Youngstown, Ohio. These expenses may 84951
include, but are not limited to, the costs for vacant space and 84952
space undergoing renovation, and the rent expenses of tenants that 84953
are relocated because of building renovations. These payments may 84954
be processed by the Department of Administrative Services through 84955
intrastate transfer vouchers and placed into the Building 84956
Management Fund (Fund 1320). 84957

At least once per year, the portion of appropriation item 84958
130321, State Agency Support Services, that is not used for the 84959
regular expenses of the appropriation item shall be processed by 84960
the Department of Administrative Services through intrastate 84961
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 84962

Section 207.80. PROFESSIONAL DEVELOPMENT FUND 84963

The foregoing appropriation item 100610, Professional 84964
Development, shall be used to make payments from the Professional 84965
Development Fund (Fund 5L70) under section 124.182 of the Revised 84966
Code. If it is determined by the Director of Administrative 84967
Services that additional amounts are necessary, the Director of 84968
Administrative Services may request that the Director of Budget 84969
and Management approve additional amounts. Such approved 84970
additional amounts are hereby appropriated. 84971

Section 207.90. 911 PROGRAM 84972

The foregoing appropriation item 100663, 911 Program, shall 84973
be used by the Department of Administrative Services to pay the 84974
administrative costs of the Statewide Emergency Services Internet 84975
Protocol Network Steering Committee. 84976

Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT 84977

The foregoing appropriation item 100619, Employee Educational 84978
Development, shall be used to make payments from the Employee 84979
Educational Development Fund (Fund 5V60) under section 124.86 of 84980
the Revised Code. The fund shall be used to pay the costs of 84981
administering educational programs under existing collective 84982
bargaining agreements with District 1199, the Health Care and 84983
Social Service Union; State Council of Professional Educators; 84984
Ohio Education Association and National Education Association; the 84985
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 84986
State Troopers Association, Units 1 and 15. 84987

If it is determined by the Director of Administrative 84988
Services that additional amounts are necessary, the Director of 84989
Administrative Services may request that the Director of Budget 84990
and Management approve additional amounts. Such approved 84991
additional amounts are hereby appropriated. 84992

Section 207.110. CENTRAL SERVICE AGENCY FUND 84993

The foregoing appropriation item 100632, Central Service 84994
Agency, shall be used to purchase the equipment, products, and 84995
services that are needed to maintain existing automated 84996
applications for the professional licensing boards and the Casino 84997
Control Commission to support board licensing functions in fiscal 84998
years 2016 and 2017 until these functions are replaced by the Ohio 84999
Professionals Licensing System. The Department of Administrative 85000
Services shall establish charges for recovering the costs of 85001
carrying out these functions. The charges shall be billed to the 85002

professional licensing boards and the Casino Control Commission, 85003
and deposited via intrastate transfer vouchers to the credit of 85004
the Central Service Agency Fund (Fund 1150). 85005

Upon implementation of the replacement Ohio Professionals 85006
Licensing System and the decommissioning of the existing automated 85007
applications, the Director of Budget and Management may transfer 85008
any cash balances that remain in the Central Service Agency Fund 85009
(Fund 1150) and that are attributable to the operation of the 85010
existing automated applications to the Professions Licensing 85011
System Fund (Fund 5JQ0). 85012

Section 207.120. GENERAL SERVICE CHARGES 85013

The Department of Administrative Services, with the approval 85014
of the Director of Budget and Management, shall establish charges 85015
for recovering the costs of administering the programs funded by 85016
the General Services Fund (Fund 1170) and the State Printing Fund 85017
(Fund 2100). The charges may be used to recover the cost of paying 85018
a vendor to establish reduced pricing for contracted supplies or 85019
services. 85020

If the Director of Administrative Services determines that 85021
additional amounts are necessary to pay for consulting and 85022
administrative costs related to securing lower pricing, the 85023
Director of Administrative Services may request that the Director 85024
of Budget and Management approve additional expenditures. Such 85025
approved additional amounts are appropriated to appropriation item 85026
100644, General Services Division-Operating. 85027

Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES 85028

With approval of the Director of Budget and Management, the 85029
Department of Administrative Services may seek reimbursement from 85030
state agencies for the actual costs and expenses the Department 85031
incurs in the collective bargaining arbitration process. The 85032

reimbursements shall be processed through intrastate transfer 85033
vouchers and credited to the Collective Bargaining Fund (Fund 85034
1280). 85035

Section 207.140. EQUAL OPPORTUNITY PROGRAM 85036

The Department of Administrative Services, with the approval 85037
of the Director of Budget and Management, shall establish charges 85038
for recovering the costs of administering the activities supported 85039
by the State EEO Fund (Fund 1880). These charges shall be 85040
deposited to the credit of Fund 1880 upon payment made by state 85041
agencies, state-supported or state-assisted institutions of higher 85042
education, and tax-supported agencies, municipal corporations, and 85043
other political subdivisions of the state, for services rendered. 85044

Section 207.150. CONSOLIDATED IT PURCHASES 85045

The foregoing appropriation item 100640, Consolidated IT 85046
Purchases, shall be used by the Department of Administrative 85047
Services acting as the purchasing agent for one or more government 85048
entities under the authority of division (G) of section 125.18 of 85049
the Revised Code to make information technology purchases at a 85050
lower aggregate cost than each individual government entity could 85051
have obtained independently for that information technology 85052
purchase. If the Director of Administrative Services determines 85053
that additional amounts are necessary to pay for pass-through 85054
information technology purchases that will be billed to one or 85055
more state agencies, the Director shall seek Controlling Board 85056
approval for an increase in appropriation sufficient to pay for 85057
the requested purchase. 85058

Section 207.160. INVESTMENT RECOVERY FUND 85059

Notwithstanding division (B) of section 125.14 of the Revised 85060
Code, cash balances in the Investment Recovery Fund (Fund 4270) 85061

may be used to support the operating expenses of the Federal 85062
Surplus Operating Program created in sections 125.84 to 125.90 of 85063
the Revised Code. 85064

The Director of Administrative Services shall use the 85065
foregoing appropriation item 100602, Investment Recovery, to pay 85066
the operating expenses of the State Surplus Property Program and 85067
the Surplus Federal Property Program, under Chapter 125. of the 85068
Revised Code and this section. If additional appropriations are 85069
necessary for the operations of these programs, the Director of 85070
Administrative Services shall seek increased appropriations from 85071
the Controlling Board under section 131.35 of the Revised Code. 85072

The Director of Administrative Services shall transfer 85073
proceeds from the sale of surplus property from the Investment 85074
Recovery Fund to non-General Revenue Funds under division (A)(2) 85075
of section 125.14 of the Revised Code. 85076

Section 207.170. MAJOR IT PURCHASES CHARGES 85077

The Department of Administrative Services may bill agencies 85078
for actual expenditures made for major IT purchases if those 85079
expenditures are not recovered as part of the information 85080
technology services rates the Department charges and deposits into 85081
the Information Technology Fund (Fund 1330) created in section 85082
125.15 of the Revised Code. These charges shall be deposited to 85083
the credit of the Major IT Purchases Fund (Fund 4N60). 85084

Section 207.180. CASH TRANSFER FROM THE MARCS ADMINISTRATION 85085
FUND TO GRF 85086

Upon the request of the Director of Administrative Services, 85087
the Director of Budget and Management may transfer unobligated 85088
cash in the MARCS Administration Fund (Fund 5C20) to the General 85089
Revenue Fund to reimburse the General Revenue Fund for lease 85090
rental payments made on behalf of the MARCS upgrade. 85091

Section 207.190. PROFESSIONS LICENSING SYSTEM 85092

The foregoing appropriation item, 100658, Ohio Professionals 85093
Licensing System, shall be used to purchase the equipment, 85094
products, and services necessary to develop and maintain a 85095
replacement automated licensing system for the professional 85096
licensing boards. 85097

Effective with the implementation of the replacement 85098
licensing system, the Department of Administrative Services shall 85099
establish charges for recovering the costs of ongoing maintenance 85100
of the system. The charges shall be billed to the professional 85101
licensing boards and the Casino Control Commission, and deposited 85102
via intrastate transfer vouchers to the credit of the Professions 85103
Licensing System Fund (Fund 5JQ0), which is hereby created in the 85104
state treasury. 85105

Section 207.200. BUILDING IMPROVEMENT FUND 85106

The foregoing appropriation item 100659, Building 85107
Improvement, shall be used to make payments from the Building 85108
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 85109
required in facilities maintained by the Department of 85110
Administrative Services. The Department of Administrative Services 85111
shall conduct or contract for regular assessments of these 85112
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 85113
the cost of the repairs and improvements that are recommended to 85114
occur within the next five years, with the following exception 85115
described below. 85116

Upon request of the Director of Administrative Services, the 85117
Director of Budget and Management may permit a cash transfer from 85118
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 85119
of operating and maintaining facilities managed by the Department 85120
of Administrative Services that are not charged to tenants during 85121

the same fiscal year. 85122

Should the cash balance in Fund 1320 be determined to be 85123
sufficient, the Director of Administrative Services may request 85124
that the Director of Budget and Management transfer cash from Fund 85125
1320 to 5KZ0 in an amount equal to the initial cash transfer made 85126
under this section plus applicable interest. 85127

On July 1, 2015, or as soon as possible thereafter, the 85128
Director of Budget and Management shall transfer \$1,000,000 cash 85129
from the General Revenue Fund to Fund 5KZ0. The cash transferred 85130
is hereby appropriated for use under appropriation item 100659, 85131
Building Improvement. 85132

Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT 85133

The foregoing appropriation item 100661, IT Development, 85134
shall be used by the Department of Administrative Services to pay 85135
the costs of modernizing the state's information technology 85136
management and investment practices away from a limited, 85137
agency-specific focus in favor of a statewide methodology 85138
supporting development of enterprise solutions. 85139

The Department of Administrative Services, with the approval 85140
of the Director of Budget and Management, may charge state 85141
agencies an information technology development assessment based on 85142
state agencies' information technology expenditures or other 85143
methodology. The revenue from this assessment shall be deposited 85144
in the Information Technology Development Fund (Fund 5LJ0), which 85145
is hereby created. 85146

Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 85147
SERVICE PAYMENTS 85148

The Director of Administrative Services, in consultation with 85149
the Multi-Agency Radio Communication System (MARCS) Steering 85150
Committee and the Director of Budget and Management, shall 85151

determine the share of debt service payments attributable to 85152
spending for MARCS components that are not specific to any one 85153
agency and that shall be charged to agencies supported by the 85154
motor fuel tax. Such share of debt service payments shall be 85155
calculated for MARCS capital disbursements made beginning July 1, 85156
1997. Within thirty days of any payment made from appropriation 85157
item 100447, Administrative Buildings Lease Rental Bond Payments, 85158
the Director of Administrative Services shall certify to the 85159
Director of Budget and Management the amount of this share. The 85160
Director of Budget and Management shall transfer such amounts to 85161
the General Revenue Fund from the State Highway Safety Fund (Fund 85162
7036) established in section 4501.06 of the Revised Code. 85163

The Director of Administrative Services shall consider 85164
renting or leasing existing tower sites at reasonable or current 85165
market rates, so long as these existing sites are equipped with 85166
the technical capabilities to support the MARCS project. 85167

Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION 85168

The Director of Administrative Services shall determine and 85169
implement strategies that benefit the enterprise by improving 85170
efficiency, reducing costs or enhancing capacity of information 85171
technology (IT) services. Such improvements and efficiencies may 85172
result in the consolidation and transfer of such services. As 85173
determined to be necessary for successful implementation of this 85174
section and notwithstanding any provision of law to the contrary, 85175
the Director of Administrative Services may request the Director 85176
of Budget and Management to consolidate or transfer IT-specific 85177
budget authority between agencies or within an agency as necessary 85178
to implement enterprise IT cost containment strategies and related 85179
efficiencies. Once the Director of Budget and Management is 85180
satisfied that the proposed initiative is cost advantageous to the 85181
enterprise, the Director of Budget and Management may transfer 85182

appropriations, funds and cash as needed to implement the proposed 85183
initiative. The establishment of any new fund or additional 85184
appropriation as a result of this section will be subject to 85185
Controlling Board approval. 85186

The Director of Budget and Management and the Director of 85187
Administrative Services may transfer any employees, assets, and 85188
liabilities, including, but not limited to, records, contracts, 85189
and agreements in order to facilitate the improvements determined 85190
in accordance with this section. 85191

Section 209.10. AGE DEPARTMENT OF AGING 85192

General Revenue Fund 85193

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 85194

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 85195

Ombudsman

GRF 490411 Senior Community \$ 7,310,844 \$ 7,310,844 85196

Services

GRF 490414 Alzheimer's Respite \$ 1,995,245 \$ 1,995,245 85197

GRF 490506 National Senior \$ 241,413 \$ 241,413 85198

Service Corps

GRF 656423 Long-Term Care \$ 3,385,057 \$ 3,385,057 85199

Program Support -

State

TOTAL GRF General Revenue Fund \$ 14,897,425 \$ 14,897,425 85200

Dedicated Purpose Fund Group 85201

4800 490606 Senior Community \$ 372,523 \$ 372,523 85202

Outreach and

Education

4C40 490609 Regional Long-Term \$ 935,000 \$ 935,000 85203

Care Ombudsman

Program

5BA0 490620 Ombudsman Support \$ 1,250,000 \$ 1,250,000 85204

5K90	490613	Long-Term Care	\$	1,059,400	\$	1,059,400	85205
		Consumers Guide					
5MT0	490627	Board of Executives	\$	800,000	\$	800,000	85206
		of LTSS					
5W10	490616	Resident Services	\$	344,700	\$	344,700	85207
		Coordinator Program					
TOTAL DPF Dedicated Purpose							85208
Fund Group			\$	4,761,623	\$	4,761,623	85209
Federal Fund Group							85210
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	85211
3C40	656623	Long-Term Care	\$	3,385,057	\$	3,385,057	85212
		Program Support -					
		Federal					
3M40	490612	Federal Independence	\$	58,655,080	\$	58,655,080	85213
		Services					
TOTAL FED Federal Fund Group			\$	70,740,137	\$	70,740,137	85214
TOTAL ALL BUDGET FUND GROUPS			\$	90,399,185	\$	90,399,185	85215

Section 209.20. LONG-TERM CARE 85217

Pursuant to an interagency agreement, the Department of 85218
 Medicaid may designate the Department of Aging to perform 85219
 assessments under section 5165.04 of the Revised Code. The 85220
 Department of Aging shall provide long-term care consultations 85221
 under section 173.42 of the Revised Code to assist individuals in 85222
 planning for their long-term health care needs. 85223

The Department of Aging shall administer the Medicaid 85224
 waiver-funded PASSPORT Home Care Program, the Assisted Living 85225
 Program, and PACE as delegated by the Department of Medicaid in an 85226
 interagency agreement. The foregoing appropriation items 656423, 85227
 Long-Term Care Program Support - State, and 656623, Long-Term Care 85228
 Program Support - Federal, may be used to support the Department 85229
 of Aging's administrative costs associated with operating the 85230

PASSPORT, Assisted Living, and PACE programs.	85231
PERFORMANCE-BASED REIMBURSEMENT	85232
The Department of Aging may design and utilize a payment	85233
method for PASSPORT administrative agency operations that includes	85234
a pay-for-performance incentive component that is earned by a	85235
PASSPORT administrative agency when defined consumer and policy	85236
outcomes are achieved.	85237
Section 209.30. LONG-TERM CARE OMBUDSMAN	85238
The State Ombudsman may explore the design of a payment	85239
method for the Ombudsman Program that includes a	85240
pay-for-performance incentive component that is earned by	85241
designated regional long-term care ombudsman programs.	85242
MYCARE OHIO	85243
The foregoing appropriation items 490410, Long-Term Care	85244
Ombudsman, 490618, Federal Aging Grants, 490612, Federal	85245
Independence Services, 490609, Regional Long-Term Care Ombudsman	85246
Program, and 490620, Ombudsman Support, may be used by the Office	85247
of the State Long-Term Care Ombudsman to provide ombudsman program	85248
activities as described in sections 173.14 to 173.27 and section	85249
173.99 of the Revised Code to consumers participating in MyCare	85250
Ohio.	85251
SENIOR COMMUNITY SERVICES	85252
Of the foregoing appropriation item 490411, Senior Community	85253
Services, \$7,060,844 in each fiscal year shall be used for	85254
services designated by the Department of Aging, including, but not	85255
limited to, home-delivered and congregate meals, transportation	85256
services, personal care services, respite services, adult day	85257
services, home repair, care coordination, prevention and disease	85258
self-management, and decision support systems. Service priority	85259
shall be given to low income, frail, and cognitively impaired	85260

persons 60 years of age and over. The department shall promote 85261
cost sharing by service recipients for those services funded with 85262
senior community services funds, including, when possible, 85263
sliding-fee scale payment systems based on the income of service 85264
recipients 85265

Of the foregoing appropriation item 490411, Senior Community 85266
Services, \$250,000 in each fiscal year shall be allocated to the 85267
Warrensville Senior Center. 85268

NATIONAL SENIOR SERVICE CORPS 85269

The foregoing appropriation item 490506, National Senior 85270
Service Corps, shall be used by the Department of Aging to fund 85271
grants for three Corporation for National and Community 85272
Service/Senior Corps programs: the Foster Grandparents Program, 85273
the Senior Companion Program, and the Retired Senior Volunteer 85274
Program. A recipient of these grant funds shall use the funds to 85275
support priorities established by the Department and the Ohio 85276
State Office of the Corporation for National and Community 85277
Service. The expenditure of these funds by any grant recipient 85278
shall be in accordance with Senior Corps policies and procedures, 85279
as stated in the Domestic Volunteer Service Act of 1973, as 85280
amended. Neither the Department nor any area agencies on aging 85281
that are involved in the distribution of these funds to 85282
lower-tiered grant recipients may use any portion of these funds 85283
to cover administrative costs. 85284

TRANSFER OF RESIDENT PROTECTION FUNDS 85285

In each fiscal year, the Director of Budget and Management 85286
may transfer up to \$1,250,000 cash from the Resident Protection 85287
Fund (Fund 4E30), which is used by the Department of Medicaid, to 85288
the Ombudsman Support Fund (Fund 5BA0), which is used by the 85289
Department of Aging. 85290

The Director of Aging and the Office of the State Long-Term 85291

Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 85292
5BA0) to implement a nursing home quality initiative as specified 85293
in section 173.60 of the Revised Code. 85294

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 85295
AND FEDERAL AGING GRANTS 85296

At the request of the Director of Aging, the Director of 85297
Budget and Management may transfer appropriation between 85298
appropriation items 490612, Federal Independence Services, and 85299
490618, Federal Aging Grants. The amounts transferred shall not 85300
exceed 30 per cent of the appropriation from which the transfer is 85301
made. Any transfers shall be reported by the Department of Aging 85302
to the Controlling Board at the next scheduled meeting of the 85303
board. 85304

Section 209.40. UPDATING AUTHORIZING STATUTE CITATIONS 85305

As used in this section, "authorizing statute" means a 85306
Revised Code section or provision of a Revised Code section that 85307
is cited in the Ohio Administrative Code as the statute that 85308
authorizes the adoption of a rule. 85309

The Director of Aging is not required to amend any rule for 85310
the sole purpose of updating the citation in the Ohio 85311
Administrative Code to the rule's authorizing statute to reflect 85312
that this act renumbers the authorizing statute or relocates it to 85313
another Revised Code section. Such citations shall be updated as 85314
the Director amends the rules for other purposes. 85315

Section 209.50. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 85316
SUPPORTS 85317

The Board of Executives of Long-Term Services and Supports 85318
may develop and conduct, or contract with a government or private 85319
entity to develop and conduct, opportunities for education, 85320
training, and credentialing of nursing home administrators, 85321

including persons interested in becoming licensed as nursing home administrators, and others in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings.

All fees paid to the Board of Executives of Long-Term Services and Support by an applicant for education or training shall be used solely for the administration of the training program in division (A)(10) of section 4751.04 of the Revised Code. The fees may be used to support the education and training programs by paying for items including, but not limited to, instructor fees, venues where the education or training is conducted, books, materials and printing.

Training or education programs may be conducted in person or through electronic media. If the Board contracts with a government or private entity to administer the education or training programs, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to take the education or training program.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$	3,686,687	\$	3,686,687	85344
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	85345
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	85346
GRF 700406	Consumer Protection	\$	1,287,556	\$	1,287,556	85347
	Lab					
GRF 700407	Food Safety	\$	1,000,000	\$	1,000,000	85348
GRF 700409	Farmland Preservation	\$	72,750	\$	72,750	85349
GRF 700410	Plant Industry	\$	150,000	\$	150,000	85350
GRF 700412	Weights and Measures	\$	600,000	\$	600,000	85351

GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	85352
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	85353
GRF 700424	Livestock Testing and Inspections	\$	92,493	\$	92,493	85354
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	85355
GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	85356
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	85357
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	85358
GRF 700505	Agricultural Society Facilities Grant	\$	0	\$	4,700,000	85359
TOTAL GRF	General Revenue Fund	\$	15,695,162	\$	20,395,162	85360
	Dedicated Purpose Fund Group					85361
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	85362
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	85363
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	85364
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	85365
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	85366
4D20 700609	Auction Education	\$	35,000	\$	35,000	85367
4E40 700606	Utility Radiological Safety	\$	125,000	\$	125,000	85368
4P70 700610	Food Safety Inspection	\$	957,328	\$	957,328	85369

4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500	85370
4R20	700637	Dairy Industry Inspection	\$	1,658,247	\$	1,658,247	85371
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	85372
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	85373
5880	700633	Brand Registration	\$	5,000	\$	5,000	85374
5B80	700629	Auctioneers	\$	340,000	\$	340,000	85375
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000	85376
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	85377
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000	85378
5L80	700604	Livestock Management Program	\$	135,000	\$	135,000	85379
5MA0	700657	Dangerous and Restricted Animals	\$	50,000	\$	50,000	85380
5MR0	700658	High Volume Breeders and Kennels	\$	174,000	\$	174,000	85381
6520	700634	Animal, Consumer, and ATL Labs	\$	4,966,383	\$	4,966,383	85382
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,418,041	\$	4,418,041	85383
TOTAL DPF Dedicated Purpose							85384
Fund Group			\$	19,269,313	\$	19,269,313	85385
Internal Service Activity Fund Group							85386
5DA0	700644	Laboratory Administration Support	\$	1,164,000	\$	1,164,000	85387
5GH0	700655	Administrative Support	\$	4,404,073	\$	4,404,073	85388
TOTAL ISA Internal Service Activity							85389

Fund Group		\$	5,568,073		5,568,073	85390
Capital Projects Fund Group						85391
7057 700632	Clean Ohio	\$	310,000	\$	310,000	85392
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	85393
Group						
Federal Fund Group						85394
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	85395
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	85396
	Revolving					
3820 700601	Federal Cooperative	\$	4,500,000	\$	4,500,000	85397
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	85398
3J40 700607	Federal	\$	1,100,000	\$	1,100,000	85399
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	85400
	Industry					
TOTAL FED Federal Fund Group		\$	16,301,000	\$	16,301,000	85401
TOTAL ALL BUDGET FUND GROUPS		\$	57,143,548	\$	61,843,548	85402
	DANGEROUS AND RESTRICTED WILD ANIMALS					85403
	The foregoing appropriation item 700426, Dangerous and					85404
	Restricted Animals, shall be used to administer the Dangerous and					85405
	Restricted Wild Animal Permitting Program.					85406
	COUNTY AGRICULTURAL SOCIETIES					85407
	The foregoing appropriation item 700501, County Agricultural					85408
	Societies, shall be used to reimburse county and independent					85409
	agricultural societies for expenses related to Junior Fair					85410

activities.					85411
AGRICULTURAL SOCIETY FACILITIES GRANT					85412
The foregoing appropriation item 700505, Agricultural Society					85413
Facilities Grant, shall be used by the Director of Agriculture to					85414
administer the Agricultural Society Facilities Grant Program in					85415
accordance with Section 717.10 of this act.					85416
CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES					85417
The foregoing appropriation item 700632, Clean Ohio					85418
Agricultural Easement Operating, shall be used by the Department					85419
of Agriculture in administering Ohio Agricultural Easement Fund					85420
(Fund 7057) projects pursuant to sections 901.21, 901.22, and					85421
5301.67 to 5301.70 of the Revised Code.					85422
Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY					85423
Dedicated Purpose Fund Group					85424
4Z90 898602 Small Business	\$	288,232	\$	288,232	85425
Ombudsman					
5700 898601 Operating Expenses	\$	186,568	\$	189,590	85426
5A00 898603 Small Business	\$	450,000	\$	450,000	85427
Assistance					
5EG0 898608 Energy Strategy	\$	193,184	\$	176,394	85428
Development					
TOTAL DPF Dedicated Purpose Fund	\$	1,117,984	\$	1,104,216	85429
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,117,984	\$	1,104,216	85430
Section 213.20. ENERGY STRATEGY DEVELOPMENT					85432
(A) There is hereby created in the state treasury the Energy					85433
Strategy Development Fund (Fund 5EG0). The fund shall consist of					85434
money credited to it and money obtained for advanced energy					85435
projects from federal or private grants, loans, or other sources.					85436

Money in the fund shall be used to carry out the purposes of the 85437
 Energy Strategy Development Program. Interest earned on the money 85438
 in the fund shall be credited to the General Revenue Fund. 85439

(B) The Energy Strategy Development Program shall develop 85440
 energy initiatives, projects, and policy that align with the 85441
 energy policy for the state. Issues addressed by such initiatives, 85442
 projects, and policy shall not be limited to those governed by 85443
 Chapter 3706. of the Revised Code. The program also pays for costs 85444
 associated with the administration of the outstanding loans and 85445
 working with the outside parties associated with the loans. The 85446
 Ohio Air Quality Development Authority shall be responsible for 85447
 the monitoring of the program. 85448

(C) On July 1 of each fiscal year, or as soon as possible 85449
 thereafter, the Director of Budget and Management may transfer 85450
 cash from the funds specified below, up to the amounts specified 85451
 below, to the Energy Strategy Development Fund. Fund 5EG0 may 85452
 accept contributions and transfers made to the fund. On July 1, 85453
 2017, or as soon as possible thereafter, the Director shall 85454
 transfer to the General Revenue Fund all cash credited to Fund 85455
 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 85456

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	85457
	Construction	Construction			85458
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	85459
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	85460
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	85461
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	85462
	Indirect	Natural Resources			

	Chargeback				
7002	Highway Operating Department of	\$39,150	\$39,199	85463	
	Transportation				

	Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT			85464
	AUTHORITY TRUST ACCOUNT			85465

	Notwithstanding any other provision of law to the contrary,	85466
	the Air Quality Development Authority may reimburse the Air	85467
	Quality Development Authority trust account established under	85468
	section 3706.10 of the Revised Code from all operating funds of	85469
	the agency for expenses pertaining to the administration and	85470
	shared costs incurred by the Air Quality Development Authority in	85471
	the execution of responsibilities as prescribed in Chapter 3706.	85472
	of the Revised Code. The reimbursement shall be made by voucher	85473
	and completed in accordance with the administrative indirect costs	85474
	allocation plan approved by the Office of Budget and Management.	85475

	Section 215.10. ARC ARCHITECTS BOARDS			85476
	Dedicated Purpose Fund Group			85477
4K90 891609	Operating	\$ 507,614	\$ 517,912	85478
	TOTAL DPF Dedicated Purpose Fund			85479
	Group	\$ 507,614	\$ 517,912	85480
	TOTAL ALL BUDGET FUND GROUPS	\$ 507,614	\$ 517,912	85481

	Section 217.10. ART OHIO ARTS COUNCIL			85483
	General Revenue Fund			85484
GRF 370321	Operating Expenses	\$ 1,772,050	\$ 1,772,050	85485
GRF 370502	State Program	\$ 11,450,000	\$ 11,950,000	85486
	Subsidies			
	TOTAL GRF General Revenue Fund	\$ 13,222,050	\$ 13,722,050	85487
	Dedicated Purpose Fund Group			85488
4600 370602	Management Expenses	\$ 300,000	\$ 300,000	85489

		and Donations				
4B70	370603	Percent for Art	\$	225,000	\$	225,000 85490
		Acquisitions				
TOTAL DPF		Dedicated Purpose Fund	\$	525,000	\$	525,000 85491
		Group				
		Federal Fund Group				85492
3140	370601	Federal Support	\$	1,000,000	\$	1,000,000 85493
TOTAL FED		Federal Fund Group	\$	1,000,000	\$	1,000,000 85494
TOTAL ALL BUDGET FUND GROUPS			\$	14,747,050	\$	15,247,050 85495
		FEDERAL SUPPORT				85496
		Notwithstanding any provision of law to the contrary, the				85497
		foregoing appropriation item 370601, Federal Support, shall be				85498
		used by the Ohio Arts Council for subsidies only, and not for its				85499
		administrative costs, unless the Council is required to use a				85500
		portion of the funds for administrative costs under conditions of				85501
		the federal grant.				85502
		Section 219.10. ATH ATHLETIC COMMISSION				85503
		Dedicated Purpose Fund Group				85504
4K90	175609	Operating Expenses	\$	320,000	\$	320,000 85505
TOTAL DPF		Dedicated Purpose Fund	\$	320,000	\$	320,000 85506
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	320,000	\$	320,000 85507
		Section 221.10. AGO ATTORNEY GENERAL				85509
		General Revenue Fund				85510
GRF	055321	Operating Expenses	\$	43,114,169	\$	43,114,169 85511
GRF	055405	Law-Related Education	\$	100,000	\$	100,000 85512
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921 85513
		Supplement				
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499 85514
		Pay Supplement				

GRF	055501	Rape Crisis Centers	\$	1,500,000	\$	1,500,000	85515
TOTAL GRF		General Revenue Fund	\$	46,303,589	\$	46,303,589	85516
Dedicated Purpose Fund Group							85517
1060	055612	Attorney General	\$	64,008,182	\$	64,818,182	85518
		Operating					
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	85519
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	85520
		Foundations					
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	85521
4200	055603	Attorney General	\$	2,392,074	\$	2,392,074	85522
		Antitrust					
4210	055617	Police Officers'	\$	1,701,545	\$	1,701,545	85523
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	85524
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	85525
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	85526
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	85527
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	85528
		Enforcement					
5L50	055619	Law Enforcement	\$	2,800,000	\$	2,800,000	85529
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	85530
		Training - Casino					
5MP0	055657	Peace Officer	\$	250,000	\$	325,000	85531
		Training Commission					
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000	85532
		Enforcement					
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	85533
		Waste Background					
		Investigations					

U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	85534
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF		Dedicated Purpose Fund					85535
Group			\$	180,017,376	\$	182,147,135	85536
		Internal Service Activity Fund Group					85537
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504	85538
		Section					
TOTAL ISA		Internal Service Activity	\$	8,415,504	\$	8,415,504	85539
Fund Group							
		Holding Account Fund Group					85540
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	85541
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	85542
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	85543
R042	055601	Organized Crime	\$	25,025	\$	25,025	85544
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	85545
		Redistribution					
TOTAL HLD		Holding Account					85546
Fund Group			\$	6,276,025	\$	6,276,025	85547
		Federal Fund Group					85548
3060	055620	Medicaid Fraud	\$	8,461,419	\$	8,961,419	85549
		Control					
3830	055634	Crime Victims	\$	16,500,000	\$	16,500,000	85550
		Assistance					
3E50	055638	Attorney General	\$	2,320,999	\$	2,320,999	85551
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	3,155,000	\$	3,155,000	85552
		Compensation					

3R60 055613	Attorney General	\$	2,799,999	\$	2,799,999	85553
	Federal Funds					
TOTAL FED	Federal Fund Group	\$	33,237,417	\$	33,737,417	85554
TOTAL ALL BUDGET	FUND GROUPS	\$	274,249,911	\$	276,879,670	85555

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 85556

Of the foregoing appropriation item 055321, Operating 85557
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 85558
Center for the Future of Forensic Science at Bowling Green State 85559
University. The purpose of the Center shall be to foster forensic 85560
science research techniques (BCI Eminent Scholar) and to create 85561
professional training opportunities to students (BCI Scholars) in 85562
the forensic science fields. 85563

COUNTY SHERIFFS' PAY SUPPLEMENT 85564

The foregoing appropriation item 055411, County Sheriffs' Pay 85565
Supplement, shall be used for the purpose of supplementing the 85566
annual compensation of county sheriffs as required by section 85567
325.06 of the Revised Code. 85568

At the request of the Attorney General, the Director of 85569
Budget and Management may transfer appropriation from 85570
appropriation item 055321, Operating Expenses, to appropriation 85571
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 85572
transferred shall be used to supplement the annual compensation of 85573
county sheriffs as required by section 325.06 of the Revised Code. 85574

COUNTY PROSECUTORS' PAY SUPPLEMENT 85575

The foregoing appropriation item 055415, County Prosecutors' 85576
Pay Supplement, shall be used for the purpose of supplementing the 85577
annual compensation of certain county prosecutors as required by 85578
section 325.111 of the Revised Code. 85579

At the request of the Attorney General, the Director of 85580
Budget and Management may transfer appropriation from 85581
appropriation item 055321, Operating Expenses, to appropriation 85582

item 055415, County Prosecutors' Pay Supplement. Any appropriation 85583
so transferred shall be used to supplement the annual compensation 85584
of county prosecutors as required by section 325.111 of the 85585
Revised Code. 85586

WORKERS' COMPENSATION SECTION 85587

The Workers' Compensation Fund (Fund 1950) is entitled to 85588
receive payments from the Bureau of Workers' Compensation and the 85589
Ohio Industrial Commission at the beginning of each quarter of 85590
each fiscal year to fund legal services to be provided to the 85591
Bureau of Workers' Compensation and the Ohio Industrial Commission 85592
during the ensuing quarter. The advance payment shall be subject 85593
to adjustment. 85594

In addition, the Bureau of Workers' Compensation shall 85595
transfer payments at the beginning of each quarter for the support 85596
of the Workers' Compensation Fraud Unit. 85597

All amounts shall be mutually agreed upon by the Attorney 85598
General, the Bureau of Workers' Compensation, and the Ohio 85599
Industrial Commission. 85600

GENERAL HOLDING ACCOUNT 85601

The foregoing appropriation item 055631, General Holding 85602
Account, shall be used to distribute moneys under the terms of 85603
relevant court orders or other settlements received in a variety 85604
of cases involving the Office of the Attorney General. If it is 85605
determined that additional amounts are necessary for this purpose, 85606
the amounts are hereby appropriated. 85607

ANTITRUST SETTLEMENTS 85608

The foregoing appropriation item 055632, Antitrust 85609
Settlements, shall be used to distribute moneys under the terms of 85610
relevant court orders or other out of court settlements in 85611
antitrust cases or antitrust matters involving the Office of the 85612

Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS

The foregoing appropriation item 055638, Attorney General

Pass-Through Funds, shall be used to receive federal grant funds 85643
 provided to the Attorney General by other state agencies, 85644
 including, but not limited to, the Department of Youth Services 85645
 and the Department of Public Safety. 85646

Section 223.10. AUD AUDITOR OF STATE 85647

General Revenue Fund 85648

GRF 070321 Operating Expenses \$ 27,679,072 \$ 27,679,072 85649

GRF 070403 Fiscal \$ 800,000 \$ 800,000 85650

Watch/Emergency
 Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,479,072 \$ 28,479,072 85651

Dedicated Purpose Fund Group 85652

1090 070601 Public Audit Expense \$ 9,396,081 \$ 9,396,081 85653

- Intra-State

4220 070602 Public Audit Expense \$ 32,937,044 \$ 33,143,044 85654

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 85655

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 85656

6750 070605 Uniform Accounting \$ 3,160,637 \$ 3,160,637 85657

Network

TOTAL DPF Dedicated Purpose Fund 85658

Group \$ 46,297,512 \$ 46,503,512 85659

TOTAL ALL BUDGET FUND GROUPS \$ 74,776,584 \$ 74,982,584 85660

Section 225.10. BRB BOARD OF BARBER EXAMINERS 85662

Dedicated Purpose Fund Group 85663

4K90 877609 Operating Expenses \$ 674,272 \$ 688,272 85664

TOTAL DPF Dedicated Purpose Fund 85665

Group \$ 674,272 \$ 688,272 85666

TOTAL ALL BUDGET FUND GROUPS \$ 674,272 \$ 688,272 85667

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT				85669
General Revenue Fund				85670
GRF	042321	Budget Development and Implementation	\$ 2,981,898 \$ 2,933,175	85671
GRF	042416	Office of Health Transformation	\$ 430,000 \$ 438,723	85672
GRF	042425	Shared Services Development	\$ 1,385,000 \$ 1,425,000	85673
TOTAL GRF	General Revenue Fund		\$ 4,796,898 \$ 4,796,898	85674
Internal Service Activity Fund Group				85675
1050	042603	Financial Management	\$ 14,676,746 \$ 14,593,851	85676
1050	042620	Shared Services Operating	\$ 8,699,170 \$ 8,782,065	85677
TOTAL ISA	Internal Service Activity Fund Group		\$ 23,375,916 \$ 23,375,916	85678
Fiduciary Fund Group				85680
5EH0	042604	Forgery Recovery	\$ 40,000 \$ 40,000	85681
TOTAL FID	Fiduciary Fund Group		\$ 40,000 \$ 40,000	85682
Federal Fund Group				85683
3CM0	042606	Office of Health Transformation - Federal	\$ 430,000 \$ 438,723	85684
TOTAL FED	Federal Fund Group		\$ 430,000 \$ 438,723	85685
TOTAL ALL	BUDGET FUND GROUPS		\$ 28,642,814 \$ 28,651,537	85686
AUDIT COSTS AND DUES				85687
All centralized audit costs associated with either Single				85688
Audit Schedules or financial statements prepared in conformance				85689
with generally accepted accounting principles for the state shall				85690
be paid from the foregoing appropriation item 042603, Financial				85691
Management.				85692

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.

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SHARED SERVICES CENTER

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The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes.

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The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

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INTERNAL AUDIT

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The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

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FORGERY RECOVERY

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The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of

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Criminal Identification and Investigation and the Treasurer of 85724
 State. Upon receipt of funds to cover the reissuance of the 85725
 warrant, the Director of Budget and Management shall reissue a 85726
 state warrant of the same amount. Any additional amounts needed to 85727
 reissue warrants backed by the receipt of funds are hereby 85728
 appropriated. 85729

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 85730

General Revenue Fund 85731

GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 85732

GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 85733
 Equipment

TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 85734

Dedicated Purpose Fund Group 85735

2080 874601 Underground Parking \$ 3,496,740 \$ 3,496,740 85736
 Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 85737
 Education Center and
 Arts

TOTAL DPF Dedicated Purpose 85738

Fund Group \$ 3,502,740 \$ 3,502,740 85739

Internal Service Activity Fund Group 85740

4S70 874602 Statehouse Gift \$ 700,000 \$ 700,000 85741
 Shop/Events

TOTAL ISA Internal Service Activity 85742

Fund Group \$ 700,000 \$ 700,000 85743

TOTAL ALL BUDGET FUND GROUPS \$ 7,781,305 \$ 7,781,305 85744

WAREHOUSE PAYMENTS 85745

Of the foregoing appropriation item 874601, Underground 85746
 Parking Garage Operations, \$48,000 in each fiscal year shall be 85747
 used to meet all payments at the times they are required to be 85748

made during the period from July 1, 2015, through June 30, 2017, 85749
to the Department of Administrative Services for bond service 85750
charges relating to the purchase and improvement of a warehouse 85751
acquired pursuant to section 105.41 of the Revised Code, in which 85752
to store items of the Capitol Collection Trust and, whenever 85753
necessary, equipment or other property of the Board. 85754

UNDERGROUND PARKING GARAGE FUND 85755

Notwithstanding division (G) of section 105.41 of the Revised 85756
Code and any other provision to the contrary, moneys in the 85757
Underground Parking Garage Fund (Fund 2080) may be used for 85758
personnel and operating costs related to the operations of the 85759
Statehouse and the Statehouse Underground Parking Garage. 85760

HOUSE AND SENATE PARKING REIMBURSEMENT 85761

On July 1 of each fiscal year, or as soon as possible 85762
thereafter, the Director of Budget and Management shall transfer 85763
\$500,000 cash from the General Revenue Fund to the Underground 85764
Parking Garage Fund (Fund 2080). The amounts transferred under 85765
this section shall be used to reimburse the Capitol Square Review 85766
and Advisory Board for legislative parking costs. 85767

Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND 85768
SCHOOLS 85769

Dedicated Purpose Fund Group 85770

4K90 233601 Operating Expenses \$ 579,328 \$ 579,328 85771

TOTAL DPF Dedicated Purpose Fund \$ 579,328 \$ 579,328 85772

Group

TOTAL ALL BUDGET FUND GROUPS \$ 579,328 \$ 579,328 85773

Section 233.10. CAC CASINO CONTROL COMMISSION 85775

Dedicated Purpose Fund Group 85776

5HS0 955321 Operating Expenses \$ 12,415,000 \$ 12,415,000 85777

5NU0 955601	Casino Commission	\$	50,000	\$	50,000	85778
	Enforcement					
TOTAL DPF	Dedicated Purpose Fund	\$	12,465,000	\$	12,465,000	85779
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	12,465,000	\$	12,465,000	85780
Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD						85782
Dedicated Purpose Fund Group						85783
4K90 930609	Operating Expenses	\$	490,644	\$	489,666	85784
TOTAL DPF	Dedicated Purpose Fund	\$	490,644	\$	489,666	85785
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	490,644	\$	489,666	85786
Section 237.10. CHR STATE CHIROPRACTIC BOARD						85788
Dedicated Purpose Fund Group						85789
4K90 878609	Operating Expenses	\$	648,734	\$	663,521	85790
TOTAL DPF	Dedicated Purpose Fund	\$	648,734	\$	663,521	85791
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	648,734	\$	663,521	85792
Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION						85794
General Revenue Fund						85795
GRF 876321	Operating Expenses	\$	5,406,444	\$	5,406,444	85796
TOTAL GRF	General Revenue Fund	\$	5,406,444	\$	5,406,444	85797
Internal Service Activity Fund Group						85798
2170 876604	Operations Support	\$	4,000	\$	4,000	85799
TOTAL ISA	Internal Service Activity					85800
Fund Group		\$	4,000	\$	4,000	85801
Federal Fund Group						85802
3340 876601	Federal Programs	\$	2,802,760	\$	2,947,982	85803
TOTAL FED	Federal Special Revenue					85804
Fund Group		\$	2,802,760	\$	2,947,982	85805

TOTAL ALL BUDGET FUND GROUPS		\$	8,213,204	\$	8,358,426	85806	
Section 241.10. COM DEPARTMENT OF COMMERCE						85808	
Dedicated Purpose Fund Group						85809	
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	85810
Recovery							
4H90	800608	Cemeteries	\$	274,080	\$	278,352	85811
4X20	800619	Financial Institutions	\$	1,854,298	\$	1,854,298	85812
5430	800602	Unclaimed	\$	7,764,160	\$	7,779,076	85813
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	85814
5440	800612	Banks	\$	6,867,039	\$	6,885,074	85815
5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	85816
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	85817
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	85818
5470	800603	Real Estate	\$	69,655	\$	69,655	85819
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	85820
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	85821
5500	800617	Securities	\$	4,421,403	\$	4,577,915	85822
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	85823
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	85824
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	85825
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	85826
Departments							
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	85827
Education							
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	85828
Education/Enforcement							
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	85829
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	85830
Extraordinary Allowance							
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	85831

		Services				
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644 85832
		Operating Expenses				
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000 85833
		Program				
5X60	800623	Video Service	\$	383,792	\$	389,110 85834
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208 85835
		Fee				
6A40	800630	Real Estate	\$	684,978	\$	692,170 85836
		Appraiser-Operating				
TOTAL DPF		Dedicated Purpose				85837
Fund Group			\$	171,538,916	\$	170,929,434 85838
		Internal Service Activity Fund Group				85839
1630	800620	Division of	\$	7,700,000	\$	7,700,000 85840
		Administration				
1630	800637	Information Technology	\$	7,453,822	\$	9,493,259 85841
TOTAL ISA		Internal Service Activity				85842
Fund Group			\$	15,153,822	\$	17,193,259 85843
		Federal Fund Group				85844
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518 85845
		Tanks				
3480	800624	Leaking Underground	\$	1,795,481	\$	1,795,481 85846
		Storage Tanks				
TOTAL FED		Federal Fund Group	\$	2,924,999	\$	2,924,999 85847
TOTAL ALL BUDGET FUND GROUPS			\$	189,617,737	\$	191,047,692 85848
		UNCLAIMED FUNDS PAYMENTS				85849
		The foregoing appropriation item 800625, Unclaimed				85850
		Funds-Claims, shall be used to pay claims under section 169.08 of				85851
		the Revised Code. If it is determined by the Director of Commerce				85852
		that additional appropriation amounts are necessary to make such				85853
		payments, the Director of Commerce may request that the Director				85854
		of Budget and Management increase such amounts. Such amounts are				85855

hereby appropriated. 85856

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 85857

The foregoing appropriation item 800631, Real Estate 85858
Appraiser Recovery, shall be used to pay settlements, judgments, 85859
and court orders under section 4763.16 of the Revised Code. If it 85860
is determined by the Director of Commerce that additional 85861
appropriation amounts are necessary to make such payments, the 85862
Director of Commerce may request that the Director of Budget and 85863
Management increase such amounts. Such amounts are hereby 85864
appropriated. 85865

The foregoing appropriation item 800611, Real Estate 85866
Recovery, shall be used to pay settlements, judgments, and court 85867
orders under section 4735.12 of the Revised Code. If it is 85868
determined by the Director of Commerce that additional 85869
appropriation amounts are necessary to make such payments, the 85870
Director of Commerce may request that the Director of Budget and 85871
Management increase such amounts. Such amounts are hereby 85872
appropriated. 85873

FIRE DEPARTMENT GRANTS 85874

Of the foregoing appropriation item 800639, Fire Department 85875
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 85876
fiscal year 2017 shall be used to make annual grants to the 85877
following eligible recipients: volunteer fire departments, fire 85878
departments that serve one or more small municipalities or small 85879
townships, joint fire districts comprised of fire departments that 85880
primarily serve small municipalities or small townships, local 85881
units of government responsible for such fire departments, and 85882
local units of government responsible for the provision of fire 85883
protection services for small municipalities or small townships. 85884
For the purposes of these grants, a private fire company, as that 85885
phrase is defined in section 9.60 of the Revised Code, that is 85886

providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire

Marshal. The State Fire Marshal may then award the returned 85919
equipment to any eligible recipients. For this paragraph only, an 85920
"equipment grant" also includes a MARCS Grant. 85921

Except as otherwise provided in this section, the grants 85922
shall be used by recipients to purchase firefighting or rescue 85923
equipment or gear or similar items, to provide full or partial 85924
reimbursement for the documented costs of firefighter training, 85925
or, at the discretion of the State Fire Marshal, to cover fire 85926
department costs for providing fire protection services in that 85927
grant recipient's jurisdiction. 85928

Of the foregoing appropriation item 800639, Fire Department 85929
Grants, up to \$500,000 per fiscal year may be used to pay for the 85930
State Fire Marshal's costs of providing firefighter I 85931
certification classes or other firefighter classes approved by the 85932
Department of Public Safety in accordance with section 4765.55 of 85933
the Revised Code at no cost to selected students attending the 85934
Ohio Fire Academy or other class providers approved by the State 85935
Fire Marshal. The State Fire Marshal may establish the 85936
qualifications and selection processes for students to attend such 85937
classes by written policy, and such students shall be considered 85938
eligible recipients of fire department grants for the purposes of 85939
this portion of the grant program. 85940

For purposes of this section, a MARCS Grant is a grant for 85941
systems, equipment, or services that are a part of, integrated 85942
into, or otherwise interoperable with the Multi-Agency Radio 85943
Communication System (MARCS) operated by the state. 85944

Of the foregoing appropriation item 800639, Fire Department 85945
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 85946
Grants. MARCS Grants may be used for the payment of user access 85947
fees by the eligible recipient to access MARCS. 85948

MARCS Grant awards may be up to \$50,000 in each fiscal year 85949

per eligible recipient. Each eligible recipient may only apply, as 85950
a separate entity or as a part of a joint application, for one 85951
MARCS Grant per fiscal year. The State Fire Marshal may give a 85952
preference in the awarding of MARCS Grants to grants that will 85953
enhance the overall interoperability and effectiveness of 85954
emergency communication networks in the geographic region that 85955
includes and that is adjacent to the applicant. Eligible 85956
recipients that are or were awarded fire department grants that 85957
are not MARCS Grants may also apply for and receive MARCS Grants 85958
in accordance with criteria for the awarding of grant funds 85959
established by the State Fire Marshal. 85960

Grant awards for firefighting or rescue equipment or gear or 85961
for fire department costs of providing fire protection services 85962
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 85963
fiscal year if an eligible entity serves a jurisdiction in which 85964
the Governor declared a natural disaster during the preceding or 85965
current fiscal year in which the grant was awarded. In addition to 85966
any grant funds awarded for rescue equipment or gear, or for fire 85967
department costs associated with the provision of fire protection 85968
services, an eligible entity may receive a grant for up to \$15,000 85969
per fiscal year for full or partial reimbursement of the 85970
documented costs of firefighter training. For each fiscal year, 85971
the State Fire Marshal shall determine the total amounts to be 85972
allocated for each eligible purpose. 85973

The grant program shall be administered by the State Fire 85974
Marshal in accordance with rules the State Fire Marshal adopts as 85975
part of the state fire code adopted pursuant to section 3737.82 of 85976
the Revised Code that are necessary for the administration and 85977
operation of the grant program. The rules may further define the 85978
entities eligible to receive grants and establish criteria for the 85979
awarding and expenditure of grant funds, including methods the 85980
State Fire Marshal may use to verify the proper use of grant funds 85981

or to obtain reimbursement for or the return of equipment for 85982
improperly used grant funds. To the extent consistent with this 85983
section and until such time as the rules are updated, the existing 85984
rules in the state fire code adopted pursuant to section 3737.82 85985
of the Revised Code for fire department grants under this section 85986
apply to MARCS Grants. Any amounts in appropriation item 800639, 85987
Fire Department Grants, in excess of the amount allocated for 85988
these grants may be used for the administration of the grant 85989
program. 85990

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 85991

Upon the written request of the Director of Commerce, the 85992
Director of Budget and Management may transfer up to \$500,000 in 85993
cash from the Real Estate Recovery Fund (Fund 5480) and up to 85994
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 85995
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 85996
5490) during the biennium ending June 30, 2017. 85997

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 85998
REVOLVING LOAN FUND 85999

Upon the written request of the Director of Commerce, the 86000
Director of Budget and Management may transfer up to \$300,000 in 86001
cash from the State Fire Marshal Fund (Fund 5460) to the Small 86002
Government Fire Department Services Revolving Loan Fund (Fund 86003
5F10) during the biennium ending June 30, 2017. 86004

ADMINISTRATIVE ASSESSMENTS 86005

Notwithstanding any other provision of law to the contrary, 86006
the Division of Administration Fund (Fund 1630) is entitled to 86007
receive assessments from all operating funds of the Department in 86008
accordance with procedures prescribed by the Director of Commerce 86009
and approved by the Director of Budget and Management. 86010

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 86011

Dedicated Purpose Fund Group				86012	
5F50 053601 Operating Expenses	\$	5,641,093	\$	5,641,093	86013
TOTAL DPF Dedicated Purpose Fund Group	\$	5,641,093	\$	5,641,093	86014
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,093	\$	5,641,093	86015

Section 245.10. CEB CONTROLLING BOARD 86017

General Revenue Fund				86018	
GRF 911423 Absent Voter's Ballot Applications	\$	0	\$	1,250,000	86019
GRF 911441 Ballot Advertising Costs	\$	475,000	\$	475,000	86020
TOTAL GRF General Revenue Fund	\$	475,000	\$	1,725,000	86021
Internal Service Activity Fund Group				86022	
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	86023
TOTAL ISA Internal Service Activity Fund Group	\$	10,000,000	\$	10,000,000	86025
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	11,725,000	86026

FEDERAL SHARE 86027

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

ABSENT VOTER'S BALLOT APPLICATION MAILING 86034

Pursuant to section 111.31 of the Revised Code and upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the foregoing appropriation item 911423, Absent Voter's Ballot Applications, to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary

of State to pay the cost of printing and mailing unsolicited 86040
applications for absent voters' ballots for the general election 86041
to be held on November 8, 2016. 86042

BALLOT ADVERTISING COSTS 86043

Pursuant to section 3501.17 of the Revised Code, and upon 86044
requests submitted by the Secretary of State, the Controlling 86045
Board shall approve transfers from the foregoing appropriation 86046
item 911441, Ballot Advertising Costs, to appropriation item 86047
050621, Statewide Ballot Advertising, in order to pay for the cost 86048
of public notices associated with statewide ballot initiatives. 86049

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 86050
ELIGIBILITY 86051

A state agency director shall request that the Controlling 86052
Board increase the amount of the agency's capital appropriations 86053
if the director determines such an increase is necessary for the 86054
agency to receive and use funds under the federal American 86055
Recovery and Reinvestment Act of 2009. The Controlling Board may 86056
increase the capital appropriations pursuant to the request up to 86057
the exact amount necessary under the federal act if the Board 86058
determines it is necessary for the agency to receive and use those 86059
federal funds. 86060

DISASTER SERVICES 86061

Pursuant to requests submitted by the Department of Public 86062
Safety, the Controlling Board may approve transfers from the 86063
Disaster Services Fund (Fund 5E20) to a fund and appropriation 86064
item used by the Department of Public Safety to provide for 86065
assistance to political subdivisions made necessary by natural 86066
disasters or emergencies. These transfers may be requested and 86067
approved prior to the occurrence of any specific natural disasters 86068
or emergencies in order to facilitate the provision of timely 86069
assistance. The Emergency Management Agency of the Department of 86070

Public Safety shall use the funding to fund the State Disaster 86071
Relief Program for disasters that have a written Governor's 86072
authorization, and the State Individual Assistance Program for 86073
disasters that have a written Governor's authorization and is 86074
declared by the federal Small Business Administration. The Ohio 86075
Emergency Management Agency shall publish and make available 86076
application packets outlining procedures for the State Disaster 86077
Relief Program and the State Individual Assistance Program. 86078

Fund 5E20 shall be used by the Controlling Board, pursuant to 86079
requests submitted by state agencies, to transfer cash and 86080
appropriations to any fund and appropriation item for the payment 86081
of state agency disaster relief program expenses for disasters 86082
that have a written Governor's authorization, if the Director of 86083
Budget and Management determines that sufficient funds exist. 86084

Section 247.10. COS STATE BOARD OF COSMETOLOGY 86085

Dedicated Purpose Fund Group 86086
4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530 86087
TOTAL DPF Dedicated Purpose Fund 86088
Group \$ 3,758,000 \$ 3,818,530 86089
TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530 86090

**Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 86092
AND FAMILY THERAPIST BOARD** 86093

Dedicated Purpose Fund Group 86094
4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 86095
TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 86096
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 86097

Section 251.10. CLA COURT OF CLAIMS 86099

General Revenue Fund 86100

GRF 015321	Operating Expenses	\$	2,562,959	\$	2,536,419	86101
TOTAL GRF	General Revenue Fund	\$	2,562,959	\$	2,536,419	86102
Dedicated Purpose Fund Group						86103
5K20 015603	CLA Victims of Crime	\$	427,184	\$	434,019	86104
TOTAL DPF	Dedicated Purpose					86105
Fund Group		\$	427,184	\$	434,019	86106
TOTAL ALL BUDGET FUND GROUPS		\$	2,990,143	\$	2,970,438	86107

Section 253.10. DEN STATE DENTAL BOARD 86109

Dedicated Purpose Fund Group						86110
4K90 880609	Operating Expenses	\$	1,591,884	\$	1,591,884	86111
TOTAL DPF	Dedicated Purpose					86112
Fund Group		\$	1,591,884	\$	1,591,884	86113
TOTAL ALL BUDGET FUND GROUPS		\$	1,591,884	\$	1,591,884	86114

Section 255.10. BDP BOARD OF DEPOSIT 86116

Dedicated Purpose Fund Group						86117
4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	86118
TOTAL DPF	Dedicated Purpose Fund					86119
Group		\$	1,876,000	\$	1,876,000	86120
TOTAL ALL BUDGET FUND GROUPS		\$	1,876,000	\$	1,876,000	86121

BOARD OF DEPOSIT EXPENSE FUND 86122

Upon receiving certification of expenses from the Treasurer 86123
of State, the Director of Budget and Management shall transfer 86124
cash from the Investment Earnings Redistribution Fund (Fund 6080) 86125
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 86126
shall be used pursuant to section 135.02 of the Revised Code to 86127
pay for any and all necessary expenses of the Board of Deposit or 86128
for banking charges and fees required for the operation of the 86129
State of Ohio Regular Account. 86130

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY 86131

		General Revenue Fund					86132
GRF	195402	Coal Research and Development Program	\$	234,400	\$	234,400	86133
GRF	195405	Minority Business Development	\$	1,722,191	\$	1,722,191	86134
GRF	195407	Travel and Tourism	\$	500,000	\$	500,000	86135
GRF	195415	Business Development Services	\$	2,413,387	\$	2,413,387	86136
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	86137
GRF	195453	Technology Programs and Grants	\$	15,577,641	\$	15,577,641	86138
GRF	195454	Business Assistance	\$	4,256,474	\$	4,256,474	86139
GRF	195455	Appalachia Assistance	\$	5,298,749	\$	5,298,749	86140
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	86141
GRF	195501	Appalachian Local Development Districts	\$	590,000	\$	590,000	86142
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	86143
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	86144
GRF	195541	Federal Research Network	\$	5,000,000	\$	5,000,000	86145
GRF	195542	The Wilds	\$	250,000	\$	0	86146
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	86147
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt	\$	76,591,400	\$	96,212,000	86148

		Service					
GRF	195912	Job Ready Site	\$	18,634,000	\$	15,235,900	86149
		Development General					
		Obligation Bond Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	141,337,842	\$	153,857,642	86150
		Dedicated Purpose Fund Group					86151
4500	195624	Minority Business	\$	74,905	\$	74,905	86152
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	5,000,000	\$	5,000,000	86153
		Programs					
4F20	195639	State Special Projects	\$	102,104	\$	102,104	86154
4F20	195699	Utility Community	\$	500,000	\$	500,000	86155
		Assistance					
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	86156
		Enterprise Loan					
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000	86157
		Transportation					
5HR0	195622	Defense Development	\$	3,500,000	\$	3,500,000	86158
		Assistance					
5HR0	195662	Incumbent Workforce	\$	7,500,00	\$	7,500,000	86159
		Training Vouchers					
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000	86160
		Support					
5KN0	195640	Local Government	\$	11,922,500	\$	11,922,500	86161
		Innovation					
5KP0	195645	Historic Rehab	\$	900,000	\$	1,000,000	86162
		Operating					
5M40	195659	Low Income Energy	\$	390,000,000	\$	390,000,000	86163
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	12,000,000	\$	12,000,000	86164
		Programs					

5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	86165
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	86166
5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000	86167
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	86168
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	86169
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	86170
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	86171
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	86172
TOTAL DPF Group		Dedicated Purpose Fund	\$	510,400,071	\$	510,500,071	86173
Internal Service Activity Fund Group							86174
1350	195684	Development Services Operations	\$	11,300,000	\$	11,300,000	86175
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	86176
TOTAL ISA Fund Group		Internal Service Activity	\$	12,000,000	\$	12,000,000	86177
Facilities Establishment Fund Group							86178
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	86180

7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	86181
7010	195665	Research and Development	\$	10,000,000	\$	10,000,000	86182
7037	195615	Facilities Establishment	\$	35,000,000	\$	35,000,000	86183
TOTAL FCE Facilities							86184
Establishment Fund Group			\$	58,000,000	\$	58,000,000	86185
Bond Research & Development Fund Group							86186
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,140,000	\$	1,140,000	86187
7011	195687	Third Frontier Research & Development Projects	\$	78,904,946	\$	78,904,946	86188
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	86189
7014	195692	Research & Development Taxable Bond Projects	\$	90,850,250	\$	90,850,250	86190
TOTAL BRD Bond Research & Development Fund Group			\$	172,605,196	\$	172,605,196	86191
Capital Projects Fund Group							86192
7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	600,000	86193
7012	195688	Job Ready Site Development Operating	\$	300,000	\$	300,000	86194
TOTAL CPF Capital Projects Fund Group			\$	900,000	\$	900,000	86195
Federal Fund Group							86196
3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	86197
3080	195609	Small Business	\$	5,271,381	\$	5,271,381	86198

		Administration Grants			
3080	195618	Energy Grants	\$ 4,100,000	\$ 4,100,000	86199
3080	195670	Home Weatherization Program	\$ 20,000,000	\$ 20,000,000	86200
3080	195671	Brownfield Redevelopment	\$ 3,000,000	\$ 3,000,000	86201
3080	195672	Manufacturing Extension Partnership	\$ 5,359,305	\$ 5,359,305	86202
3080	195675	Procurement Technical Assistance	\$ 1,250,000	\$ 750,000	86203
3080	195681	SBDC Disability Consulting	\$ 1,300,000	\$ 1,300,000	86204
3080	195696	State Trade and Export Promotion	\$ 486,000	\$ 486,000	86205
3350	195610	Energy Programs	\$ 200,000	\$ 200,000	86206
3AE0	195643	Workforce Development Initiatives	\$ 1,500,000	\$ 1,500,000	86207
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$ 5,644,445	\$ 5,644,445	86208
3FJ0	195661	Technology Targeted Investment Program	\$ 2,260,953	\$ 2,260,953	86209
3K80	195613	Community Development Block Grant	\$ 65,000,000	\$ 65,000,000	86210
3K90	195611	Home Energy Assistance Block Grant	\$ 175,000,000	\$ 175,000,000	86211
3K90	195614	HEAP Weatherization	\$ 25,000,000	\$ 25,000,000	86212
3L00	195612	Community Services Block Grant	\$ 28,000,000	\$ 28,000,000	86213
3V10	195601	HOME Program	\$ 25,000,000	\$ 25,000,000	86214
TOTAL FED		Federal Fund Group	\$ 378,372,084	\$ 377,872,084	86215

TOTAL ALL BUDGET FUND GROUPS	\$ 1,273,615,193	\$ 1,285,734,993	86216
Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM			86218
The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.			86219 86220 86221 86222
TRAVEL AND TOURISM			86223
The foregoing appropriation item 195407, Travel and Tourism, shall be used to promote tourism at Buckeye Lake.			86224 86225
BUSINESS DEVELOPMENT SERVICES			86226
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures.			86227 86228 86229 86230
REDEVELOPMENT ASSISTANCE			86231
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency.			86232 86233 86234 86235
TECHNOLOGY PROGRAMS AND GRANTS			86236
Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program; and up to \$2,000,000 in each fiscal year shall be used for the Thomas Edison Program to support small- and mid-sized			86237 86238 86239 86240 86241 86242 86243 86244 86245 86246

manufacturers, specifically as follows: up to \$450,000 in each 86247
fiscal year to assist in accelerating the development and adoption 86248
of technology for small- and mid-sized manufacturers; up to 86249
\$450,000 in each fiscal year to assist small- and mid-sized 86250
manufacturers in adopting emerging digital technologies; up to 86251
\$425,000 in each fiscal year to develop and manage an accessible 86252
online inventory of technological resources to support small- and 86253
mid-sized manufacturers; and up to \$675,000 in each fiscal year to 86254
administer the Applied Research Grant Program, which is hereby 86255
created, to award direct cash grant assistance. A grant awarded 86256
under the Applied Research Grant Program shall not exceed the 86257
amount matched by the recipient. The Director of Development 86258
Services shall determine other eligibility criteria and the 86259
allocation of awards in implementing and administering the Applied 86260
Research Grant Program. 86261

Of the foregoing appropriation item 195453, Technology 86262
Programs and Grants, \$950,000 in each fiscal year shall be 86263
allocated to Connect Ohio to provide broadband mapping and 86264
technology research and assistance. 86265

BUSINESS ASSISTANCE 86266

The foregoing appropriation item 195454, Business Assistance, 86267
may be used to provide a range of business assistance, including 86268
grants to local organizations to support economic development 86269
activities that promote minority business development, small 86270
business development, entrepreneurship, and exports of Ohio's 86271
goods and services. This appropriation item shall also be used as 86272
matching funds for grants from the United States Small Business 86273
Administration and other federal agencies, pursuant to Public Law 86274
No. 96-302 as amended by Public Law No. 98-395, and regulations 86275
and policy guidelines for the programs pursuant thereto. 86276

APPALACHIA ASSISTANCE 86277

The foregoing appropriation item 195455, Appalachia 86278
Assistance, may be used for the administrative costs of planning 86279
and liaison activities for the Governor's Office of Appalachia, to 86280
provide financial assistance to projects in Ohio's Appalachian 86281
counties, and to pay dues for the Appalachian Regional Commission. 86282
These funds may be used to match federal funds from the 86283
Appalachian Regional Commission. Programs funded through the 86284
foregoing appropriation item shall be identified and recommended 86285
by the local development districts and approved by the Governor's 86286
Office of Appalachia. The Development Services Agency shall 86287
conduct compliance and regulatory review of the programs 86288
recommended by the local development districts. Moneys allocated 86289
under the foregoing appropriation item may be used to fund 86290
projects including, but not limited to, those designated by the 86291
local development districts as community investment and rapid 86292
response projects. 86293

CDBG OPERATING MATCH 86294

The foregoing appropriation item 195497, CDBG Operating 86295
Match, shall be used as matching funds for grants from the United 86296
States Department of Housing and Urban Development pursuant to the 86297
Housing and Community Development Act of 1974 and regulations and 86298
policy guidelines for the programs pursuant thereto. 86299

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 86300

The foregoing appropriation item 195501, Appalachian Local 86301
Development Districts, shall be used to support four local 86302
development districts. Of the foregoing appropriation amount in 86303
each fiscal year, \$173,287 shall be allocated to the Ohio Valley 86304
Regional Development Commission, \$173,287 shall be allocated to 86305
the Ohio Mid-Eastern Government Association, \$173,287 shall be 86306
allocated to the Buckeye Hills-Hocking Valley Regional Development 86307
District, and \$70,139 shall be allocated to the Eastgate Regional 86308
Council of Governments. Local development districts receiving 86309

funding under this section shall use the funds for the 86310
implementation and administration of programs and duties under 86311
section 107.21 of the Revised Code. 86312

OHIO-ISRAEL AGRICULTURAL INITIATIVE 86313

The foregoing appropriation item 195537, Ohio-Israel 86314
Agricultural Initiative, shall be used for the Ohio-Israel 86315
Agricultural Initiative. 86316

PORT AUTHORITY ASSISTANCE 86317

The foregoing appropriation item 195540, Port Authority 86318
Assistance, shall be used to distribute a grant to the Montgomery 86319
County Port Authority for the Midtown Redevelopment Initiative. 86320

FEDERAL RESEARCH NETWORK 86321

The foregoing appropriation item 195541, Federal Research 86322
Network, shall be allocated to Applied Research Corporation to 86323
collaborate with Wright Patterson Air Force Base, NASA Glenn 86324
Research Center, Ohio's research universities, and the private 86325
sector to align the state's research assets with emerging missions 86326
and job growth opportunities emanating from the two federal 86327
installations, strengthen related workforce development and 86328
technology commercialization programs, and better position the 86329
state's university system to directly impact new job creation in 86330
Ohio. A portion of the foregoing appropriation item shall be used 86331
to support the growth of small business federal contractors in the 86332
state and expand the participation of Ohio businesses in the 86333
federal Small Business Innovation Research Program and related 86334
federal programs. 86335

THE WILDS 86336

The foregoing appropriation item 195542, The Wilds, shall be 86337
used to distribute a grant to The Wilds, a nonprofit conservation 86338
center in Muskingum County, for the development of a public water 86339

connection.	86340
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86341 86342
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code.	86343 86344 86345 86346 86347
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86348 86349
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code.	86350 86351 86352 86353 86354 86355
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86356 86357
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.11 of the Revised Code.	86358 86359 86360 86361 86362
Section 257.30. BUSINESS ASSISTANCE PROGRAMS	86363
The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.	86364 86365 86366 86367 86368
STATE SPECIAL PROJECTS	86369

The State Special Projects Fund (Fund 4F20), may be used for 86370
the deposit of private-sector funds from utility companies and for 86371
the deposit of other miscellaneous state funds. State moneys so 86372
deposited may also be used to match federal housing grants for the 86373
homeless. 86374

MINORITY BUSINESS ENTERPRISE LOAN 86375

All repayments from the Minority Development Financing 86376
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 86377
Program shall be deposited in the State Treasury to the credit of 86378
the Minority Business Enterprise Loan Fund (Fund 4W10). 86379

MINORITY BUSINESS BONDING FUND 86380

Notwithstanding Chapters 122., 169., and 175. of the Revised 86381
Code, the Director of Development Services may, upon the 86382
recommendation of the Minority Development Financing Advisory 86383
Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal 86384
year 2017 biennium of unclaimed funds administered by the Director 86385
of Commerce and allocated to the Minority Business Bonding Program 86386
under section 169.05 of the Revised Code. 86387

If needed for the payment of losses arising from the Minority 86388
Business Bonding Program, the Director of Budget and Management 86389
may, at the request of the Director of Development Services, 86390
request that the Director of Commerce transfer unclaimed funds 86391
that have been reported by holders of unclaimed funds under 86392
section 169.05 of the Revised Code to the Minority Bonding Fund 86393
(Fund 4490). The transfer of unclaimed funds shall only occur 86394
after proceeds of the initial transfer of \$2,700,000 by the 86395
Controlling Board to the Minority Business Bonding Program have 86396
been used for that purpose. If expenditures are required for 86397
payment of losses arising from the Minority Business Bonding 86398
Program, such expenditures shall be made from appropriation item 86399
195658, Minority Business Bonding Contingency in the Minority 86400

Business Bonding Fund, and such amounts are hereby appropriated. 86401

DEFENSE DEVELOPMENT ASSISTANCE 86402

The Director of Budget and Management shall transfer 86403

\$3,500,000 in cash in each fiscal year from the Economic 86404

Development Programs Fund (Fund 5JC0) used by the Department of 86405

Higher Education to the Ohio Incumbent Workforce Job Training Fund 86406

(Fund 5HR0) used by the Development Services Agency. The 86407

transferred funds shall be used for appropriation item 195622, 86408

Defense Development Assistance, to be allocated to Development 86409

Projects, Inc., for economic development programs and the creation 86410

of new jobs to leverage and support mission gains at Department of 86411

Defense and related facilities in Ohio by working with future base 86412

realignment and closure activities and ongoing Department of 86413

Defense efficiency and partnership initiatives, assisting efforts 86414

to secure Department of Defense support contracts for Ohio 86415

companies, assessing and supporting regional job training and 86416

workforce development needs generated by the Department of Defense 86417

and the Ohio aerospace industry, promoting technology transfer to 86418

Ohio businesses, and for expanding job training and economic 86419

development programs in human performance and cyber security 86420

related initiatives. 86421

On July 1, 2016, or as soon as possible thereafter, the 86422

Director of Development Services may request that the Director of 86423

Budget and Management reappropriate any unexpended, unencumbered 86424

balance of the prior fiscal year's appropriation to the foregoing 86425

appropriation item 195622, Defense Development Assistance, for 86426

fiscal year 2017. The Director of Budget and Management may 86427

request additional information necessary for evaluating the 86428

request, and the Director of Development Services shall provide 86429

the requested information to the Director of Budget and 86430

Management. Based on the information provided by the Director of 86431

Development Services, the Director of Budget and Management shall 86432

determine the amount to be reappropriated, and those amounts are 86433
hereby reappropriated for fiscal year 2017. 86434

INCUMBENT WORKFORCE TRAINING VOUCHERS 86435

(A) The Director of Budget and Management may transfer up to 86436
\$7,500,000 cash in each fiscal year from the Economic Development 86437
Programs Fund (Fund 5JC0) used by the Department of Higher 86438
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 86439
5HR0) used by the Development Services Agency. 86440

(B) The foregoing appropriation item 195662, Incumbent 86441
Workforce Training Vouchers, shall be used to support the Ohio 86442
Incumbent Workforce Training Voucher Program. 86443

(C) The Ohio Incumbent Workforce Training Voucher Program 86444
shall conform to guidelines for the operation of the program, 86445
including, but not limited to, the following: 86446

(1) A requirement that a training voucher under the program 86447
shall not exceed \$6,000 per worker per year; 86448

(2) A provision for an employer of an eligible employee to 86449
apply for a voucher on behalf of the eligible employee; 86450

(3) A provision for an eligible employee to apply directly 86451
for a training voucher with the pre-approval of the employee's 86452
employer; and 86453

(4) A requirement that an employee participating in the 86454
program, or the employee's employer, shall pay for not less than 86455
thirty-three per cent of the training costs under the program. 86456

On July 1, 2016, or as soon as possible thereafter, the 86457
Director of Development Services may request that the Director of 86458
Budget and Management reappropriate any unexpended, unencumbered 86459
balance of the prior fiscal year's appropriation to the foregoing 86460
appropriation item 195662, Incumbent Workforce Training Vouchers, 86461
for fiscal year 2017. The Director of Budget and Management may 86462

request additional information necessary for evaluating the 86463
request, and the Director of Development Services shall provide 86464
the requested information to the Director of Budget and 86465
Management. Based on the information provided by the Director of 86466
Development Services, the Director of Budget and Management shall 86467
determine the amount to be reappropriated, and those amounts are 86468
hereby reappropriated for fiscal year 2017. 86469

LOCAL GOVERNMENT INNOVATION FUND 86470

The foregoing appropriation item 195640, Local Government 86471
Innovation, shall be used for the purposes of making loans and 86472
grants to political subdivisions under the Local Government 86473
Innovation Program in accordance with sections 189.01 to 189.10 of 86474
the Revised Code, and for the purposes of making loans and grants 86475
to political subdivisions and grants to the Department of 86476
Administrative Services under the Local Government Efficiency 86477
Program. Of the foregoing appropriation item 195640, Local 86478
Government Innovation, up to \$200,000 in each fiscal year shall be 86479
used for administrative costs incurred by the Development Services 86480
Agency, of which up to \$25,000 in each fiscal year may be used for 86481
the costs of preparing a report involving the local government 86482
information exchange. Of the foregoing appropriation item 195640, 86483
Local Government Innovation, up to \$75,000 in each fiscal year may 86484
be used to administer and provide technical assistance in 86485
providing the grants or loans involving the local government 86486
information exchange. In administering and providing this 86487
technical assistance, the Director of Development Services may 86488
enter into agreements with the Director of Administrative Services 86489
or other entities. 86490

ADVANCED ENERGY LOAN PROGRAMS 86491

The foregoing appropriation item 195660, Advanced Energy Loan 86492
Programs, shall be used to provide financial assistance to 86493
customers for eligible advanced energy projects for residential, 86494

commercial, and industrial business, local government, educational 86495
institution, nonprofit, and agriculture customers, and to pay for 86496
the program's administrative costs as provided in sections 4928.61 86497
to 4928.63 of the Revised Code and rules adopted by the Director 86498
of Development Services. 86499

LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM 86500

The foregoing appropriation item 195666, Local Government 86501
Safety Capital Grant Program, shall be used for the Local 86502
Government Safety Capital Grant Program as described in Section 86503
767.10 of this act. 86504

TRAVEL AND TOURISM COOPERATIVE PROJECTS 86505

The foregoing appropriation item 195690, Travel and Tourism 86506
Cooperative Projects, shall be used for the marketing and 86507
promotion of travel and tourism in Ohio. The Travel and Tourism 86508
Cooperative Projects Fund (Fund 5W50) shall consist solely of 86509
leveraged private sector paid advertising dollars received in 86510
tourism marketing assistance and co-op programs. 86511

VOLUME CAP ADMINISTRATION 86512

The foregoing appropriation item 195654, Volume Cap 86513
Administration, shall be used for expenses related to the 86514
administration of the Volume Cap Program. Revenues received by the 86515
Volume Cap Administration Fund (Fund 6170) shall consist of 86516
application fees, forfeited deposits, and interest earned from the 86517
custodial account held by the Treasurer of State. 86518

Section 257.40. DEVELOPMENT SERVICES OPERATIONS 86519

The Director of Development Services may assess offices of 86520
the agency for the cost of central service operations. An 86521
assessment shall contain the characteristics of administrative 86522
ease and uniform application. A division's payments shall be 86523
credited to the Supportive Services Fund (Fund 1350) using an 86524

intrastate transfer voucher.	86525
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	86526
The foregoing appropriation item 195636, Development Services	86527
Reimbursable Expenditures, shall be used for reimbursable costs	86528
incurred by the agency. Revenues to the General Reimbursement Fund	86529
(Fund 6850) shall consist of moneys charged for administrative	86530
costs that are not central service costs.	86531
Section 257.50. CAPITAL ACCESS LOAN PROGRAM	86532
The foregoing appropriation item 195628, Capital Access Loan	86533
Program, shall be used for operating, program, and administrative	86534
expenses of the program. Funds of the Capital Access Loan Program	86535
shall be used to assist participating financial institutions in	86536
making program loans to eligible businesses that face barriers in	86537
accessing working capital and obtaining fixed-asset financing.	86538
INNOVATION OHIO LOAN FUND	86539
The foregoing appropriation item 195664, Innovation Ohio,	86540
shall be used to provide for Innovation Ohio purposes, including	86541
loan guarantees and loans under Chapter 166. and particularly	86542
sections 166.12 to 166.16 of the Revised Code.	86543
RESEARCH AND DEVELOPMENT	86544
The foregoing appropriation item 195665, Research and	86545
Development, shall be used to provide for research and development	86546
purposes, including loans, under Chapter 166. and particularly	86547
sections 166.17 to 166.21 of the Revised Code.	86548
FACILITIES ESTABLISHMENT	86549
The foregoing appropriation item 195615, Facilities	86550
Establishment, shall be used for the purposes of the Facilities	86551
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	86552
Code.	86553

Notwithstanding Chapter 166. of the Revised Code, an amount 86554
not to exceed \$3,500,000 in cash in each fiscal year may be 86555
transferred from the Facilities Establishment Fund (Fund 7037) to 86556
the Business Assistance Fund (Fund 4510). The transfer is subject 86557
to Controlling Board approval under division (B) of section 166.03 86558
of the Revised Code. 86559

Notwithstanding Chapter 166. of the Revised Code, the 86560
Director of Budget and Management may transfer an amount not to 86561
exceed \$2,000,000 in cash in each fiscal year from the Facilities 86562
Establishment Fund (Fund 7037) to the Minority Business Enterprise 86563
Loan Fund (Fund 4W10). 86564

Notwithstanding Chapter 166. of the Revised Code, the 86565
Director of Budget and Management may transfer an amount not to 86566
exceed \$2,000,000 in cash in each fiscal year from the Facilities 86567
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 86568
(Fund 5S90). 86569

Section 257.60. THIRD FRONTIER OPERATING COSTS 86570

The foregoing appropriation items 195686, Third Frontier Tax 86571
Exempt - Operating, and 195620, Third Frontier Taxable - 86572
Operating, shall be used for operating expenses incurred by the 86573
Development Services Agency in administering projects pursuant to 86574
sections 184.10 to 184.20 of the Revised Code. Operating expenses 86575
paid from appropriation item 195686 shall be limited to the 86576
administration of projects funded from the Third Frontier Research 86577
& Development Fund (Fund 7011) and operating expenses paid from 86578
appropriation item 195620 shall be limited to the administration 86579
of projects funded from the Third Frontier Research & Development 86580
Taxable Bond Project Fund (Fund 7014). 86581

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 86582
PROJECTS 86583

The foregoing appropriation items 195687, Third Frontier
Research & Development Projects, 195692, Research & Development
Taxable Bond Projects, and 195620, Third Frontier Taxable -
Operating, shall be used by the Development Services Agency to
fund selected projects. Eligible costs are those costs of research
and development projects to which the proceeds of the Third
Frontier Research & Development Fund (Fund 7011) and the Research
& Development Taxable Bond Project Fund (Fund 7014) are to be
applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written
requests from the Director of Development Services for the
transfer of appropriations between appropriation items 195687,
Third Frontier Research & Development Projects, and 195692,
Research & Development Taxable Bond Projects, based upon awards
recommended by the Third Frontier Commission.

In fiscal year 2017, the Director of Development Services may
request that the Director of Budget and Management reappropriate
any unexpended, unencumbered balances of the prior fiscal year's
appropriation to the foregoing appropriation items 195687, Third
Frontier Research & Development Projects, and 195692, Research &
Development Taxable Bond Projects, for fiscal year 2017. The
Director of Budget and Management may request additional
information necessary for evaluating these requests, and the
Director of Development Services shall provide the requested
information to the Director of Budget and Management. Based on the
information provided by the Director of Development Services, the
Director of Budget and Management shall determine the amounts to
be reappropriated, and those amounts are hereby reappropriated for
fiscal year 2017.

Section 257.70. CLEAN OHIO REVITALIZATION OPERATING

The foregoing appropriation item 195663, Clean Ohio Revitalization Operating, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

JOB READY SITE DEVELOPMENT OPERATING 86620

The foregoing appropriation item 195688, Job Ready Site Development Operating, shall be used for operating expenses incurred by the Development Services Agency in administering Job Ready Site Development Fund (Fund 7012) projects pursuant to sections 122.085 to 122.0820 of the Revised Code. Operating expenses include, but are not limited to, certain qualified expenses of the District Public Works Integrating Committees, as applicable, engineering review of submitted applications by the State Architect or a third-party engineering firm, audit and accountability activities, and costs associated with formal certifications verifying that site infrastructure is in place and is functional.

Section 257.80. HEAP WEATHERIZATION 86633

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 86643

86644

(A) For the purposes of this section, "entrepreneurial business incubator" is defined as an entity supporting startup companies, offering a collaborative environment, and providing access to support services, technical expertise, and business assistance resources to help innovators grow their business ideas into independent job-creating companies.

(B) By December 31, 2015, the Development Services Agency shall produce a report and make it publicly available on the agency's web site. The report shall map and review entrepreneurial business incubators in the state of Ohio, and specifically:

(1) Identify locations and available support services, unmet service areas, and duplication of service at entrepreneurial business incubators;

(2) Classify the industry of member entrepreneurs receiving services by the following categories: advanced manufacturing, aerospace and aviation, agribusiness, food processing, automotive supply chain, biohealth, energy, information technology, polymers, chemicals, and additional industry sectors, as determined by the Development Services Agency

(3) Gather data on member entrepreneurs based on jobs, capital investment, and sales; and

(4) Describe characteristics of incubators that successfully graduate companies to be independent job creators for Ohio.

Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 86668

General Revenue Fund 86669

GRF 320321 Central \$ 150,000 \$ 150,000 86670

Administration

GRF 320412 Protective Services \$ 2,418,196 \$ 2,418,196 86671

GRF 320415 Developmental \$ 20,817,900 \$ 19,902,200 86672

Disabilities

		Facilities Lease				
		Rental Bond Payments				
GRF	322420	Screening and Early Intervention	\$	800,000	\$	800,000 86673
GRF	322451	Family Support Services	\$	5,932,758	\$	5,932,758 86674
GRF	322501	County Boards Subsidies	\$	44,149,280	\$	44,149,280 86675
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000 86676
GRF	322507	County Board Case Management	\$	2,500,000	\$	2,500,000 86677
GRF	322508	Employment First Initiative	\$	5,800,000	\$	5,800,000 86678
GRF	322509	Community Supports & Rental Assistance	\$	750,000	\$	750,000 86679
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694 86680
GRF	653407	Medicaid Services	\$	475,385,900	\$	527,734,630 86681
TOTAL GRF		General Revenue Fund	\$	578,890,728	\$	630,323,758 86682
		Dedicated Purpose Fund Group				86683
5GE0	320606	Operating and Services	\$	10,107,297	\$	10,107,297 86684
5QM0	320607	System Transformation Supports	\$	4,500,000	\$	4,500,000 86685
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000 86686
5DJ0	322625	Targeted Case Management Match	\$	38,000,000	\$	43,000,000 86687
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000 86688
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 86689
5JX0	322651	Interagency Workgroup - Autism	\$	25,000	\$	25,000 86690

4890	653632	DC Direct Care Services	\$	10,050,000	\$	10,050,000	86691
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	86692
5DJ0	653626	Targeted Case Management Services	\$	101,000,000	\$	113,000,000	86693
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000	86694
5GE0	653606	ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865	86695
5S20	653622	Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	86696
5Z10	653624	County Board Waiver Match	\$	382,814,610	\$	426,207,065	86697
TOTAL DPF Dedicated Purpose Fund Group			\$	606,771,962	\$	667,057,381	86698
Internal Service Activity Fund Group							86699
1520	653609	DC and Residential Operating Services	\$	11,000,000	\$	11,000,000	86700
TOTAL ISA Internal Service Activity Fund Group							86701
			\$	11,000,000	\$	11,000,000	86702
Federal Fund Group							86703
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	86704
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	86705
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	86706
3A40	653605	DC and Residential Services and Support	\$	92,423,968	\$	84,604,417	86707
3A40	653653	ICF/IID	\$	356,362,616	\$	364,283,407	86708
3G60	653639	Medicaid Waiver Services	\$	1,033,041,325	\$	1,169,772,548	86709

3G60 653640	Medicaid Waiver	\$ 46,525,638	\$ 47,225,486	86710
	Program Support			
3M70 653650	CAFS Medicaid	\$ 3,000,000	\$ 3,000,000	86711
TOTAL FED	Federal Fund Group	\$ 1,553,296,241	\$ 1,690,828,552	86712
TOTAL ALL BUDGET FUND GROUPS		\$ 2,749,958,931	\$ 2,999,209,691	86713

Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES 86715

LEASE-RENTAL BOND PAYMENTS 86716

The foregoing appropriation item 320415, Developmental 86717
Disabilities Facilities Lease Rental Bond Payments, shall be used 86718
to meet all payments during the period from July 1, 2015, through 86719
June 30, 2017, by the Department of Developmental Disabilities 86720
under leases and agreements made under section 154.20 of the 86721
Revised Code. These appropriations are the source of funds pledged 86722
for bond service charges on related obligations issued under 86723
Chapter 154. of the Revised Code. 86724

Section 259.30. SCREENING AND EARLY INTERVENTION 86725

At the discretion of the Director of Developmental 86726
Disabilities, the foregoing appropriation item 322420, Screening 86727
and Early Intervention, shall be used for professional and program 86728
development related to early identification/screening and 86729
intervention for children with autism and other complex 86730
developmental disabilities and their families. 86731

Of the foregoing appropriation item 322420, Screening and 86732
Early Intervention, \$500,000 in each fiscal year shall be provided 86733
to the Childhood League Center to pilot and spread in Franklin 86734
County the Play and Language for Autistic Youngsters Project 86735
curriculum for autism training services and to increase capacity 86736
for developmentally delayed children in Franklin County. 86737

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 86738

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2016 and fiscal year 2017:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported

living as defined in section 5126.01 of the Revised Code. 86770

(2) To provide funding, as determined necessary by the 86771
Director, for residential services, including room and board, and 86772
support service programs that enable individuals with 86773
developmental disabilities to live in the community. 86774

(3) To distribute funds to county boards of developmental 86775
disabilities to address economic hardships and promote efficiency 86776
of operations. The Director shall determine, in consultation with 86777
representatives of county boards, the amount of funds to 86778
distribute for these purposes and the criteria for distributing 86779
the funds. 86780

(B) In collaboration with the county's family and children 86781
first council, a county board of developmental disabilities may 86782
transfer portions of funds received under this section, to a 86783
flexible funding pool in accordance with the section of this act 86784
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 86785

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 86786

As used in this section, "home and community-based services" 86787
has the same meaning as in section 5123.01 of the Revised Code. 86788

The Director of Developmental Disabilities shall establish a 86789
methodology to be used in fiscal year 2016 and fiscal year 2017 to 86790
estimate the quarterly amount each county board of developmental 86791
disabilities is to pay of the nonfederal share of home and 86792
community-based services that section 5126.0510 of the Revised 86793
Code requires county boards to pay. Each quarter, the Director 86794
shall submit to a county board written notice of the amount the 86795
county board is to pay for that quarter. The notice shall specify 86796
when the payment is due. 86797

Section 259.70. TAX EQUITY 86798

Notwithstanding section 5126.18 of the Revised Code, the 86799
foregoing appropriation item 322503, Tax Equity, may be used to 86800
distribute funds to county boards of developmental disabilities to 86801
address economic hardships and promote efficiency of operations. 86802
The Director of Developmental Disabilities shall determine, in 86803
consultation with representatives of county boards, the amount of 86804
funds to distribute for these purposes and the criteria for 86805
distributing the funds. 86806

Section 259.80. MEDICAID SERVICES 86807

(A) As used in this section "home and community-based 86808
services" has the same meaning as in section 5123.01 of the 86809
Revised Code and "ICF/IID services" has the same meaning as in 86810
section 5124.01 of the Revised Code. 86811

(B) Except as provided in section 5123.0416 of the Revised 86812
Code, the purposes for which the foregoing appropriation item 86813
653407, Medicaid Services, shall be used include the following: 86814

(1) Home and community-based services; 86815

(2) Implementation of the requirements of the agreement 86816
settling the consent decree in Sermak v. Manuel, Case No. 86817
C-2-80-220, United States District Court for the Southern District 86818
of Ohio, Eastern Division; 86819

(3) Implementation of the requirements of the agreement 86820
settling the consent decree in the Martin v. Strickland, Case No. 86821
89-CV-00362, United States District Court for the Southern 86822
District of Ohio, Eastern Division; 86823

(4) ICF/IID services; 86824

(5) Other programs as identified by the Director of 86825
Developmental Disabilities; and 86826

(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal 86827
year 2017 shall be distributed to county boards of developmental 86828

disabilities to be used to maintain current Medicaid waiver 86829
levels. 86830

Section 259.90. EMPLOYMENT FIRST INITIATIVE 86831

The foregoing appropriation item 322508, Employment First 86832
Initiative, shall be used to increase employment opportunities for 86833
individuals with developmental disabilities through the Employment 86834
First Initiative in accordance with section 5123.022 of the 86835
Revised Code. 86836

Of the foregoing appropriation item, 322508, Employment First 86837
Initiative, the Director of Developmental Disabilities shall 86838
transfer, in each fiscal year, to the Opportunities for Ohioans 86839
with Disabilities Agency an amount agreed upon by the Director of 86840
Developmental Disabilities and the Executive Director of the 86841
Opportunities for Ohioans with Disabilities Agency. The transfer 86842
shall be made via an intrastate transfer voucher. The transferred 86843
funds shall be used to support the Employment First Initiative. 86844
The Opportunities for Ohioans with Disabilities Agency shall use 86845
the funds transferred as state matching funds to obtain available 86846
federal grant dollars for vocational rehabilitation services. Any 86847
federal match dollars received by the Opportunities for Ohioans 86848
with Disabilities Agency shall be used for the initiative. The 86849
Director of Developmental Disabilities and the Executive Director 86850
of the Opportunities for Ohioans with Disabilities Agency shall 86851
enter into an interagency agreement in accordance with section 86852
3304.181 of the Revised Code that will specify the 86853
responsibilities of each agency under the initiative. Under the 86854
interagency agreement, the Opportunities for Ohioans with 86855
Disabilities Agency shall retain responsibility for eligibility 86856
determination, order of selection, plan approval, plan amendment, 86857
and release of vendor payments. 86858

The remainder of appropriation item 322508, Employment First 86859

Initiative, shall be used to develop a long term, sustainable 86860
system that places individuals with developmental disabilities in 86861
community employment, as defined in section 5123.022 of the 86862
Revised Code. 86863

Section 259.100. OPERATING AND SERVICES 86864

Of the foregoing appropriation item 320606, Operating and 86865
Services, \$100,000 in each fiscal year shall be provided to the 86866
Ohio Center for Autism and Low Incidence to establish a lifespan 86867
autism hub to support families and professionals. 86868

Section 259.110. TARGETED CASE MANAGEMENT SERVICES 86869

County boards of developmental disabilities shall pay the 86870
nonfederal portion of targeted case management costs to the 86871
Department of Developmental Disabilities. 86872

The Director of Developmental Disabilities and the Medicaid 86873
Director may enter into an interagency agreement under which the 86874
Department of Developmental Disabilities shall transfer cash from 86875
the Targeted Case Management Fund (Fund 5DJ0) to the Health 86876
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 86877
Department of Medicaid in an amount equal to the nonfederal 86878
portion of the cost of targeted case management services paid by 86879
county boards. Under the agreement, the Department of Medicaid 86880
shall pay the total cost of targeted case management claims. The 86881
transfer shall be made using an intrastate transfer voucher. 86882

Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 86883

If a county board of developmental disabilities does not 86884
fully pay any amount owed to the Department of Developmental 86885
Disabilities by the due date established by the Department, the 86886
Director of Developmental Disabilities may withhold the amount the 86887
county board did not pay from any amounts due to the county board. 86888

The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES 86894

Developmental centers of the Department of Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES 86901

Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).

Section 259.150. ODODD INNOVATIVE PILOT PROJECTS 86907

(A) In fiscal year 2016 and fiscal year 2017, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one

or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 259.160. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2015, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2016.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2016, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the

entering operator has a valid Medicaid provider agreement for the 86948
ICF/IID during fiscal year 2016. 86949

(c) The ICF/IID is a new ICF/IID for which the provider 86950
obtains an initial provider agreement during fiscal year 2016. 86951

(2) This section does not apply to an ICF/IID in peer group 86952
3. 86953

(3) The Department of Developmental Disabilities shall follow 86954
this section in determining the rate to be paid for ICF/IID 86955
services provided during fiscal year 2016 by ICFs/IID subject to 86956
this section notwithstanding anything to the contrary in Chapter 86957
5124. of the Revised Code. 86958

(C)(1) Except as otherwise provided in this section, the 86959
provider of an ICF/IID to which this section applies shall be 86960
paid, for ICF/IID services the ICF/IID provides during fiscal year 86961
2016, the total per Medicaid day rate determined for the ICF/IID 86962
under division (C)(2) or (3) of this section. 86963

(2) Except in the case of a new ICF/IID, the fiscal year 2016 86964
total per Medicaid day rate for an ICF/IID to which this section 86965
applies shall be the ICF/IID's total per Medicaid day rate 86966
determined for the ICF/IID in accordance with Chapter 5124. of the 86967
Revised Code for fiscal year 2016 with the following 86968
modifications: 86969

(a) The ICF/IID's efficiency incentive for capital costs, as 86970
determined under division (F) of section 5124.17 of the Revised 86971
Code, shall be reduced by 50 per cent. 86972

(b) In place of the maximum cost per case-mix unit 86973
established for the ICF/IID's peer group under division (C) of 86974
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 86975
per case-mix unit shall be an amount the Department shall 86976
determine in accordance with division (E) of this section. 86977

(c) In place of the inflation adjustment otherwise calculated 86978
under division (D) of section 5124.19 of the Revised Code for the 86979
purpose of division (A)(1)(b) of that section, an inflation 86980
adjustment of 1.014 shall be used. 86981

(d) In place of the efficiency incentive otherwise calculated 86982
under division (B)(2) of section 5124.21 of the Revised Code, the 86983
ICF/IID's efficiency incentive for indirect care costs shall be 86984
the following: 86985

(i) In the case of an ICF/IID in peer group 1, \$3.69; 86986

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 86987

(e) In place of the maximum rate for indirect care costs 86988
established for the ICF/IID's peer group under division (C) of 86989
section 5124.21 of the Revised Code, the maximum rate for indirect 86990
care costs for the ICF/IID's peer group shall be the following: 86991

(i) In the case of an ICF/IID in peer group 1, \$68.98; 86992

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 86993

(f) In place of the inflation adjustment otherwise calculated 86994
under division (D)(1) of section 5124.21 of the Revised Code for 86995
the purpose of division (B)(1) of that section only, an inflation 86996
adjustment of 1.014 shall be used. 86997

(g) In place of the inflation adjustment otherwise made under 86998
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 86999
actual, allowable, per Medicaid day other protected costs, 87000
excluding the franchise permit fee, from calendar year 2014 shall 87001
be multiplied by 1.014. 87002

(3) The fiscal year 2016 initial total per Medicaid day rate 87003
for a new ICF/IID to which this section applies shall be the 87004
ICF/IID's initial total per Medicaid day rate determined for the 87005
ICF/IID in accordance with section 5124.151 of the Revised Code 87006
for fiscal year 2016 with the following modifications: 87007

(a) In place of the amount determined under division 87008
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 87009
cost or resident assessment data for the new ICF/IID, the new 87010
ICF/IID's initial per Medicaid day rate for direct care costs 87011
shall be determined as follows: 87012

(i) Determine the median of the costs per case-mix units of 87013
each peer group; 87014

(ii) Multiply the median determined under division 87015
(C)(3)(a)(i) of this section by the median annual average case-mix 87016
score for the new ICF/IID's peer group for calendar year 2014; 87017

(iii) Multiply the product determined under division 87018
(C)(3)(a)(ii) of this section by 1.014. 87019

(b) In place of the amount determined under division (B)(3) 87020
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87021
per Medicaid day rate for indirect care costs shall be the 87022
following: 87023

(i) If the new ICF/IID is in peer group 1, \$68.98; 87024

(ii) If the new ICF/IID is in peer group 2, \$59.60. 87025

(c) In place of the amount determined under division (B)(4) 87026
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87027
per Medicaid day rate for other protected costs shall be 115 per 87028
cent of the median rate for ICFs/IID determined under section 87029
5124.23 of the Revised Code with the modification made under 87030
division (C)(2)(g) of this section. 87031

(D) The total per Medicaid day rate for ICF/IID services an 87032
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 87033
recipient who is admitted as a resident to the ICF/IID on or after 87034
July 1, 2015, and is placed in the chronic behaviors and typical 87035
adaptive needs classification or the typical adaptive needs and 87036
non-significant behaviors classification established for the 87037

grouper methodology prescribed in rules authorized by section 87038
5124.192 of the Revised Code shall be the lesser of the following: 87039

(1) The rate determined for the ICF/IID under division (C)(2) 87040
or (3) of this section; 87041

(2) The following rate: 87042

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 87043
Medicaid recipient in the chronic behaviors and typical adaptive 87044
needs classification; 87045

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 87046
Medicaid recipient in the typical adaptive needs and 87047
non-significant behaviors classification. 87048

(E) In determining, for the purpose of division (C)(2)(b) of 87049
this section, the maximum costs per case-mix unit for ICFs/IID, 87050
the Department shall, strive to the greatest extent possible, do 87051
both of the following: 87052

(1) Avoid rate reductions under division (G) of this section; 87053

(2) Have the amount so determined result in payment of all 87054
desk-reviewed, actual, allowable direct care costs for the same 87055
percentage of Medicaid days for ICFs/IID in peer group 1 as for 87056
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 87057
Medicaid days. 87058

(F) A new ICF/IID's initial total modified per Medicaid day 87059
rate for fiscal year 2016 as determined under division (C)(3) of 87060
this section shall be adjusted at the applicable time specified in 87061
division (D) of section 5124.151 of the Revised Code. If the 87062
adjustment affects the ICF/IID's rate for ICF/IID services 87063
provided during fiscal year 2016, the modifications specified in 87064
divisions (C)(2) and (D) of this section apply to the adjustment. 87065

(G) If the mean total per Medicaid day rate for all ICFs/IID 87066
to which this section applies, weighted by May 2015 Medicaid days 87067

and determined under divisions (C) and (D) of this section as of 87068
July 1, 2015, is other than \$283.32, the Department shall adjust, 87069
for fiscal year 2016, the total per Medicaid day rate for each 87070
ICF/IID to which this section applies by a percentage that is 87071
equal to the percentage by which the mean total per Medicaid day 87072
rate is greater or less than \$283.32. 87073

(H) If the United States Centers for Medicare and Medicaid 87074
Services requires that the franchise permit fee be reduced or 87075
eliminated, the Department shall reduce the amount it pays ICF/IID 87076
providers under this section as necessary to reflect the loss to 87077
the state of the revenue and federal financial participation 87078
generated from the franchise permit fee. 87079

(I) Of the foregoing appropriation items 653407, Medicaid 87080
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 87081
portions shall be used to pay the Medicaid payment rates 87082
determined in accordance with this section for ICF/IID services 87083
provided during fiscal year 2016. 87084

Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR 87085
ICFs/IID IN PEER GROUPS 1 AND 2 87086

(A) As used in this section: 87087

(1) "Change of operator," "entering operator," "exiting 87088
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 87089
group 1," "peer group 2," "peer group 3," "provider," and 87090
"provider agreement" have the same meanings as in section 5124.01 87091
of the Revised Code. 87092

(2) "Franchise permit fee" means the fee imposed by sections 87093
5168.60 to 5168.71 of the Revised Code. 87094

(B)(1) This section applies to each ICF/IID that is in peer 87095
group 1 or peer group 2 and to which any of the following applies: 87096

(a) The provider of the ICF/IID has a valid Medicaid provider 87097

agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 87098
provider agreement for the ICF/IID during fiscal year 2017. 87099

(b) The ICF/IID undergoes a change of operator that takes 87100
effect during fiscal year 2017, the exiting operator has a valid 87101
Medicaid provider agreement for the ICF/IID on the day immediately 87102
preceding the effective date of the change of operator, and the 87103
entering operator has a valid Medicaid provider agreement for the 87104
ICF/IID during fiscal year 2017. 87105

(c) The ICF/IID is a new ICF/IID for which the provider 87106
obtains an initial provider agreement during fiscal year 2017. 87107

(2) This section does not apply to an ICF/IID in peer group 87108
3. 87109

(3) The Department of Developmental Disabilities shall follow 87110
this section in determining the rate to be paid for ICF/IID 87111
services provided during fiscal year 2017 by ICFs/IID subject to 87112
this section notwithstanding anything to the contrary in Chapter 87113
5124. of the Revised Code. 87114

(C)(1) Except as otherwise provided in this section, the 87115
provider of an ICF/IID to which this section applies shall be 87116
paid, for ICF/IID services the ICF/IID provides during fiscal year 87117
2017, the total per Medicaid day rate determined for the ICF/IID 87118
under division (C)(2) or (3) of this section. 87119

(2) Except in the case of a new ICF/IID, the fiscal year 2017 87120
total per Medicaid day rate for an ICF/IID to which this section 87121
applies shall be the ICF/IID's total per Medicaid day rate 87122
determined for the ICF/IID in accordance with Chapter 5124. of the 87123
Revised Code for fiscal year 2017 with the following 87124
modifications: 87125

(a) The ICF/IID's efficiency incentive for capital costs, as 87126
determined under division (F) of section 5124.17 of the Revised 87127
Code, shall be reduced by 50 per cent. 87128

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of this act.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$68.98;

(ii) In the case of an ICF/IID in peer group 2, \$59.60.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2015 shall

be multiplied by 1.014. 87159

(h) After all of the modifications specified in divisions 87160
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 87161
total per Medicaid day rate shall be increased by the direct 87162
support personnel payment determined in accordance with division 87163
(D) of this section. 87164

(3) The fiscal year 2017 initial total per Medicaid day rate 87165
for a new ICF/IID to which this section applies shall be the 87166
ICF/IID's initial total per Medicaid day rate determined for the 87167
ICF/IID in accordance with section 5124.151 of the Revised Code 87168
for fiscal year 2017 with the following modifications: 87169

(a) In place of the amount determined under division 87170
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 87171
cost or resident assessment data for the new ICF/IID, the new 87172
ICF/IID's initial per Medicaid day rate for direct care costs 87173
shall be determined as follows: 87174

(i) Determine the median of the costs per case-mix units of 87175
each peer group; 87176

(ii) Multiply the median determined under division 87177
(C)(3)(a)(i) of this section by the median annual average case-mix 87178
score for the new ICF/IID's peer group for calendar year 2015; 87179

(iii) Multiply the product determined under division 87180
(C)(3)(a)(ii) of this section by 1.014. 87181

(b) In place of the amount determined under division (B)(3) 87182
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87183
per Medicaid day rate for indirect care costs shall be the 87184
following: 87185

(i) If the new ICF/IID is in peer group 1, \$68.98; 87186

(ii) If the new ICF/IID is in peer group 2, \$59.60. 87187

(c) In place of the amount determined under division (B)(4) 87188

of section 5124.151 of the Revised Code, the new ICF/IID's initial 87189
per Medicaid day rate for other protected costs shall be 115 per 87190
cent of the median rate for ICFs/IID determined under section 87191
5124.23 of the Revised Code with the modification made under 87192
division (C)(2)(g) of this section. 87193

(d) After all of the modifications specified in divisions 87194
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 87195
initial total per Medicaid day rate shall be increased by the 87196
median direct support personnel payment determined under division 87197
(D) of this section for all ICFs/IID to which this section 87198
applies. 87199

(D) An ICF/IID's direct support personnel payment for the 87200
purpose of division (C)(2)(h) of this section shall be a 87201
percentage, as determined by the Department, of the ICF/IID's per 87202
diem, desk-reviewed, actual, allowable direct care costs. In 87203
determining the percentage, the Department shall, to the greatest 87204
extent possible, do both of the following: 87205

(1) Avoid rate reductions under division (F) of this section; 87206

(2) Use the same percentage for all ICFs/IID to which this 87207
section applies. 87208

(E) A new ICF/IID's initial total modified per Medicaid day 87209
rate for fiscal year 2017 as determined under division (C)(3) of 87210
this section shall be adjusted at the applicable time specified in 87211
division (D) of section 5124.151 of the Revised Code. If the 87212
adjustment affects the ICF/IID's rate for ICF/IID services 87213
provided during fiscal year 2017, the modifications specified in 87214
division (C)(2) of this section apply to the adjustment. 87215

(F)(1) If the mean total per Medicaid day rate for all 87216
ICFs/IID to which this section applies, weighted by May 2016 87217
Medicaid days and determined under division (C) of this section as 87218
of July 1, 2016, is other than the amount determined under 87219

division (F)(2) of this section, the Department shall adjust, for 87220
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 87221
to which this section applies by a percentage that is equal to the 87222
percentage by which the mean total per Medicaid day rate is 87223
greater or less than the amount determined under division (F)(2) 87224
of this section. 87225

(2) The amount to be used for the purpose of division (F)(1) 87226
of this section shall be not less than \$288.27. The department, in 87227
its sole discretion, may use a larger amount for the purpose of 87228
that division. In determining whether to use a larger amount, the 87229
department may consider any of the following: 87230

(a) The reduction in the total Medicaid-certified capacity of 87231
all ICFs/IID that occurs in fiscal year 2016, and the reduction 87232
that is projected to occur in fiscal year 2017, as a result of 87233
either of the following: 87234

(i) A downsizing pursuant to a plan approved by the 87235
Department under section 5123.042 of the Revised Code; 87236

(ii) A conversion of beds to providing home and 87237
community-based services under the Individual Options waiver 87238
pursuant to section 5124.60 or 5124.61 of the Revised Code. 87239

(b) The increase in Medicaid payments made for ICF/IID 87240
services provided during fiscal year 2016, and the increase that 87241
is projected to occur in fiscal year 2017, as a result of the 87242
modifications to the payment rates made under section 5124.101 of 87243
the Revised Code; 87244

(c) The total reduction in the number of ICF/IID beds that 87245
occurs pursuant to section 5124.67 of the Revised Code; 87246

(d) Other factors the Department determines to be relevant. 87247

(G) If the United States Centers for Medicare and Medicaid 87248
Services requires that the franchise permit fee be reduced or 87249

eliminated, the Department shall reduce the amount it pays ICF/IID 87250
providers under this section as necessary to reflect the loss to 87251
the state of the revenue and federal financial participation 87252
generated from the franchise permit fee. 87253

(H) Of the foregoing appropriation items 653407, Medicaid 87254
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 87255
portions shall be used to pay the Medicaid payment rates 87256
determined in accordance with this section for ICF/IID services 87257
provided during fiscal year 2017. 87258

Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 87259
ICFs/IID IN PEER GROUP 3 87260

(A) As used in this section: 87261

(1) "ICF/IID," "ICF/IID services," "peer group 3," 87262
"provider," and "provider agreement" have the same meanings as in 87263
section 5124.01 of the Revised Code. 87264

(2) "Franchise permit fee" means the fee imposed by sections 87265
5168.60 to 5168.71 of the Revised Code. 87266

(B)(1) This section applies to each ICF/IID that is in peer 87267
group 3 and for which the provider obtained an initial provider 87268
agreement during fiscal year 2015. 87269

(2) The Department of Developmental Disabilities shall follow 87270
this section in determining the rate to be paid for ICF/IID 87271
services provided during fiscal year 2016 by ICFs/IID subject to 87272
this section notwithstanding anything to the contrary in Chapter 87273
5124. of the Revised Code. 87274

(C) Except as otherwise provided in this section, the 87275
provider of an ICF/IID to which this section applies shall 87276
continue to be paid, for ICF/IID services the ICF/IID provides 87277
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 87278
in effect on June 30, 2015. 87279

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS

As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

Each quarter during fiscal year 2016 and fiscal year 2017, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to section 5124.25 of the Revised Code for providing outlier ICF/IID services to residents who qualify for the services and are transferred to ICFs/IID from hospitals at which they receive ventilator services at the time of their transfer to the ICFs/IID.

On receipt of a certification, the Director of Budget and Management shall transfer appropriations equaling the certified amount from appropriation item 651525, Medicaid/Health Care Services, to appropriation item 653407, Medicaid Services, and, in addition, shall reduce the appropriation in 651525, Medicaid/Health Care Services, by the corresponding federal share.

If receipts credited to the Developmental Center and Residential Facility Services and Support Fund (Fund 3A40), used by the Department of Developmental Disabilities, exceed the amounts appropriated in appropriation item 653653, ICF/IID, the Director of Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in

excess of the amounts appropriated. Upon approval of the Director 87311
of Budget and Management, the additional amounts are hereby 87312
appropriated. 87313

Section 259.200. ICF/IID MEDICAID RATE WORKGROUP 87314

As used in this section, "ICF/IID," "ICF/IID services," and 87315
"Medicaid-certified capacity" have the same meanings as in section 87316
5124.01 of the Revised Code. 87317

For the purpose of assisting the Department of Developmental 87318
Disabilities during fiscal year 2016 and fiscal year 2017 with an 87319
evaluation of revisions to the formula used to determine Medicaid 87320
payment rates for ICF/IID services, the Department shall retain 87321
the workgroup that was created to assist with the study required 87322
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 87323
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 87324
the 130th General Assembly. In conducting the evaluation, the 87325
Department and workgroup shall do both of the following: 87326

(A) Focus primarily on the service needs of individuals with 87327
complex challenges that ICFs/IID are able to meet; 87328

(B) Pursue the goal of reducing the Medicaid-certified 87329
capacity of individual ICFs/IID and the total number of ICF/IID 87330
beds in the state for the purpose of increasing the service 87331
choices and community integration of individuals eligible for 87332
ICF/IID services. 87333

Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES 87334

(A) As used in this section, "ICF/IID," "ICF/IID services," 87335
and "Medicaid-certified capacity" have the same meanings as in 87336
section 5124.01 of the Revised Code. 87337

(B) The Director of Developmental Disabilities shall pay the 87338
nonfederal share of a claim for ICF/IID services using funds 87339

specified in division (C) of this section if all of the following 87340
apply: 87341

(1) Medicaid covers the ICF/IID services. 87342

(2) The ICF/IID services are provided to a Medicaid recipient 87343
to whom both of the following apply: 87344

(a) The Medicaid recipient is eligible for the ICF/IID 87345
services; 87346

(b) The Medicaid recipient does not occupy a bed in the 87347
ICF/IID that used to be included in the Medicaid-certified 87348
capacity of another ICF/IID certified by the Director of Health 87349
before June 1, 2003. 87350

(3) The ICF/IID services are provided by an ICF/IID whose 87351
Medicaid certification by the Director of Health was initiated or 87352
supported by a county board of developmental disabilities. 87353

(4) The provider of the ICF/IID services has a valid Medicaid 87354
provider agreement for the services for the time that the services 87355
are provided. 87356

(C) When required by division (B) of this section to pay the 87357
nonfederal share of a claim, the Director of Developmental 87358
Disabilities shall use the following funds to pay the claim: 87359

(1) Funds available from appropriation item 322501, County 87360
Boards Subsidies, that the Director allocates to the county board 87361
that initiated or supported the Medicaid certification of the 87362
ICF/IID that provided the ICF/IID services for which the claim is 87363
made; 87364

(2) If the amount of funds used pursuant to division (C)(1) 87365
of this section is insufficient to pay the claim in full, an 87366
amount of funds that are needed to make up the difference and 87367
available from amounts the Director allocates to other county 87368
boards from appropriation item 322501, County Boards Subsidies. 87369

Section 259.220. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE	87370
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES	87371
(A) As used in this section:	87372
(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.	87373 87374 87375 87376
(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.	87377 87378
(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.	87379 87380 87381
(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	87382 87383
(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.	87384 87385
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:	87386 87387
(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.	87388 87389 87390
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	87391 87392 87393 87394 87395
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the	87396 87397 87398

developmental center, converted facility, or public hospital) 87399
warrants paying the Medicaid rate authorized by this section. 87400

(B) The total Medicaid payment rate for each fifteen minutes 87401
of routine homemaker/personal care services that a Medicaid 87402
provider provides to a qualifying IO enrollee during the period 87403
specified in division (C) of this section shall be fifty-two cents 87404
higher than the Medicaid payment rate in effect on the day the 87405
services are provided for each fifteen minutes of routine 87406
homemaker/personal care services that a Medicaid provider provides 87407
to an IO enrollee who is not a qualifying IO enrollee. 87408

(C) Division (B) of this section applies to the first twelve 87409
months, consecutive or otherwise, that a Medicaid provider, during 87410
the period beginning July 1, 2015, and ending June 30, 2017, 87411
provides routine homemaker/personal care services to a qualifying 87412
IO enrollee. 87413

(D) Of the foregoing appropriation items 653407, Medicaid 87414
Services, and 653639, Medicaid Waiver Services, portions shall be 87415
used to pay the Medicaid payment rate determined in accordance 87416
with this section for routine homemaker/personal care services 87417
provided to qualifying IO enrollees. 87418

Section 259.230. UPDATING AUTHORIZING STATUTE CITATIONS 87419

As used in this section, "authorizing statute" means a 87420
Revised Code section or provision of a Revised Code section that 87421
is cited in the Ohio Administrative Code as the statute that 87422
authorizes the adoption of a rule. 87423

The Director of Developmental Disabilities is not required to 87424
amend any rule for the sole purpose of updating the citation in 87425
the Ohio Administrative Code to the rule's authorizing statute to 87426
reflect that this act renumbers the authorizing statute or 87427
relocates it to another Revised Code section. Such citations shall 87428

be updated as the Director amends the rules for other purposes. 87429

Section 259.240. REASON FOR THE REPEAL OF R.C. 5111.236 87430

This act repeals section 5111.236 of the Revised Code to 87431
carry out the intent of the Governor as indicated in the veto 87432
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 87433
transmitted to the Clerk of the House of Representatives on July 87434
17, 2009. The actual veto removed the section from the title and 87435
enacting clause of H.B. 1 and an earmark related to the section. 87436
However, the actual veto inadvertently showed only division (C) of 87437
the section, rather than the entire section, as being vetoed. 87438

Section 259.250. SYSTEM TRANSFORMATION SUPPORTS 87439

The foregoing appropriation item 320607 (Fund 5QM0), System 87440
Transformation Supports, may be used by the Director of 87441
Developmental Disabilities as follows: 87442

(A) To purchase one or more residential facility beds for the 87443
purpose of reducing the number of beds that are certified for 87444
participation in Medicaid as ICF/IID beds in Ohio. The director 87445
shall establish priorities for the purchase of beds which may 87446
include beds located in a building in which a nursing facility is 87447
also located and beds which are in a residential facility of 87448
sixteen beds or greater. The purchase price of a bed shall be the 87449
price the director determines is reasonable based on the 87450
established priorities. Division (B) of section 127.16 of the 87451
Revised Code shall not apply to a purchase made under this 87452
section. 87453

(B) To fund other system transformation initiatives 87454
identified by the director. 87455

Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 87456

As used in this section, "ICF/IID services" has the same 87457

meaning as in section 5124.01 of the Revised Code. 87458

Not later than July 31, 2015, the Department of Developmental 87459
Disabilities shall issue a request for proposals for an entity, 87460
pursuant to a contract with the Department, to develop a plan to 87461
transform the formula used to determine Medicaid payment rates for 87462
ICF/IID services. Any such contract the Department enters into 87463
shall require all of the following: 87464

(A) That the plan do all of the following: 87465

(1) Include quality incentive measures; 87466

(2) Have payments be based on health outcomes; 87467

(3) Promote ICF/IID services that are provided in the most 87468
integrated setting appropriate to the needs of each Medicaid 87469
recipient receiving the services; 87470

(4) Recommend specific changes to the resident assessment 87471
instrument specified in rules authorized by section 5124.191 of 87472
the Revised Code and the grouper methodology prescribed in rules 87473
authorized by section 5124.192 of the Revised Code. 87474

(B) That the entity developing the plan consider the 87475
recommendations of both of the following: 87476

(1) The ICF/IID Medicaid Rate Workgroup that was created to 87477
assist with the study required by Section 309.30.80 of Am. Sub. 87478
H.B. 153 of the 129th General Assembly and retained pursuant to 87479
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 87480

(2) The ICF/IID Quality Incentive Workgroup created pursuant 87481
to the section of this act titled "ICF/IID QUALITY INCENTIVE 87482
WORKGROUP." 87483

(C) That the plan be developed with the goal of beginning 87484
implementation of the transformation on July 1, 2017. 87485

Section 259.270. ICF/IID QUALITY INCENTIVE WORKGROUP 87486

(A) As used in this section, "ICF/IID" and "ICF/IID services" 87487
have the same meanings as in section 5124.01 of the Revised Code. 87488

(B) The Director of Developmental Disabilities shall create 87489
the ICF/IID Quality Incentive Workgroup to study the issue of 87490
establishing, as part of the Medicaid payment formula for ICF/IID 87491
services, accountability measures that act as quality incentives 87492
for ICFs/IID. The Director or the Director's designee shall be the 87493
Workgroup's chairperson. The Director may appoint one or more 87494
staff members of the Department of Developmental Disabilities to 87495
also serve on the Workgroup. The Director shall appoint the 87496
following to serve on the Workgroup: 87497

(1) Representatives of all of the following: 87498

(a) The Ohio Centers for Intellectual Disabilities formed by 87499
the Ohio Health Care Association; 87500

(b) The Values and Faith Alliance; 87501

(c) The Ohio Association of County Boards Serving People with 87502
Developmental Disabilities; 87503

(d) The Ohio SIBS; 87504

(e) The Arc of Ohio; 87505

(f) The Ohio Provider Resource Association. 87506

(2) One or more persons with developmental disabilities who 87507
advocate for such persons. 87508

(C) Members of the Workgroup shall serve without compensation 87509
or reimbursement, except to the extent that serving on the 87510
Workgroup is considered part of their usual job duties. 87511

(D) The Workgroup shall complete its study, and complete a 87512
report with recommendations regarding accountability measures for 87513
ICFs/IID, not later than November 4, 2015. The Workgroup shall 87514
submit copies of the report to the Governor and, in accordance 87515
with section 101.68 of the Revised Code, the General Assembly. 87516

Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE 87517

The foregoing appropriation item 322509, Community Support 87518
and Rental Assistance, may be used by the Director of 87519
Developmental Disabilities to provide funding to county boards of 87520
developmental disabilities for rental assistance to individuals 87521
with developmental disabilities receiving home and community-based 87522
services as defined in section 5123.01 of the Revised Code 87523
pursuant to section 5124.60 of the Revised Code or section 5124.69 87524
of the Revised Code and to former residents of a developmental 87525
center. The director shall establish the methodology for 87526
determining the amount and distribution of such funding. 87527

Section 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP 87528
SERVICES 87529

The Medicaid payment rates for adult day services provided by 87530
sheltered workshops during the period beginning July 1, 2015, and 87531
ending June 30, 2017, under a Medicaid waiver component 87532
administered by the Department of Developmental Disabilities shall 87533
be not less than Medicaid payment rates for those services in 87534
effect on June 30, 2015. 87535

Section 261.10. OBD OHIO BOARD OF DIETETICS 87536

Dedicated Purpose Fund Group 87537
4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 87538
TOTAL DPF Dedicated Purpose Fund 87539
Group \$ 362,872 \$ 371,779 87540
TOTAL ALL BUDGET FUND GROUPS \$ 362,872 \$ 371,779 87541

Section 263.10. EDU DEPARTMENT OF EDUCATION 87543

General Revenue Fund 87544
GRF 200321 Operating Expenses \$ 14,217,708 \$ 14,517,708 87545

GRF 200408	Early Childhood Education	\$ 60,268,341	\$ 70,268,341	87546
GRF 200420	Information Technology Development and Support	\$ 4,241,296	\$ 4,241,296	87547
GRF 200421	Alternative Education Programs	\$ 10,253,998	\$ 10,253,998	87548
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	87549
GRF 200424	Policy Analysis	\$ 528,558	\$ 528,558	87550
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	87551
GRF 200426	Ohio Educational Computer Network	\$ 16,200,000	\$ 16,200,000	87552
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	87553
GRF 200437	Student Assessment	\$ 40,241,438	\$ 39,830,050	87554
GRF 200439	Accountability/Report Cards	\$ 4,897,310	\$ 4,897,310	87555
GRF 200442	Child Care Licensing	\$ 1,822,500	\$ 1,822,500	87556
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	87557
GRF 200447	GED Testing	\$ 474,000	\$ 474,000	87558
GRF 200448	Educator Preparation	\$ 1,564,237	\$ 1,564,237	87559
GRF 200455	Community Schools and Choice Programs	\$ 3,651,395	\$ 3,731,395	87560
GRF 200457	STEM Initiatives	\$ 150,000	\$ 0	87561
GRF 200465	Education Technology Resources	\$ 3,170,976	\$ 3,170,976	87562
GRF 200502	Pupil Transportation	\$ 527,823,920	\$ 528,286,409	87563
GRF 200505	School Lunch Match	\$ 9,100,000	\$ 9,100,000	87564
GRF 200511	Auxiliary Services	\$ 146,092,593	\$ 153,105,038	87565
GRF 200532	Nonpublic Administrative Cost	\$ 65,995,784	\$ 69,163,582	87566

		Reimbursement				
GRF	200540	Special Education	\$	162,871,292	\$	162,871,292 87567
		Enhancements				
GRF	200545	Career-Technical	\$	12,672,418	\$	12,697,418 87568
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,459,193,751	\$	6,861,268,169 87569
GRF	200566	Literacy Improvement	\$	2,250,000	\$	2,250,000 87570
GRF	200572	Adult Diploma	\$	7,500,000	\$	10,000,000 87571
GRF	200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000 87572
GRF	200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000 87573
		Equalization				
GRF	200588	Competency Based	\$	2,500,000	\$	2,500,000 87574
		Education Pilot				
GRF	200597	Education Program	\$	4,750,000	\$	2,500,000 87575
		Support				
TOTAL GRF		General Revenue Fund	\$	7,618,575,127	\$	8,049,885,889 87576
		Dedicated Purpose Fund Group				87577
4520	200638	Fees and Refunds	\$	1,000,000	\$	1,000,000 87578
4540	200610	GED Testing	\$	250,000	\$	250,000 87579
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 87580
4L20	200681	Teacher Certification	\$	16,400,000	\$	16,900,000 87581
		and Licensure				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 87582
		Reimbursement				
5H30	200687	School District	\$	10,000,000	\$	10,000,000 87583
		Solvency Assistance				
5KT0	200673	Early Childhood	\$	20,000,000	\$	20,000,000 87584
		Education				
5KX0	200691	Ohio School	\$	487,419	\$	528,600 87585
		Sponsorship Program				
5MM0	200677	Child Nutrition	\$	550,000	\$	550,000 87586
		Refunds				
5RB0	200644	Straight A Fund	\$	50,000,000	\$	50,000,000 87587

5RE0	200697	School District TPP Supplement	\$	36,000,000	\$	66,000,000	87588
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	87589
6200	200615	Educational Improvement Grants	\$	175,000	\$	175,000	87590
TOTAL DPF		Dedicated Purpose Fund Group	\$	160,491,329	\$	191,032,510	87591
		Internal Service Activity Fund Group					87592
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	87593
4R70	200695	Indirect Operational Support	\$	7,600,000	\$	7,600,000	87594
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	87595
TOTAL ISA		Internal Service Activity Fund Group	\$	14,950,090	\$	14,950,090	87596 87597
		State Lottery Fund Group					87598
7017	200612	Foundation Funding	\$	977,700,000	\$	977,700,000	87599
7017	200629	Community Connectors	\$	15,000,000	\$	15,000,000	87600
7017	200684	Community School Facilities	\$	19,350,000	\$	20,700,000	87601
TOTAL SLF		State Lottery Fund Group	\$	1,012,050,000	\$	1,013,400,000	87602 87603
		Federal Fund Group					87604
3090	200601	Neglected and Delinquent Education	\$	1,600,000	\$	1,600,000	87605
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517	87606
3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040	87607

3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	87608
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000	87609
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	87610
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000	87611
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000	87612
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	7,500,000	87613
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	87614
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	87615
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484	87616
3FD0	200665	Race to the Top	\$	12,000,000	\$	0	87617
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000	87618
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635	87619
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000	87620
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	87621
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	87622
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	87623
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	87624
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	87625
3L70	200618	Federal School Breakfast	\$	117,332,605	\$	122,025,909	87626
3L80	200619	Child/Adult Food	\$	113,508,500	\$	116,913,755	87627

		Programs				
3L90	200621	Career-Technical	\$	44,663,900	\$	44,663,900 87628
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000 87629
3M20	200680	Individuals with	\$	444,000,000	\$	445,000,000 87630
		Disabilities				
		Education Act				
3Y20	200688	21st Century	\$	50,000,000	\$	50,000,000 87631
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	90,000,000	\$	90,000,000 87632
		Quality				
3Y70	200689	English Language	\$	10,101,411	\$	10,101,411 87633
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,300,000	\$	3,300,000 87634
		Technical Assistance				
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000 87635
3Z30	200645	Consolidated Federal	\$	10,000,000	\$	10,000,000 87636
		Grant Administration				
TOTAL FED	Federal Fund Group		\$	1,986,665,123	\$	1,988,559,443 87637
TOTAL ALL BUDGET FUND GROUPS			\$	10,792,731,669	\$	11,257,827,932 87638

Section 263.20. OPERATING EXPENSES 87640

A portion of the foregoing appropriation item 200321, 87641
 Operating Expenses, shall be used by the Department of Education 87642
 to provide matching funds under 20 U.S.C. 2321. 87643

EARLY CHILDHOOD EDUCATION 87644

The Department of Education shall distribute the foregoing 87645
 appropriation item 200408, Early Childhood Education, to pay the 87646
 costs of early childhood education programs. The Department shall 87647
 distribute such funds directly to qualifying providers. 87648

(A) As used in this section: 87649

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means either of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of

the Revised Code and for the performance index score under 87681
division (C)(1)(b) of section 3302.03 of the Revised Code; 87682

(II) If the school does not offer a grade level higher than 87683
three, a grade of "C" or better for making progress in improving 87684
literacy in grades kindergarten through three under division 87685
(C)(1)(g) of section 3302.03 of the Revised Code. 87686

(ii) It offers a child care program in accordance with 87687
sections 3301.50 to 3301.59 of the Revised Code. 87688

(iii) It did not receive state funding for Early Childhood 87689
Education in the previous fiscal year. 87690

(c) A community school established under Chapter 3314. of the 87691
Revised Code that is sponsored by a municipal school district and 87692
operates a program that uses the Montessori method endorsed by the 87693
American Montessori Society, the Montessori Accreditation Council 87694
for Teacher Education, or the Association Montessori 87695
Internationale as its primary method of instruction, as authorized 87696
by division (A) of section 3314.06 of the Revised Code, that did 87697
not receive state funding for Early Childhood Education in the 87698
previous year or demonstrates a need for early childhood programs 87699
as defined in division (D) of this section. 87700

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 87701
means a child who is at least three years of age as of the 87702
district entry date for kindergarten, is not of the age to be 87703
eligible for kindergarten, and whose family earns not more than 87704
two hundred per cent of the federal poverty guidelines as defined 87705
in division (A)(3) of section 5101.46 of the Revised Code. 87706
Children with an Individualized Education Program and where the 87707
Early Childhood Education program is the least restrictive 87708
environment may be enrolled on their third birthday. 87709

(5) "Eligible child," beginning July 1, 2016, means a child 87710
who is at least four years of age as of the district entry date 87711

for kindergarten, is not of the age to be eligible for 87712
kindergarten, and whose family earns not more than two hundred per 87713
cent of the federal poverty guidelines as defined in division 87714
(A)(3) of section 5101.46 of the Revised Code. Children with an 87715
Individualized Education Program and where the Early Childhood 87716
Education program is the least restrictive environment may be 87717
enrolled on their fourth birthday. 87718

(6) "Early learning program standards" means early learning 87719
program standards for school readiness developed by the Department 87720
to assess the operation of early learning programs. 87721

(B) In each fiscal year, up to two per cent of the total 87722
appropriation may be used by the Department for program support 87723
and technical assistance. The Department shall distribute the 87724
remainder of the appropriation in each fiscal year to serve 87725
eligible children. 87726

(C) The Department shall provide an annual report to the 87727
Governor, the Speaker of the House of Representatives, and the 87728
President of the Senate and post the report to the Department's 87729
web site, regarding early childhood education programs operated 87730
under this section and the early learning program standards. 87731

(D) After setting aside the amounts to make payments due from 87732
the previous fiscal year, in fiscal year 2016, the Department 87733
shall distribute funds first to recipients of funds for early 87734
childhood education programs under Section 263.20 of Am. Sub. H.B. 87735
59 of the 130th General Assembly in the previous fiscal year and 87736
the balance to new eligible providers of early childhood education 87737
programs under this section or to existing providers to serve more 87738
eligible children or for purposes of program expansion, 87739
improvement, or special projects to promote quality and 87740
innovation. 87741

After setting aside the amounts to make payments due from the 87742

previous fiscal year, in fiscal year 2017, the Department shall 87743
distribute funds first to providers of early childhood education 87744
programs under this section in the previous fiscal year and the 87745
balance to new eligible providers or to existing providers to 87746
serve more eligible children as outlined under division (E) of 87747
this section or for purposes of program expansion, improvement, or 87748
special projects to promote quality and innovation. 87749

(E) The Department shall distribute any new or remaining 87750
funding to existing providers of early childhood education 87751
programs or any new eligible providers in an effort to invest in 87752
high quality early childhood programs where there is a need as 87753
determined by the Department. The Department shall distribute the 87754
new or remaining funds to existing providers of early childhood 87755
education programs or any new eligible providers to serve 87756
additional eligible children based on community economic 87757
disadvantage, limited access to high quality preschool or 87758
childcare services, and demonstration of high quality preschool 87759
services as determined by the Department using new metrics 87760
developed pursuant to Ohio's Race to the Top—Early Learning 87761
Challenge Grant, awarded to the Department in December 2011. 87762

Awards under divisions (D) and (E) of this section shall be 87763
distributed on a per-pupil basis, and in accordance with division 87764
(I) of this section. The Department may adjust the per-pupil 87765
amount so that the per-pupil amount multiplied by the number of 87766
eligible children enrolled and receiving services on the first day 87767
of December or the business day closest to that date equals the 87768
amount allocated under this section. 87769

(F) Costs for developing and administering an early childhood 87770
education program may not exceed fifteen per cent of the total 87771
approved costs of the program. 87772

All providers shall maintain such fiscal control and 87773
accounting procedures as may be necessary to ensure the 87774

disbursement of, and accounting for, these funds. The control of 87775
funds provided in this program, and title to property obtained, 87776
shall be under the authority of the approved provider for purposes 87777
provided in the program unless, as described in division (K) of 87778
this section, the program waives its right for funding or a 87779
program's funding is eliminated or reduced due to its inability to 87780
meet financial or early learning program standards. The approved 87781
provider shall administer and use such property and funds for the 87782
purposes specified. 87783

(G) The Department may examine a provider's financial and 87784
program records. If the financial practices of the program are not 87785
in accordance with standard accounting principles or do not meet 87786
financial standards outlined under division (F) of this section, 87787
or if the program fails to substantially meet the early learning 87788
program standards, meet a quality rating level in the tiered 87789
quality rating and improvement system developed under section 87790
5104.30 of the Revised Code as prescribed by the Department, or 87791
exhibits below average performance as measured against the 87792
standards, the early childhood education program shall propose and 87793
implement a corrective action plan that has been approved by the 87794
Department. The approved corrective action plan shall be signed by 87795
the chief executive officer and the executive of the official 87796
governing body of the provider. The corrective action plan shall 87797
include a schedule for monitoring by the Department. Such 87798
monitoring may include monthly reports, inspections, a timeline 87799
for correction of deficiencies, and technical assistance to be 87800
provided by the Department or obtained by the early childhood 87801
education program. The Department may withhold funding pending 87802
corrective action. If an early childhood education program fails 87803
to satisfactorily complete a corrective action plan, the 87804
Department may deny expansion funding to the program or withdraw 87805
all or part of the funding to the program and establish a new 87806
eligible provider through a selection process established by the 87807

Department. 87808

(H)(1) If the early childhood education program is licensed 87809
by the Department of Education and is not highly rated, as 87810
determined by the Director of Job and Family Services, under the 87811
tiered quality rating and improvement system described in section 87812
5104.30 of the Revised Code, the program shall do all of the 87813
following: 87814

(a) Meet teacher qualification requirements prescribed by 87815
section 3301.311 of the Revised Code; 87816

(b) Align curriculum to the early learning content standards 87817
developed by the Department; 87818

(c) Meet any child or program assessment requirements 87819
prescribed by the Department; 87820

(d) Require teachers, except teachers enrolled and working to 87821
obtain a degree pursuant to section 3301.311 of the Revised Code, 87822
to attend a minimum of twenty hours every two years of 87823
professional development as prescribed by the Department; 87824

(e) Document and report child progress as prescribed by the 87825
Department; 87826

(f) Meet and report compliance with the early learning 87827
program standards as prescribed by the Department; 87828

(g) Participate in the tiered quality rating and improvement 87829
system developed under section 5104.30 of the Revised Code. 87830
Effective July 1, 2016, all programs shall be rated through the 87831
system. 87832

(2) If the program is highly rated, as determined by the 87833
Director of Job and Family Services, under the tiered quality 87834
rating and improvement system developed under section 5104.30 of 87835
the Revised Code, the program shall comply with the requirements 87836
of that system. 87837

(I) Per-pupil funding for programs subject to this section 87838
shall be sufficient to provide eligible children with services for 87839
a standard early childhood schedule which shall be defined in this 87840
section as a minimum of twelve and one-half hours per school week 87841
as defined in section 3313.62 of the Revised Code for the minimum 87842
school year as defined in sections 3313.48, 3313.481, and 3313.482 87843
of the Revised Code. Nothing in this section shall be construed to 87844
prohibit program providers from utilizing other funds to serve 87845
eligible children in programs that exceed the twelve and one-half 87846
hours per week or that exceed the minimum school year. For any 87847
provider for which a standard early childhood education schedule 87848
creates a hardship or for which the provider shows evidence that 87849
the provider is working in collaboration with a preschool special 87850
education program, the provider may submit a waiver to the 87851
Department requesting an alternate schedule. If the Department 87852
approves a waiver for an alternate schedule that provides services 87853
for less time than the standard early childhood education 87854
schedule, the Department may reduce the provider's annual 87855
allocation proportionately. Under no circumstances shall an annual 87856
allocation be increased because of the approval of an alternate 87857
schedule. 87858

(J) For fiscal year 2016, each provider shall develop a 87859
sliding fee scale based on family incomes and shall charge 87860
families who earn more than two hundred per cent of the federal 87861
poverty guidelines, as defined in division (A)(3) of section 87862
5101.46 of the Revised Code, for the early childhood education 87863
program. 87864

The Department shall conduct an annual survey of each 87865
provider to determine whether the provider charges families 87866
tuition or fees, the amount families are charged relative to 87867
family income levels, and the number of families and students 87868
charged tuition and fees for the early childhood program. 87869

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) For fiscal year 2017, the Department of Education and the Department of Job and Family Services shall establish the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) Beginning July 1, 2016, in accordance with section 87900
5104.34 of the Revised Code, eligible families may receive 87901
publicly funded child care beyond the standard early childhood 87902
schedule defined in division (I) of this section. 87903

(3) All providers, agencies, and school districts 87904
participating in the early childhood education program or 87905
providing care to eligible families beyond the standard early 87906
childhood schedule shall follow the common policies established 87907
under this division. 87908

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 87909
SUPPORT 87910

The foregoing appropriation item 200420, Information 87911
Technology Development and Support, shall be used to support the 87912
development and implementation of information technology solutions 87913
designed to improve the performance and services of the Department 87914
of Education. Funds may be used for personnel, maintenance, and 87915
equipment costs related to the development and implementation of 87916
these technical system projects. Implementation of these systems 87917
shall allow the Department to provide greater levels of assistance 87918
to school districts and to provide more timely information to the 87919
public, including school districts, administrators, and 87920
legislators. Funds may also be used to support data-driven 87921
decision-making and differentiated instruction, as well as to 87922
communicate academic content standards and curriculum models to 87923
schools through web-based applications. 87924

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 87925

Of the foregoing appropriation item 200421, Alternative 87926
Education Programs, up to \$2,500,000 in each fiscal year shall be 87927
used to make payments under sections 3314.38, 3317.23, 3317.24, 87928
and 3345.86 of the Revised Code, as amended by this act. 87929

Of the foregoing appropriation item 200421, Alternative 87930
Education Programs, up to \$350,000 in each fiscal year may be used 87931
to support the clearinghouse for the identification of and 87932
intervention for at-risk students required under section 3301.28 87933
of the Revised Code. 87934

The remainder of appropriation item 200421, Alternative 87935
Education Programs, shall be used for the renewal of successful 87936
implementation grants and for competitive matching grants to 87937
school districts for alternative educational programs for existing 87938
and new at-risk and delinquent youth. Programs shall be focused on 87939
youth in one or more of the following categories: those who have 87940
been expelled or suspended, those who have dropped out of school 87941
or who are at risk of dropping out of school, those who are 87942
habitually truant or disruptive, or those on probation or on 87943
parole from a Department of Youth Services facility. Grants shall 87944
be awarded only to programs in which the grant will not serve as 87945
the program's primary source of funding. These grants shall be 87946
administered by the Department of Education. 87947

The Department of Education may waive compliance with any 87948
minimum education standard established under section 3301.07 of 87949
the Revised Code for any alternative school that receives a grant 87950
under this section on the grounds that the waiver will enable the 87951
program to more effectively educate students enrolled in the 87952
alternative school. 87953

Of the foregoing appropriation item 200421, Alternative 87954
Education Programs, a portion may be used for program 87955
administration, monitoring, technical assistance, support, 87956
research, and evaluation. 87957

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 87958

Of the foregoing appropriation item 200422, School Management 87959
Assistance, \$1,000,000 in each fiscal year shall be used by the 87960

Auditor of State in consultation with the Department of Education 87961
for expenses incurred in the Auditor of State's role relating to 87962
fiscal caution, fiscal watch, and fiscal emergency activities as 87963
defined in Chapter 3316. of the Revised Code, unless an amount 87964
less than \$1,000,000 is needed and mutually agreed to by the 87965
Department and the Auditor of State. This set-aside may also be 87966
used by the Auditor of State to conduct performance audits of 87967
other school districts with priority given to districts in fiscal 87968
distress. Districts in fiscal distress shall be determined by the 87969
Auditor of State and shall include districts that the Auditor of 87970
State, in consultation with the Department of Education, 87971
determines are employing fiscal practices or experiencing 87972
budgetary conditions that could produce a state of fiscal watch or 87973
fiscal emergency. 87974

The remainder of appropriation item 200422, School Management 87975
Assistance, shall be used by the Department of Education to 87976
provide fiscal technical assistance and inservice education for 87977
school district management personnel and to administer, monitor, 87978
and implement the fiscal caution, fiscal watch, and fiscal 87979
emergency provisions under Chapter 3316. of the Revised Code. 87980

Section 263.60. POLICY ANALYSIS 87981

The foregoing appropriation item 200424, Policy Analysis, 87982
shall be used by the Department of Education to support a system 87983
of administrative, statistical, and legislative education 87984
information to be used for policy analysis. Staff supported by 87985
this appropriation shall administer the development of reports, 87986
analyses, and briefings to inform education policymakers of 87987
current trends in education practice, efficient and effective use 87988
of resources, and evaluation of programs to improve education 87989
results. A portion of these funds shall be used to maintain a 87990
longitudinal database to support the assessment of the impact of 87991

policies and programs on Ohio's education and workforce 87992
development systems. The research efforts supported by this 87993
appropriation item shall be used to supply information and 87994
analysis of data to and in consultation with the General Assembly 87995
and other state policymakers, including the Office of Budget and 87996
Management, the Governor's Office of 21st Century Education, and 87997
the Legislative Service Commission. 87998

The Department of Education may use funding from this 87999
appropriation item to purchase or contract for the development of 88000
software systems or contract for policy studies that will assist 88001
in the provision and analysis of policy-related information. 88002
Funding from this appropriation item also may be used to monitor 88003
and enhance quality assurance for research-based policy analysis 88004
and program evaluation to enhance the effective use of education 88005
information to inform education policymakers. 88006

TECH PREP CONSORTIA SUPPORT 88007

The foregoing appropriation item 200425, Tech Prep Consortia 88008
Support, shall be used by the Department of Education to support 88009
state-level activities designed to support, promote, and expand 88010
tech prep programs. Use of these funds shall include, but not be 88011
limited to, administration of grants, program evaluation, 88012
professional development, curriculum development, assessment 88013
development, program promotion, communications, and statewide 88014
coordination of tech prep consortia. 88015

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 88016

The foregoing appropriation item 200426, Ohio Educational 88017
Computer Network, shall be used by the Department of Education to 88018
maintain a system of information technology throughout Ohio and to 88019
provide technical assistance for such a system in support of the 88020
P-16 State Education Technology Plan developed under section 88021
3353.09 of the Revised Code. 88022

Of the foregoing appropriation item 200426, Ohio Educational 88023
Computer Network, up to \$10,000,000 in each fiscal year shall be 88024
used by the Department of Education to support connection of all 88025
public school buildings and participating chartered nonpublic 88026
schools to the state's education network, to each other, and to 88027
the Internet. In each fiscal year the Department of Education 88028
shall use these funds to assist information technology centers or 88029
school districts with the operational costs associated with this 88030
connectivity. The Department of Education shall develop a formula 88031
and guidelines for the distribution of these funds to information 88032
technology centers or individual school districts. As used in this 88033
section, "public school building" means a school building of any 88034
city, local, exempted village, or joint vocational school 88035
district, any community school established under Chapter 3314. of 88036
the Revised Code, any college preparatory boarding school 88037
established under Chapter 3328. of the Revised Code, any STEM 88038
school established under Chapter 3326. of the Revised Code, any 88039
educational service center building used for instructional 88040
purposes, the Ohio School for the Deaf and the Ohio School for the 88041
Blind, high schools chartered by the Ohio Department of Youth 88042
Services, or high schools operated by Ohio Department of 88043
Rehabilitation and Corrections' Ohio Central School System. 88044

Of the foregoing appropriation item 200426, Ohio Educational 88045
Computer Network, up to \$5,000,000 in each fiscal year shall be 88046
used, through a formula and guidelines devised by the Department, 88047
to subsidize the activities of designated information technology 88048
centers, as defined by State Board of Education rules, to provide 88049
school districts and chartered nonpublic schools with 88050
computer-based student and teacher instructional and 88051
administrative information services, including approved 88052
computerized financial accounting, and to ensure the effective 88053
operation of local automated administrative and instructional 88054
systems. 88055

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 263.80. ACADEMIC STANDARDS 88070

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum.

Section 263.90. STUDENT ASSESSMENT 88076

Of the foregoing appropriation item 200437, Student Assessment, up to \$1,206,000 in fiscal year 2016 and up to \$2,760,000 in fiscal year 2017 may be used to support the assessments required under section 3301.0715 of the Revised Code.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as

required by section 3301.27 of the Revised Code. The funds may 88086
also be used to update and develop diagnostic assessments required 88087
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 88088
Code. 88089

Section 263.100. ACCOUNTABILITY/REPORT CARDS 88090

Of the foregoing appropriation item 200439, 88091
Accountability/Report Cards, a portion in each fiscal year may be 88092
used to train district and regional specialists and district 88093
educators in the use of the value-added progress dimension and in 88094
the use of data as it relates to improving student achievement. 88095
This training may include teacher and administrator professional 88096
development in the use of data to improve instruction and student 88097
learning, and teacher and administrator training in understanding 88098
teacher value-added reports and how they can be used as a 88099
component in measuring teacher and administrator effectiveness. A 88100
portion of this funding may be provided to a credible nonprofit 88101
organization with expertise in value-added progress dimensions. 88102

The remainder of appropriation item 200439, 88103
Accountability/Report Cards, shall be used by the Department to 88104
incorporate a statewide value-added progress dimension into 88105
performance ratings for school districts and for the development 88106
of an accountability system that includes the preparation and 88107
distribution of school report cards, funding and expenditure 88108
accountability reports under sections 3302.03 and 3302.031 of the 88109
Revised Code, the development and maintenance of teacher 88110
value-added reports, the teacher student linkage/roster 88111
verification process, and the performance management section of 88112
the Department's web site required by section 3302.26 of the 88113
Revised Code. 88114

CHILD CARE LICENSING 88115

The foregoing appropriation item 200442, Child Care 88116

Licensing, shall be used by the Department of Education to license 88117
and to inspect preschool and school-age child care programs under 88118
sections 3301.52 to 3301.59 of the Revised Code. 88119

Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 88120

The foregoing appropriation item 200446, Education Management 88121
Information System, shall be used by the Department of Education 88122
to improve the Education Management Information System (EMIS). 88123

Of the foregoing appropriation item 200446, Education 88124
Management Information System, up to \$725,000 in each fiscal year 88125
shall be distributed to designated information technology centers 88126
for costs relating to processing, storing, and transferring data 88127
for the effective operation of the EMIS. These costs may include, 88128
but are not limited to, personnel, hardware, software development, 88129
communications connectivity, professional development, and support 88130
services, and to provide services to participate in the State 88131
Education Technology Plan developed under section 3353.09 of the 88132
Revised Code. 88133

The remainder of appropriation item 200446, Education 88134
Management Information System, shall be used to develop and 88135
support the data definitions and standards adopted by the 88136
Education Management Information System Advisory Board, including 88137
the ongoing development and maintenance of the data dictionary and 88138
data warehouse. In addition, such funds shall be used to support 88139
the development and implementation of data standards; the design, 88140
development, and implementation of a new data exchange system; and 88141
responsibilities related to the school report cards prescribed by 88142
section 3302.03 of the Revised Code and value-added progress 88143
dimension calculations. 88144

Any provider of software meeting the standards approved by 88145
the Education Management Information System Advisory Board shall 88146
be designated as an approved vendor and may enter into contracts 88147

with local school districts, community schools, STEMS schools, 88148
information technology centers, or other educational entities for 88149
the purpose of collecting and managing data required under Ohio's 88150
education management information system (EMIS) laws. On an annual 88151
basis, the Department of Education shall convene an advisory group 88152
of school districts, community schools, and other 88153
education-related entities to review the Education Management 88154
Information System data definitions and data format standards. The 88155
advisory group shall recommend changes and enhancements based upon 88156
surveys of its members, education agencies in other states, and 88157
current industry practices, to reflect best practices, align with 88158
federal initiatives, and meet the needs of school districts. 88159

School districts, STEM schools, and community schools not 88160
implementing a uniform set of data definitions and data format 88161
standards for Education Management Information System purposes 88162
shall have all EMIS funding withheld until they are in compliance. 88163

Section 263.120. GED TESTING 88164

The foregoing appropriation item 200447, GED Testing, shall 88165
be used to provide General Educational Development (GED) testing 88166
under rules adopted by the State Board of Education and provide 88167
support to GED testing sites. 88168

Section 263.130. EDUCATOR PREPARATION 88169

Of the foregoing appropriation item 200448, Educator 88170
Preparation, up to \$500,000 in each fiscal year may be used by the 88171
Department of Education to monitor and support Ohio's State System 88172
of Support in accordance with the "No Child Left Behind Act of 88173
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 88174
and Secondary Education Act flexibility waivers approved for Ohio 88175
by the United States Department of Education. 88176

Of the foregoing appropriation item 200448, Educator 88177

Preparation, up to \$100,000 in each fiscal year may be used by the 88178
Department to support the Educator Standards Board under section 88179
3319.61 of the Revised Code and reforms under sections 3302.042, 88180
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 88181
3319.58 of the Revised Code. 88182

The remainder of the foregoing appropriation item 200448, 88183
Educator Preparation, may be used for implementation of teacher 88184
and principal evaluation systems, including incorporation of 88185
student growth as a metric in those systems, and teacher 88186
value-added reports. 88187

Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 88188

The foregoing appropriation item 200455, Community Schools 88189
and Choice Programs, may be used by the Department of Education 88190
for operation of the school choice programs. 88191

Of the foregoing appropriation item 200455, Community Schools 88192
and Choice Programs, a portion in each fiscal year may be used by 88193
the Department of Education for developing and conducting training 88194
sessions for community schools and sponsors and prospective 88195
sponsors of community schools as prescribed in division (A)(1) of 88196
section 3314.015 of the Revised Code, and other schools 88197
participating in school choice programs. 88198

STEM INITIATIVES 88199

The foregoing appropriation item 200457, STEM Initiatives, 88200
shall be distributed to the Lake County Educational Service Center 88201
for a pilot project that supports innovative STEM initiatives for 88202
middle school students in Geauga and Lake counties affiliated with 88203
the Alliance for Working Together. These initiatives shall provide 88204
middle school students with early access to programming, 88205
engineering design, and problem-solving skills, the goal of which 88206
is to build a strong regional pipeline of future manufacturing 88207

workers who can fill high-paying, sustainable positions in the 88208
automated manufacturing industry. Not later than July 31, 2016, 88209
the Lake County Educational Service Center shall submit a report 88210
that describes the progress of the pilot project, including the 88211
number of students participating, to the standing committees of 88212
the House of Representatives and the Senate that are primarily 88213
responsible for considering economic development issues. 88214

Section 263.150. EDUCATION TECHNOLOGY RESOURCES 88215

Of the foregoing appropriation item 200465, Education 88216
Technology Resources, up to \$1,443,572 in each fiscal year shall 88217
be used for the Union Catalog and InfoOhio Network and to support 88218
the provision of electronic resources with priority given to 88219
resources that support the teaching of state academic content 88220
standards in all public schools. Consideration shall be given by 88221
the Department of Education to coordinating the allocation of 88222
these moneys with the efforts of Libraries Connect Ohio, whose 88223
members include OhioLINK, the Ohio Public Information Network, and 88224
the State Library of Ohio. 88225

Of the foregoing appropriation item 200465, Education 88226
Technology Resources, up to \$1,027,176 in each fiscal year shall 88227
be used by the Department of Education to provide grants to 88228
educational television stations working with partner education 88229
technology centers to provide Ohio public schools with 88230
instructional resources and services, with priority given to 88231
resources and services aligned with state academic content 88232
standards. Such resources and services shall be based upon the 88233
advice and approval of the Department, based on a formula 88234
developed in consultation with Ohio's educational television 88235
stations and educational technology centers. 88236

The remainder of the foregoing appropriation item 200465, 88237
Education Technology Resources, may be used to support the 88238

training, technical support, and guidance to school districts and 88239
public libraries in applying for federal E-Rate funds; for 88240
oversight and guidance of school district technology plans; and 88241
for support to district technology personnel. Funds may also be 88242
used to support the eTranscript/student records exchange 88243
initiative between the Department of Education and the Department 88244
of Higher Education and the internet safety training for students, 88245
teachers, and administrators required under the "Protecting 88246
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 88247
4096 (2008). 88248

Section 263.160. PUPIL TRANSPORTATION 88249

Of the foregoing appropriation item 200502, Pupil 88250
Transportation, up to \$838,930 in each fiscal year may be used by 88251
the Department of Education for training prospective and 88252
experienced school bus drivers in accordance with training 88253
programs prescribed by the Department. Up to \$60,469,220 in each 88254
fiscal year may be used by the Department of Education for special 88255
education transportation reimbursements to school districts and 88256
county DD boards for transportation operating costs as provided in 88257
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 88258
to \$2,500,000 in each fiscal year may be used by the Department of 88259
Education to reimburse school districts that make payments to 88260
parents in lieu of transportation under section 3327.02 of the 88261
Revised Code and whose transportation is not funded under division 88262
(C) of section 3317.024 of the Revised Code. If the parent, 88263
guardian, or other person in charge of a pupil accepts the offer 88264
of payment in lieu of providing transportation, the school 88265
district shall pay that parent, guardian, or other person an 88266
amount that shall be not less than \$250 and not more than the 88267
amount determined by the Department as the average cost of pupil 88268
transportation for the previous school year. Payment may be 88269
prorated if the time period involved is only a part of the school 88270

year. 88271

The remainder of the foregoing appropriation item 200502, 88272
Pupil Transportation, shall be used to distribute the amounts 88273
calculated for transportation aid under divisions (E) and (F) of 88274
section 3317.0212 of the Revised Code, as amended by this act. 88275

Section 263.170. SCHOOL LUNCH MATCH 88276

The foregoing appropriation item 200505, School Lunch Match, 88277
shall be used to provide matching funds to obtain federal funds 88278
for the school lunch program. 88279

Any remaining appropriation after providing matching funds 88280
for the school lunch program may be used to partially reimburse 88281
school buildings within school districts that are required to have 88282
a school breakfast program under section 3313.813 of the Revised 88283
Code, at a rate decided by the Department. 88284

Section 263.180. AUXILIARY SERVICES 88285

The foregoing appropriation item 200511, Auxiliary Services, 88286
shall be used by the Department of Education for the purpose of 88287
implementing section 3317.06 of the Revised Code. Of the 88288
appropriation, up to \$2,600,000 in each fiscal year may be used 88289
for payment of the College Credit Plus Program for nonpublic 88290
secondary school participants. The Department shall distribute 88291
funding according to rule 3333-1-65.8 of the Administrative Code, 88292
adopted by the Department of Higher Education pursuant to division 88293
(A) of section 3365.071 of the Revised Code. 88294

Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 88295

The foregoing appropriation item 200532, Nonpublic 88296
Administrative Cost Reimbursement, shall be used by the Department 88297
of Education for the purpose of implementing section 3317.063 of 88298
the Revised Code. If the appropriation is sufficient, 88299

reimbursement payments to a nonpublic school may total up to four 88300
hundred twenty dollars per student for each school year, 88301
notwithstanding the restriction in section 3317.063 of the Revised 88302
Code. 88303

Section 263.200. SPECIAL EDUCATION ENHANCEMENTS 88304

Of the foregoing appropriation item 200540, Special Education 88305
Enhancements, up to \$50,000,000 in each fiscal year shall be used 88306
to fund special education and related services at county boards of 88307
developmental disabilities for eligible students under section 88308
3317.20 of the Revised Code and at institutions for eligible 88309
students under section 3317.201 of the Revised Code. If necessary, 88310
the Department shall proportionately reduce the amount calculated 88311
for each county board of developmental disabilities and 88312
institution so as not to exceed the amount appropriated in each 88313
fiscal year. 88314

Of the foregoing appropriation item 200540, Special Education 88315
Enhancements, up to \$1,333,468 in each fiscal year shall be used 88316
for parent mentoring programs. 88317

Of the foregoing appropriation item 200540, Special Education 88318
Enhancements, up to \$2,537,824 in each fiscal year may be used for 88319
school psychology interns. 88320

Of the foregoing appropriation item 200540, Special Education 88321
Enhancements, the Department of Education shall transfer 88322
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 88323
with Disabilities Agency. The transfer shall be made via an 88324
intrastate transfer voucher. The transferred funds shall be used 88325
by the Opportunities for Ohioans with Disabilities Agency as state 88326
matching funds to draw down available federal funding for 88327
vocational rehabilitation services. Total project funding shall be 88328
used to hire dedicated vocational rehabilitation counselors who 88329
shall work directly with school districts to provide transition 88330

services for students with disabilities. Services shall include 88331
vocational rehabilitation services such as person-centered career 88332
planning, summer work experiences, job placement, and retention 88333
services for mutually eligible students with disabilities. 88334

The Superintendent of Public Instruction and the Executive 88335
Director of the Opportunities for Ohioans with Disabilities Agency 88336
shall enter into an interagency agreement that shall specify the 88337
responsibilities of each agency under the program. Under the 88338
interagency agreement, the Opportunities for Ohioans with 88339
Disabilities Agency shall retain responsibility for all 88340
nondelegable functions, including eligibility and order of 88341
selection determination, individualized plan for employment (IPE) 88342
approval, IPE amendments, case closure, and release of vendor 88343
payments. 88344

Of the foregoing appropriation item 200540, Special Education 88345
Enhancements, up to \$2,500,000 in each fiscal year shall be used 88346
by the Department of Education to build capacity to deliver a 88347
regional system of training, support, coordination, and direct 88348
service for secondary transition services for students with 88349
disabilities beginning at fourteen years of age. These special 88350
education enhancements shall support all students with 88351
disabilities, regardless of partner agency eligibility 88352
requirements, to provide stand-alone direct secondary transition 88353
services by school districts. Secondary transition services shall 88354
include, but not be limited to, job exploration counseling, 88355
work-based learning experiences, counseling on opportunities for 88356
enrollment in comprehensive transition or post-secondary 88357
educational programs at institutions of higher education, 88358
workplace readiness training to develop occupational skills, 88359
social skills and independent living skills, and instruction in 88360
self-advocacy. Regional training shall support the expansion of 88361
transition to work endorsement opportunities for middle school and 88362

secondary level special education intervention specialists in 88363
order to develop the necessary skills and competencies to meet the 88364
secondary transition needs of students with disabilities beginning 88365
at fourteen years of age. 88366

The remainder of appropriation item 200540, Special Education 88367
Enhancements, shall be distributed by the Department of Education 88368
to school districts and institutions, as defined in section 88369
3323.091 of the Revised Code, for preschool special education 88370
funding under section 3317.0213 of the Revised Code. 88371

The Department may reimburse school districts and 88372
institutions for services provided by instructional assistants, 88373
related services as defined in rule 3301-51-11 of the 88374
Administrative Code, physical therapy services provided by a 88375
licensed physical therapist or physical therapist assistant under 88376
the supervision of a licensed physical therapist as required under 88377
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 88378
Administrative Code and occupational therapy services provided by 88379
a licensed occupational therapist or occupational therapy 88380
assistant under the supervision of a licensed occupational 88381
therapist as required under Chapter 4755. of the Revised Code and 88382
Chapter 4755-7 of the Administrative Code. Nothing in this section 88383
authorizes occupational therapy assistants or physical therapist 88384
assistants to generate or manage their own caseloads. 88385

The Department of Education shall require school districts, 88386
educational service centers, county DD boards, and institutions 88387
serving preschool children with disabilities to adhere to Ohio's 88388
early learning program standards, participate in the tiered 88389
quality rating and improvement system developed under section 88390
5104.30 of the Revised Code, and document child progress using 88391
research-based indicators prescribed by the Department and report 88392
results annually. The reporting dates and method shall be 88393
determined by the Department. Effective July 1, 2018, all programs 88394

shall be rated through the tiered quality rating and improvement system. 88395
88396

Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 88397

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,008,000 in each fiscal year shall be used to fund the Ohio Career Counseling Pilot Program. The program shall utilize Career-Technical Planning Districts to deliver comprehensive career counseling services to students in grades seven through twelve. 88398
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(A) Participating institutions shall provide the following services: 88404
88405

(1) Connect students in grades seven through twelve to career mentors from local civic and business organizations for the purpose of exploring career options and workforce skills necessary for success; 88406
88407
88408
88409

(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships; 88410
88411
88412

(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight; 88413
88414
88415
88416

(4) Offer career-focused counseling for students that include all of the following components: 88417
88418

(a) Earning college credit through the College Credit Plus Program; 88419
88420

(b) Planning for a post-secondary education; 88421

(c) Earning an industry-recognized credential or state-issued license; 88422
88423

(d) Participating in experiential learning; 88424

(e) Using the OhioMeansJobs web site; and 88425

(f) Participating in the Career Connections initiative 88426
developed by the Department of Education. 88427

(B) Participating institutions shall establish participation 88428
and outcome goals for each of the activities as defined in 88429
division (A)(4) of this section. Each participating institution 88430
shall report results for each goal and provide recommendations to 88431
improve services to the Department of Education not later than 88432
sixty days after the end of the fiscal year. The Department shall 88433
compile all results and recommendations and provide a report to 88434
the Governor and General Assembly not later than October 31 88435
following the end of each fiscal year. 88436

(C) Participating institutions shall receive the following 88437
funding in each fiscal year for the Ohio Career Counseling Pilot 88438
Program: Butler Tech Joint Vocational School District, \$393,000; 88439
Four County Joint Vocational School District, \$164,000; Pioneer 88440
Career and Technology Center, \$141,000; South-Western City School 88441
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 88442
District, \$85,000; Four Cities Educational Compact, \$65,000; and 88443
Madison Local School District in Richland County, \$50,000. 88444

(D) The Department of Education shall distribute funds to 88445
participating institutions not later than August fifteenth of each 88446
fiscal year. 88447

(E) Professional development and outreach for school 88448
counselors under this section shall include how to effectively use 88449
training and informational resources on the OhioMeansJobs K-12 web 88450
site and shall be done in consultation with the Director of Higher 88451
Education to ensure alignment with efforts to improve the 88452
preparation of school counselors on effective career counseling 88453
methods. 88454

Of the foregoing appropriation item 200545, Career-Technical 88455
Education Enhancements, up to \$2,563,568 in each fiscal year shall 88456
be used to fund secondary career-technical education at 88457
institutions, the Ohio School for the Deaf, and the Ohio State 88458
School for the Blind using a grant-based methodology, 88459
notwithstanding section 3317.05 of the Revised Code. 88460

Of the foregoing appropriation item 200545, Career-Technical 88461
Education Enhancements, up to \$3,587,800 in each fiscal year shall 88462
be used by the Department of Education to fund competitive grants 88463
to tech prep consortia that expand the number of students enrolled 88464
in tech prep programs. These grant funds shall be used to directly 88465
support expanded tech prep programs provided to students enrolled 88466
in school districts, including joint vocational school districts, 88467
and affiliated higher education institutions. This support may 88468
include the purchase of equipment. 88469

Of the foregoing appropriation item 200545, Career-Technical 88470
Education Enhancements, up to \$3,100,850 in each fiscal year shall 88471
be used by the Department of Education to support existing High 88472
Schools That Work (HSTW) sites, develop and support new sites, 88473
fund technical assistance, and support regional centers and middle 88474
school programs. The purpose of HSTW is to combine challenging 88475
academic courses and modern career-technical studies to raise the 88476
academic achievement of students. HSTW provides intensive 88477
technical assistance, focused staff development, targeted 88478
assessment services, and ongoing communications and networking 88479
opportunities. 88480

Of the foregoing appropriation item 200545, Career-Technical 88481
Education Enhancements, up to \$600,000 in each fiscal year shall 88482
be used by the Department of Education to enable students in 88483
agricultural programs to enroll in a fifth quarter of instruction 88484
based on the agricultural education model of delivering work-based 88485
learning through supervised agricultural experience. The 88486

Department of Education shall determine eligibility criteria and 88487
the reporting process for the Agriculture 5th Quarter Project and 88488
shall fund as many programs as possible given the set aside. The 88489
eligibility criteria developed by the Department shall allow these 88490
funds to support supervised agricultural experience that occurs 88491
anytime outside of the regular school day. 88492

Of the foregoing appropriation item 200545, Career-Technical 88493
Education Enhancements, up to \$162,200 in each fiscal year shall 88494
be distributed to the Cleveland Municipal School District and the 88495
Cincinnati City School District to be used for a VoAg Program in 88496
one at-risk nonvocational school in each district. The amount 88497
distributed to the Cleveland Municipal School District shall be 88498
equal to \$78,600 minus the funding allocated to the district under 88499
division (A)(8) of section 3317.022 of the Revised Code for the 88500
students participating in the program. The amount distributed to 88501
the Cincinnati City School District shall be equal to \$83,600 88502
minus the funding allocated to the district under division (A)(8) 88503
of section 3317.022 of the Revised Code for the students 88504
participating in the program. 88505

Of the foregoing appropriation item 200545, Career-Technical 88506
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 88507
to \$550,000 in fiscal year 2017 may be used to support career 88508
planning and reporting through the Ohio Means Jobs web site. 88509

Of the foregoing appropriation item 200545, Career-Technical 88510
Education Enhancements, up to \$1,000,000 in each fiscal year shall 88511
be used to support payments to city, local, and exempted village 88512
school districts, community schools, STEM schools, and joint 88513
vocational school districts whose students earn an 88514
industry-recognized credential or receive a journeyman 88515
certification recognized by the United States Department of Labor. 88516
The educating entity shall be required to inform students enrolled 88517
in career-technical education courses that lead to an 88518

industry-recognized credential about the opportunity to earn these 88519
credentials. The Ohio Department of Education shall work with the 88520
Department of Higher Education and the Governor's Office of 88521
Workforce Transformation to develop a schedule for reimbursement 88522
based on the Department of Education's list of industry-recognized 88523
credentials, the time it takes to earn the credential, and the 88524
cost to obtain the credential. The educating entity shall pay for 88525
the cost of the credential for an economically disadvantaged 88526
student and may claim and receive reimbursement. The educating 88527
entity may claim reimbursement based on the Department's 88528
reimbursement schedule up to six months after the student has 88529
graduated from high school. If the amount appropriated is not 88530
sufficient, the Department shall prorate the amounts so that the 88531
aggregate amount appropriated is not exceeded. 88532

Of the foregoing appropriation item 200545, Career-Technical 88533
Education Enhancements, \$125,000 in each fiscal year shall be used 88534
to prepare students for careers in culinary arts and restaurant 88535
management under the Ohio ProStart school restaurant program. 88536

Section 263.220. FOUNDATION FUNDING 88537

Of the foregoing appropriation item 200550, Foundation 88538
Funding, up to \$40,000,000 in each fiscal year shall be used to 88539
provide additional state aid to school districts, joint vocational 88540
school districts, community schools, and STEM schools for special 88541
education students under division (C)(3) of section 3314.08, 88542
section 3317.0214, division (B) of section 3317.16, and section 88543
3326.34 of the Revised Code, except that the Controlling Board may 88544
increase these amounts if presented with such a request from the 88545
Department of Education at the final meeting of the fiscal year. 88546

Of the foregoing appropriation item 200550, Foundation 88547
Funding, up to \$3,800,000 in each fiscal year shall be used to 88548
fund gifted education at educational service centers. The 88549

Department shall distribute the funding through the unit-based 88550
funding methodology in place under division (L) of section 88551
3317.024, division (E) of section 3317.05, and divisions (A), (B), 88552
and (C) of section 3317.053 of the Revised Code as they existed 88553
prior to fiscal year 2010. 88554

Of the foregoing appropriation item 200550, Foundation 88555
Funding, up to \$37,700,000 in fiscal year 2016 and up to 88556
\$40,000,000 in fiscal year 2017 shall be reserved to fund the 88557
state reimbursement of educational service centers under the 88558
section of this act entitled "EDUCATIONAL SERVICE CENTERS 88559
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 88560
distributed to educational service centers for School Improvement 88561
Initiatives and for the provision of technical assistance as 88562
required by the Elementary and Secondary Education Act Flexibility 88563
waivers approved for Ohio by the United States Department of 88564
Education. Educational service centers shall be required to 88565
support districts in the development and implementation of their 88566
continuous improvement plans as required in section 3302.04 of the 88567
Revised Code and to provide technical assistance and support in 88568
accordance with Title I of the "No Child Left Behind Act of 2001," 88569
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 88570
Elementary and Secondary Education Act Flexibility waivers 88571
approved for Ohio by the United States Department of Education. 88572

Of the foregoing appropriation item 200550, Foundation 88573
Funding, up to \$20,000,000 in each fiscal year shall be reserved 88574
for payments under sections 3317.026, 3317.027, and 3317.028 of 88575
the Revised Code. If this amount is not sufficient, the Department 88576
of Education shall prorate the payment amounts so that the 88577
aggregate amount allocated in this paragraph is not exceeded. 88578

Of the foregoing appropriation item 200550, Foundation 88579
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 88580
career-technical planning districts for the amounts reimbursed to 88581

students, as prescribed in this paragraph. Each career-technical 88582
planning district shall reimburse individuals taking the online 88583
General Educational Development (GED) test for the first time for 88584
application/test fees in excess of \$40. Each career-technical 88585
planning district shall designate a site or sites where 88586
individuals may register and take the exam. For each individual 88587
that registers for the exam, the career-technical planning 88588
district shall make available and offer career counseling 88589
services, including information on adult education programs that 88590
are available. Any remaining funds in each fiscal year shall be 88591
reimbursed to the Department of Youth Services and the Department 88592
of Rehabilitation and Correction for individuals in these 88593
facilities who have taken the GED for the first time. The amounts 88594
reimbursed shall not exceed the per-individual amounts reimbursed 88595
to other individuals under this section for each section of the 88596
GED. 88597

Of the foregoing appropriation item 200550, Foundation 88598
Funding, up to \$29,900,000 in fiscal year 2016 and up to 88599
\$38,000,000 in fiscal year 2017 shall be used to support school 88600
choice programs. 88601

Of the portion of the funds distributed to the Cleveland 88602
Municipal School District under this section, up to \$11,901,887 in 88603
each fiscal year shall be used to operate the school choice 88604
program in the Cleveland Municipal School District under sections 88605
3313.974 to 3313.979 of the Revised Code. Notwithstanding 88606
divisions (B) and (C) of section 3313.978 and division (C) of 88607
section 3313.979 of the Revised Code, up to \$1,000,000 in each 88608
fiscal year of this amount shall be used by the Cleveland 88609
Municipal School District to provide tutorial assistance as 88610
provided in division (H) of section 3313.974 of the Revised Code. 88611
The Cleveland Municipal School District shall report the use of 88612
these funds in the district's three-year continuous improvement 88613

plan as described in section 3302.04 of the Revised Code in a 88614
manner approved by the Department of Education. 88615

Of the foregoing appropriation item 200550, Foundation 88616
Funding, up to \$250,000 in each fiscal year may be used for 88617
payment of the College Credit Plus Program for students instructed 88618
at home pursuant to section 3321.04 of the Revised Code. 88619

Of the foregoing appropriation item 200550, Foundation 88620
Funding, an amount shall be available in each fiscal year to be 88621
paid to joint vocational school districts in accordance with 88622
division (A) of section 3317.16 of the Revised Code and the 88623
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 88624
VOCATIONAL SCHOOL DISTRICTS." 88625

Of the foregoing appropriation item 200550, Foundation 88626
Funding, up to \$700,000 in each fiscal year shall be used by the 88627
Department of Education for a program to pay for educational 88628
services for youth who have been assigned by a juvenile court or 88629
other authorized agency to any of the facilities described in 88630
division (A) of the section of this act entitled "PRIVATE 88631
TREATMENT FACILITY PROJECT." 88632

Of the foregoing appropriation item 200550, Foundation 88633
Funding, up to \$4,928,831 in fiscal year 2016 and up to \$5,012,370 88634
in fiscal year 2017 shall be distributed to city, local, and 88635
exempted village school districts for payments in accordance with 88636
the section of this act entitled "SUPPLEMENTAL COLLEGE CREDIT PLUS 88637
PAYMENTS." 88638

Of the foregoing appropriation item 200550, Foundation 88639
Funding, a portion may be used to pay college-preparatory boarding 88640
schools the per pupil boarding amount pursuant to section 3328.34 88641
of the Revised Code. 88642

Of the foregoing appropriation item 200550, Foundation 88643
Funding, up to \$2,000,000 in each fiscal year shall be used for 88644

the Bright New Leaders for Ohio Schools Program created and 88645
implemented by the nonprofit corporation incorporated pursuant to 88646
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 88647
to provide an alternative path for individuals to receive training 88648
and development in the administration of primary and secondary 88649
education and leadership, enable those individuals to earn degrees 88650
and obtain licenses in public school administration, and promote 88651
the placement of those individuals in public schools that have a 88652
poverty percentage greater than fifty per cent. 88653

The remainder of appropriation item 200550, Foundation 88654
Funding, shall be used to distribute the amounts calculated for 88655
formula aid under section 3317.022 of the Revised Code and the 88656
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 88657
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 88658

Appropriation items 200502, Pupil Transportation, 200540, 88659
Special Education Enhancements, and 200550, Foundation Funding, 88660
other than specific set-asides, are collectively used in each 88661
fiscal year to pay state formula aid obligations for school 88662
districts, community schools, STEM schools, college preparatory 88663
boarding schools, and joint vocational school districts under this 88664
act. The first priority of these appropriation items, with the 88665
exception of specific set-asides, is to fund state formula aid 88666
obligations. It may be necessary to reallocate funds among these 88667
appropriation items or use excess funds from other general revenue 88668
fund appropriation items in the Department of Education's budget 88669
in each fiscal year in order to meet state formula aid 88670
obligations. If it is determined that it is necessary to transfer 88671
funds among these appropriation items or to transfer funds from 88672
other General Revenue Fund appropriations in the Department of 88673
Education's budget to meet state formula aid obligations, the 88674
Superintendent of Public Instruction shall seek approval from the 88675
Director of Budget and Management to transfer funds as needed. 88676

The Superintendent of Public Instruction shall make payments, 88677
transfers, and deductions, as authorized by Title XXXIII of the 88678
Revised Code in amounts substantially equal to those made in the 88679
prior year, or otherwise, at the discretion of the Superintendent, 88680
until at least the effective date of the amendments and enactments 88681
made to Title XXXIII by this act. Any funds paid to districts or 88682
schools under this section shall be credited toward the annual 88683
funds calculated for the district or school after the changes made 88684
to Title XXXIII in this act are effective. Upon the effective date 88685
of changes made to Title XXXIII in this act, funds shall be 88686
calculated as an annual amount. 88687

Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 88688
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 88689

The Department of Education shall distribute funds within 88690
appropriation item 200550, Foundation Funding, for temporary 88691
transitional aid in each fiscal year to each qualifying city, 88692
local, and exempted village school district. 88693

(A) For fiscal years 2016 and 2017, the Department shall pay 88694
temporary transitional aid to each city, local, or exempted 88695
village school district that experiences any decrease in its state 88696
foundation funding for the current fiscal year from its 88697
transitional aid guarantee base. The amount of the temporary 88698
transitional aid payment shall equal the difference between its 88699
foundation funding for the current fiscal year and its 88700
transitional aid guarantee base. If the computation made under 88701
this division results in a negative number, the district's funding 88702
under this division shall be zero. 88703

(1) As used in this section, foundation funding for each 88704
city, local, and exempted village school district for a given 88705
fiscal year equals the sum of the amount calculated for the 88706
district under section 3317.022 of the Revised Code, as amended by 88707

this act, and the amounts calculated for the district under 88708
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 88709
amended by this act, for that fiscal year. 88710

(2) The transitional aid guarantee base for each city, local, 88711
and exempted village school district equals the sum of the amounts 88712
computed for the district for fiscal year 2015, under section 88713
3317.022 of the Revised Code and under divisions (G)(1) and (2) of 88714
section 3317.0212 of the Revised Code, as those sections existed 88715
at that time, plus any amount calculated for temporary 88716
transitional aid for fiscal year 2015 under division (A) of 88717
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly, 88718
and after any reductions made for fiscal year 2015 under division 88719
(B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General 88720
Assembly. The Department of Education shall adjust, as necessary, 88721
the transitional aid guarantee base of any local school district 88722
that participates in the establishment of a joint vocational 88723
school district that begins receiving payments under section 88724
3317.16 of the Revised Code, as amended by this act, for fiscal 88725
year 2016 or fiscal year 2017, but does not receive payments for 88726
fiscal year 2015. The Department shall adjust any such local 88727
school district's guarantee base according to the amounts received 88728
by the district in fiscal year 2015 for career-technical education 88729
students who attend the newly established joint vocational school 88730
district in fiscal year 2016 or fiscal year 2017. 88731

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 88732
as amended by this act, in fiscal year 2016, no city, local, or 88733
exempted village school district shall be allocated foundation 88734
funding that is greater than 1.075 times the district's fiscal 88735
year 2015 base, which is the sum of the amounts calculated for the 88736
district for fiscal year 2015 under section 3317.022 of the 88737
Revised Code, and under divisions (G)(1) and (2) of section 88738
3317.0212 of the Revised Code, as those sections existed at that 88739

time, plus any amount calculated for temporary transitional aid 88740
for fiscal year 2015 under division (A) of Section 263.240 of Am. 88741
Sub. H.B. 59 of the 130th General Assembly and after any 88742
reductions made for fiscal year 2015 under division (B)(2) of 88743
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 88744

(2) Notwithstanding section 3317.022 of the Revised Code, as 88745
amended by this act, in fiscal year 2017, no city, local, or 88746
exempted village school district shall be allocated foundation 88747
funding that is greater than 1.075 times the district's fiscal 88748
year 2016 base, which is the amount computed for foundation 88749
funding for the district for fiscal year 2016 plus any amount 88750
calculated for temporary transitional aid for fiscal year 2016 88751
under division (A) of this section and after any reductions made 88752
for fiscal year 2016 under division (B)(1) of this section. 88753

(3) The Department of Education shall adjust, as necessary, 88754
the base of any local school district that participates in the 88755
establishment of a joint vocational school district that begins 88756
receiving payments under section 3317.16 of the Revised Code, as 88757
amended by this act, but does not receive such payments for the 88758
prior fiscal year. The Department shall adjust any such local 88759
school district's base according to the amounts received by the 88760
district in the prior fiscal year for career-technical education 88761
students who attend the newly established joint vocational school 88762
district. 88763

(4) The Department shall reduce a district's payments under 88764
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 88765
of the Revised Code, as amended by this act, proportionately as 88766
necessary in order to comply with this division. If those amounts 88767
are insufficient, the Department shall proportionately reduce a 88768
district's payments under divisions (A)(3), (8), and (9) of 88769
section 3317.022 of the Revised Code, as amended by this act, and 88770
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 88771

amended by this act. 88772

Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT 88773
VOCATIONAL SCHOOL DISTRICTS 88774

The Department of Education shall distribute funds within 88775
appropriation item 200550, Foundation Funding, for temporary 88776
transitional aid in each fiscal year to each qualifying joint 88777
vocational school district. 88778

(A) For fiscal years 2016 and 2017, the Department shall pay 88779
temporary transitional aid to each joint vocational school 88780
district that experiences any decrease in its state core 88781
foundation funding under division (A) of section 3317.16 of the 88782
Revised Code, as amended by this act, for the current fiscal year 88783
from its transitional aid guarantee base. The amount of the 88784
temporary transitional aid payment shall equal the difference 88785
between the district's funding under division (A) of section 88786
3317.16 of the Revised Code for the current fiscal year and its 88787
transitional aid guarantee base. If the computation made under 88788
this division results in a negative number, the district's funding 88789
under this division shall be zero. 88790

The transitional aid guarantee base for each joint vocational 88791
school district equals the amount computed for the district for 88792
fiscal year 2015 under section 3317.16 of the Revised Code, as 88793
that section existed at that time, plus any amount calculated for 88794
temporary transitional aid for fiscal year 2015 under division (A) 88795
of Section 263.250 of Am. Sub. H.B. 59 of the 130th General 88796
Assembly, and after any reductions made for fiscal year 2015 under 88797
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 88798
130th General Assembly. The Department of Education shall 88799
establish, as necessary, the transitional aid guarantee base of 88800
any joint vocational school district that begins receiving 88801
payments under section 3317.16 of the Revised Code, as amended by 88802

this act, for fiscal year 2016 or fiscal year 2017 but does not 88803
receive such payments for fiscal year 2015. The Department shall 88804
establish any such joint vocational school district's guarantee 88805
base as an amount equal to the absolute value of the sum of the 88806
associated adjustments of any local school districts' guarantee 88807
bases under division (A)(2) of the section of this act entitled 88808
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 88809
SCHOOL DISTRICTS." 88810

(B)(1) Notwithstanding division (A) of section 3317.16 of the 88811
Revised Code, as amended by this act, in fiscal year 2016, no 88812
joint vocational school district shall be allocated state core 88813
foundation funding, as computed under division (A) of section 88814
3317.16 of the Revised Code, as amended by this act, that is 88815
greater than 1.075 times the district's fiscal year 2015 base, 88816
which is the amount computed for state core foundation funding for 88817
the district for fiscal year 2015 under division (A) of section 88818
3317.16 of the Revised Code, as that section existed at that time, 88819
plus any amount calculated for temporary transitional aid for 88820
fiscal year 2015 under division (A) of Section 263.250 of Am. Sub. 88821
H.B. 59 of the 130th General Assembly and after any reductions 88822
made for fiscal year 2015 under division (B)(2) of Section 263.250 88823
of Am. Sub. H.B. 59 of the 130th General Assembly. 88824

(2) Notwithstanding division (A) of section 3317.16 of the 88825
Revised Code, as amended by this act, in fiscal year 2017, no 88826
joint vocational school district shall be allocated state core 88827
foundation funding, under division (A) of section 3317.16 of the 88828
Revised Code, as amended by this act, that is greater than 1.075 88829
times the district's fiscal year 2016 base, which is the amount 88830
computed for state core foundation funding for the district for 88831
fiscal year 2016 under section 3317.16 of the Revised Code, as 88832
amended by this act, plus any amount calculated for temporary 88833
transitional aid for fiscal year 2016 under division (A) of this 88834

section and after any reductions made for fiscal year 2016 under 88835
division (B)(1) of this section. The Department shall establish, 88836
as necessary, the base of any joint vocational school district 88837
that begins receiving payments under section 3317.16 of the 88838
Revised Code, but does not receive such payments in the prior 88839
fiscal year. The Department shall establish any such joint 88840
vocational school district's base as an amount equal to the 88841
absolute value of the sum of the associated adjustments of any 88842
local school district's base under division (B)(3) of the section 88843
of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 88844
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 88845

(3) The Department shall reduce a district's payments under 88846
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 88847
Code, as amended by this act, proportionately as necessary in 88848
order to comply with this division. If those amounts are 88849
insufficient, the Department shall proportionately reduce a 88850
district's payments under divisions (A)(2), (5), and (6) of 88851
section 3317.16 of the Revised Code, as amended by this act. 88852

Section 263.243. SUPPLEMENTAL COLLEGE CREDIT PLUS PAYMENTS 88853

(A) For each of fiscal years 2016 and 2017, the Department of 88854
Education shall compute and pay supplemental College Credit Plus 88855
funding to each school district as follows: 88856

(1) Subtract the number of the district's students that have 88857
earned at least three college credits while in high school as 88858
reported by the Department of Education on the report cards for 88859
the 2013-2014 school year pursuant to division (B)(2)(b) of 88860
section 3302.03 of the Revised Code from, for fiscal year 2016, 88861
the number of the district's students that have earned at least 88862
three college credits while in high school as reported by the 88863
Department of Education on the report cards for the 2015-2016 88864
school year pursuant to division (C)(2)(c) of section 3302.03 of 88865

the Revised Code, or, for fiscal year 2017, the number of the 88866
district's students that have earned at least three college 88867
credits while in high school as reported by the Department of 88868
Education on the report cards for the 2016-2017 school year 88869
pursuant to division (C)(2)(c) of section 3302.03 of the Revised 88870
Code. The amount calculated under division (A)(1) of this section 88871
shall not exceed the number of the district's students that have 88872
earned at least three college credits while in high school as 88873
reported by the Department of Education on the report cards for 88874
the 2013-2014 school year pursuant to division (B)(2)(b) of 88875
section 3302.03 of the Revised Code. 88876

(2) Calculate the amount to be paid to each school district 88877
in accordance with the following formula: 88878

The amount computed in division (A)(1) of this section X the per 88879
credit hour rate used in determining the default floor amount X 15 88880

(3) If the computation made under division (A)(1) of this 88881
section results in a negative number, the district's funding under 88882
this division shall be zero. 88883

(B) In any fiscal year, a school district receiving funds 88884
under this section shall spend those funds only for purposes 88885
related to the College Credit Plus Program under Chapter 3365. of 88886
the Revised Code. 88887

(C) As used in this section, "default floor amount" has the 88888
same meaning as in section 3365.01 of the Revised Code. 88889

Section 263.250. LITERACY IMPROVEMENT 88890

The foregoing appropriation item 200566, Literacy 88891
Improvement, shall be used by the Department of Education to 88892
contract with an educational service center or a consortium of 88893
educational service centers for the purpose of administering 88894
grants for summer literacy camps and establishing regional 88895

literacy professional development teams. The Department shall have 88896
any necessary agreements in place to administer the program not 88897
later than December 31, 2015. 88898

Of the foregoing appropriation item 200566, Literacy 88899
Improvement, up to \$1,750,000 in each fiscal year shall be used to 88900
award grants for summer literacy camps. 88901

The remainder of appropriation item 200566, Literacy 88902
Improvement, shall be used to establish regional professional 88903
development teams in literacy. 88904

Section 263.260. ADULT DIPLOMA 88905

Of the foregoing appropriation item 200572, Adult Diploma, up 88906
to \$5,000,000 in fiscal year 2016 and \$10,000,000 in fiscal year 88907
2017 shall be used to make payments to institutions participating 88908
in the Adult Diploma Pilot Program under section 3313.902 of the 88909
Revised Code as enacted by this act. The Superintendent of Public 88910
Instruction may use a portion of the earmark to provide technical 88911
assistance and to administer the program. 88912

Of the foregoing appropriation item 200572, Adult Diploma, up 88913
to \$2,500,000 in fiscal year 2016 shall be used by the 88914
Superintendent of Public Instruction to award and administer 88915
planning grants for the Adult Diploma Pilot Program established in 88916
section 3313.902 of the Revised Code. The Superintendent may award 88917
grants of up to \$500,000 to not more than five institutions 88918
eligible to participate in the program. The grants shall be used 88919
by the institutions to build capacity to implement the program 88920
beginning in fiscal year 2017. The Superintendent of Public 88921
Instruction and the Director of Higher Education shall develop an 88922
application process to award these grants to eligible institutions 88923
geographically dispersed throughout the state. The Superintendent 88924
may use any remaining appropriation after awarding these grants to 88925
provide technical assistance to institutions receiving the grant. 88926

Section 263.270. EDCHOICE EXPANSION 88927

The foregoing appropriation item 200573, EdChoice Expansion, 88928
shall be used to provide for the scholarships awarded under the 88929
expansion of the educational choice program established under 88930
section 3310.032 of the Revised Code. The number of scholarships 88931
awarded under the expansion of the educational choice program 88932
shall not exceed the number that can be funded with the 88933
appropriations made by the General Assembly for this purpose. 88934

HALF-MILL MAINTENANCE EQUALIZATION 88935

The foregoing appropriation item 200574, Half-Mill 88936
Maintenance Equalization, shall be used to make payments pursuant 88937
to section 3318.18 of the Revised Code. 88938

Section 263.280. COMPETENCY-BASED EDUCATION PILOT 88939

The foregoing appropriation item 200588, Competency-Based 88940
Education Pilot, shall be used by the Department of Education to 88941
fund competency-based education pilot programs in up to ten 88942
districts, schools, or consortia of districts and schools led by 88943
educational service centers. The Department shall award each 88944
district, school, or consortium of districts and schools led by 88945
educational service centers that is selected to participate in the 88946
program a grant of up to \$250,000 for each fiscal year. The grant 88947
shall be used during the 2015-2016 and 2016-2017 school years to 88948
plan for implementing competency-based education in the district, 88949
school, or consortium of districts and schools led by educational 88950
service centers during the 2016-2017, 2017-2018, and 2018-2019 88951
school years. Pilot programs shall adhere to program guidelines as 88952
outlined in Section 733.30 of this act. 88953

Of the foregoing appropriation item 200588, Competency-Based 88954
Education Pilot, a portion may be used by the Superintendent of 88955
Public Instruction to provide technical assistance and to 88956

administer the program. 88957

EDUCATION PROGRAM SUPPORT 88958

Of the foregoing appropriation item 200597, Education Program 88959
Support, \$2,000,000 in fiscal year 2016 shall be distributed to 88960
the Ohio-West Virginia Youth Leadership Association for the 88961
development of the Cave Lake Center for Community Leadership. 88962

Of the foregoing appropriation item 200597, Education Program 88963
Support, \$500,000 in each fiscal year shall be used to support the 88964
Supporting Partnerships to Assure Ready Kids (SPARK) program in 88965
Ohio. 88966

Of the foregoing appropriation item 200597, Education Program 88967
Support, \$1,500,000 in each fiscal year shall be distributed to 88968
Teach For America to increase recruitment of potential corps 88969
members at select Ohio universities, train and develop first-year 88970
and second-year teachers in the Teach for America program in Ohio, 88971
and expand alumni support and networking within the state. 88972

Of the foregoing appropriation item 200597, Education Program 88973
Support, \$500,000 in each fiscal year shall be used to support 88974
Jobs for Ohio's Graduates. 88975

Of the foregoing appropriation item 200597, Education Program 88976
Support, \$250,000 in fiscal year 2016 shall be used to support 88977
programming provided by the We Can Code IT organization in 88978
Cleveland. 88979

Section 263.283. The foregoing appropriation item 200665, 88980
Race to the Top, shall not be used for any purpose related to the 88981
state achievement assessments prescribed under sections 3301.0710 88982
and 3301.0712 of the Revised Code. 88983

Section 263.290. TEACHER CERTIFICATION AND LICENSURE 88984

The foregoing appropriation item 200681, Teacher 88985

Certification and Licensure, shall be used by the Department of 88986
Education in each year of the biennium to administer and support 88987
teacher certification and licensure activities. 88988

Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 88989

Notwithstanding section 3317.064 of the Revised Code, if the 88990
unexpended, unencumbered cash balance is sufficient, the Treasurer 88991
of State shall transfer \$1,500,000 in fiscal year 2016 within 88992
thirty days after the effective date of this section, and 88993
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 88994
Auxiliary Services Personnel Unemployment Compensation Fund to the 88995
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 88996
Department of Education. 88997

Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 88998

(A) Of the foregoing appropriation item 200687, School 88999
District Solvency Assistance, \$5,000,000 in each fiscal year shall 89000
be allocated to the School District Shared Resource Account and 89001
\$5,000,000 in each fiscal year shall be allocated to the 89002
Catastrophic Expenditures Account. These funds shall be used to 89003
provide assistance and grants to school districts to enable them 89004
to remain solvent under section 3316.20 of the Revised Code. 89005
Assistance and grants shall be subject to approval by the 89006
Controlling Board. Except as provided under division (C) of this 89007
section, any required reimbursements from school districts for 89008
solvency assistance shall be made to the appropriate account in 89009
the School District Solvency Assistance Fund (Fund 5H30). 89010

(B) Notwithstanding any provision of law to the contrary, 89011
upon the request of the Superintendent of Public Instruction, the 89012
Director of Budget and Management may make transfers to the School 89013
District Solvency Assistance Fund (Fund 5H30) from any fund used 89014
by the Department of Education or the General Revenue Fund to 89015

maintain sufficient cash balances in Fund 5H30 in fiscal years 89016
2016 and 2017. Any cash transferred is hereby appropriated. The 89017
transferred cash may be used by the Department of Education to 89018
provide assistance and grants to school districts to enable them 89019
to remain solvent and to pay unforeseeable expenses of a temporary 89020
or emergency nature that the school district is unable to pay from 89021
existing resources. The Director of Budget and Management shall 89022
notify the members of the Controlling Board of any such transfers. 89023

(C) If the cash balance of the School District Solvency 89024
Assistance Fund (Fund 5H30) is insufficient to pay solvency 89025
assistance in fiscal years 2016 and 2017, at the request of the 89026
Superintendent of Public Instruction, and with the approval of the 89027
Controlling Board, the Director of Budget and Management may 89028
transfer cash from the Lottery Profits Education Reserve Fund 89029
(Fund 7018) to Fund 5H30 to provide assistance and grants to 89030
school districts to enable them to remain solvent and to pay 89031
unforeseeable expenses of a temporary nature that they are unable 89032
to pay from existing resources under section 3316.20 of the 89033
Revised Code. Such transfers are hereby appropriated to 89034
appropriation item 200670, School District Solvency Assistance - 89035
Lottery. Any required reimbursements from school districts for 89036
solvency assistance granted from appropriation item 200670, School 89037
District Solvency Assistance - Lottery, shall be made to Fund 89038
7018. 89039

Section 263.320. EARLY CHILDHOOD EDUCATION 89040

Of the foregoing appropriation item 200673, Early Childhood 89041
Education, up to \$20,000,000 in each fiscal year shall be used 89042
pursuant to guidelines established by the Department of Education, 89043
in consultation with the Governor's Early Childhood Education and 89044
Development Officer and the Department of Job and Family Services, 89045
to advance programs and systems that support or provide high 89046

quality early childhood opportunities for children from 89047
economically disadvantaged families. The guidelines shall include 89048
benchmark performance criteria that identify the highest quality 89049
early childhood opportunities, design and implementation of an 89050
evaluation using the benchmark performance criteria, and steps for 89051
the future advancement of Ohio's Early Childhood System based on 89052
identified benchmarks and the evaluation results. The guidelines 89053
shall be completed by January 1, 2016. 89054

Section 263.323. STRAIGHT A FUND 89055

Of the foregoing appropriation item 200644, Straight A Fund, 89056
up to \$10,000,000 in fiscal year 2016 and up to \$3,500,000 in 89057
fiscal year 2017 shall be used by the Department of Education, in 89058
consultation with the Department of Higher Education, to support 89059
graduate coursework for high school teachers to receive 89060
credentialing to teach college credit plus courses in a high 89061
school setting. The Department of Education, in consultation with 89062
the Department of Higher Education, shall develop criteria and 89063
issue a Request for Proposals. Priority shall be given to 89064
educational consortia that include economically disadvantaged high 89065
schools and economically disadvantaged high schools in which there 89066
are limited or no teachers currently credentialed to teach college 89067
credit plus courses, both as determined by the Department of 89068
Education. Consortia including public or private universities in 89069
Ohio shall be eligible to submit proposals. Awards made by the 89070
Department of Education may support graduate coursework for high 89071
school teachers at a regionally accredited college or university 89072
in Ohio leading to credentialing to teach college courses, as well 89073
as employment of teachers credentialed to teach college courses as 89074
a bridging strategy until a sufficient number of teachers at the 89075
high school hold the required credentials. 89076

Of the foregoing appropriation item 200644, Straight A Fund, 89077

up to \$2,500,000 in fiscal year 2017 shall be used by the 89078
Department of Education to administer and make award payments to 89079
school districts for outstanding successful completion rates for 89080
the Advanced Placement program. Not later than December 1, 2017, 89081
the Department of Education shall make the following awards to 89082
school districts, based on data from the 2016-2017 school year: 89083

(1) \$375,000 to the school district, regardless of typology, 89084
that has the highest successful completion rate; 89085

(2) \$325,000 to the school district, regardless of typology, 89086
that has the second highest successful completion rate; 89087

(3) \$300,000 to the school district, regardless of typology, 89088
that has the third highest successful completion rate; 89089

(4) \$250,000 to each school district that has the highest 89090
successful completion rate within each typology category of urban, 89091
suburban, small town, and rural, as identified by the Department 89092
of Education; 89093

(5) \$125,000 to each school district that has the second 89094
highest successful completion rate within each typology category 89095
of urban, suburban, small town, and rural, as identified by the 89096
Department of Education. 89097

For the purposes of identifying school districts to receive 89098
awards based on typology category, the Department of Education 89099
shall include the school district with the third, fourth, or fifth 89100
highest successful completion rates as needed if a school district 89101
from that typology category receives awards under paragraphs (1), 89102
(2), and (3) of this section. 89103

Awards may only be granted to school districts with a 89104
successful completion rate of at least five per cent. For the 89105
purposes of this section, "successful completion rate" means the 89106
per cent of the school district's students in grades eleven and 89107
twelve who received a score of three or better on an Advanced 89108

Placement examination.	89109
ADVANCED PLACEMENT TEACHER AND STUDENT INITIATIVE	89110
The Advanced Placement Teacher and Student Initiative is	89111
hereby created for fiscal years 2016 and 2017 to provide grants to	89112
districts with successful completion rates from zero to ten per	89113
cent on Advanced Placement examinations in order to prepare	89114
teachers and students for the rigors of these courses so as to	89115
engender success on such examinations. For the purposes of this	89116
section, "successful completion rate" means the per cent of the	89117
district's students in grades eleven and twelve who received a	89118
score of three or better on an Advanced Placement examination.	89119
Of the foregoing appropriation item 200644, Straight A Fund,	89120
\$1,250,000 in each fiscal year shall be used by the Department of	89121
Education to provide grants to districts and to administer the	89122
initiative. Of this earmark, the Department of Education shall	89123
award \$625,000 in each fiscal year to districts in each of the	89124
following groups of eligible recipients:	89125
(1) Districts with a successful completion rate equal to zero	89126
per cent;	89127
(2) Districts with a successful completion rate of greater	89128
than zero per cent but less than ten per cent.	89129
The remainder of appropriation item 200644, Straight A Fund,	89130
shall be used to make competitive grants in accordance with	89131
Section 263.350 of this act.	89132
Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT	89133
The foregoing appropriation item 200697, School District TPP	89134
Supplement, shall be distributed to city, local, and exempted	89135
village school districts for supplemental foundation aid as	89136
provided in this section.	89137
For each fiscal year, the Department of Education shall	89138

compute and pay supplemental foundation aid to each school 89139
district as follows: 89140

(A)(1) Calculate the school district's combined state aid for 89141
fiscal year 2015, which equals the sum of: 89142

(a) The district's state education aid for fiscal year 2015, 89143
as defined in division (A)(4)(a) of section 5709.92 of the Revised 89144
Code; and 89145

(b) The district's current expense allocation, as defined in 89146
division (A)(8) of section 5709.92 of the Revised Code. 89147

(2) Calculate the school district's combined state aid for 89148
fiscal year 2016, which equals the sum of: 89149

(a) The sum of the amounts computed for the district for 89150
fiscal year 2016 under section 3317.022 of the Revised Code, as 89151
amended by this act, and under divisions (E) and (F) of section 89152
3317.0212 of the Revised Code, as amended by this act, plus any 89153
amount calculated for temporary transitional aid for fiscal year 89154
2016 under division (A) of Section 263.230 of this act, and after 89155
any reductions made for fiscal year 2016 under division (B)(2) of 89156
Section 263.230 of this act; 89157

(b) The additional funds paid to the school district in 89158
fiscal year 2016 under section 3317.26 of the Revised Code; and 89159

(c) If the district is not a qualifying school district, as 89160
defined in division (A) of section 5709.92 of the Revised Code, 89161
the sum of the payments received by the school district in fiscal 89162
year 2016 for current expense levy losses pursuant to division 89163
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 89164
the portion of such payments attributable to levies for joint 89165
vocational school district purposes. 89166

(d) If the district is a qualifying school district, as 89167
defined in division (A) of section 5709.92 of the Revised Code, 89168

the sum of payments received by the school district in fiscal year 89169
2016 for current expense levy losses pursuant to division (C)(1) 89170
of section 5709.92 of the Revised Code, excluding the portion of 89171
such payments attributable to levies for joint vocational school 89172
district purposes. 89173

(3) Calculate the school district's combined state aid for 89174
fiscal year 2017, which equals the sum of: 89175

(a) The amounts computed for the district for fiscal year 89176
2017 under section 3317.022 of the Revised Code, as amended by 89177
this act, and under divisions (E) and (F) of section 3317.0212 of 89178
the Revised Code, as amended by this act, plus any amount 89179
calculated for temporary transitional aid for fiscal year 2017 89180
under division (A) of Section 263.230 of this act, and after any 89181
reductions made for fiscal year 2017 under division (B)(2) of 89182
Section 263.230 of this act; 89183

(b) The additional funds paid to the school district in 89184
fiscal year 2017 under section 3317.26 of the Revised Code; and 89185

(c) If the district is not a qualifying school district, as 89186
defined in division (A) of section 5709.92 of the Revised Code, 89187
the sum of the payments received by the school district in fiscal 89188
year 2017 for current expense levy losses pursuant to division 89189
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 89190
the portion of such payments attributable to levies for joint 89191
vocational school district purposes. 89192

(d) If the district is a qualifying school district, as 89193
defined in division (A) of section 5709.92 of the Revised Code, 89194
the sum of payments received by the school district in fiscal year 89195
2017 for current expense levy losses pursuant to division (C)(1) 89196
of section 5709.92 of the Revised Code, excluding the portion of 89197
such payments attributable to levies for joint vocational school 89198
district purposes. 89199

(B)(1) For fiscal year 2016, each district's payment shall be 89200
in an amount equal to the amount calculated in division (A)(1) of 89201
this section minus the amount calculated in division (A)(2) of 89202
this section. If the result is a negative number, the district's 89203
payment shall be zero. 89204

(2) For fiscal year 2017, each district's payment shall be in 89205
an amount equal to the amount calculated in division (A)(1) of 89206
this section minus the amount calculated in division (A)(3) of 89207
this section. If the result is a negative number, the district's 89208
payment shall be zero. 89209

Section 263.330. LOTTERY PROFITS EDUCATION FUND 89210

Appropriation item 200612, Foundation Funding (Fund 7017), 89211
shall be used in conjunction with appropriation item 200550, 89212
Foundation Funding (GRF), to provide state foundation payments to 89213
school districts. 89214

The Department of Education, with the approval of the 89215
Director of Budget and Management, shall determine the monthly 89216
distribution schedules of appropriation item 200550, Foundation 89217
Funding (GRF), and appropriation item 200612, Foundation Funding 89218
(Fund 7017). If adjustments to the monthly distribution schedule 89219
are necessary, the Department of Education shall make such 89220
adjustments with the approval of the Director of Budget and 89221
Management. 89222

COMMUNITY CONNECTORS PROGRAM 89223

The foregoing appropriation item 200629, Community 89224
Connectors, shall be used by the State Superintendent of Public 89225
Instruction to create the Community Connectors Grant Program. The 89226
Superintendent shall develop guidelines for the grants. The 89227
program shall award competitive matching grants to provide funding 89228
for local networks of volunteers and organizations to sponsor 89229

career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the State Superintendent. Educational service centers that serve those school districts are also eligible. Eligible school districts or educational service centers shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and mentoring services. Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 200629, Community Connectors, at the end of fiscal year 2016 is hereby reappropriated to the Department of Education for the same purpose for fiscal year 2017.

Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses for a period not to exceed three years from the date of the award according to guidelines established by the Superintendent.

COMMUNITY SCHOOL FACILITIES

Of the foregoing appropriation item 200684, Community School Facilities, up to \$550,000 in fiscal year 2016 and up to \$1,100,000 in fiscal year 2017 may be used as matching funds to support Ohio's State Charter School Facilities Incentive Grant application. If these funds are not required, they may be distributed with the remaining funds in appropriation item 200684, Community School Facilities.

The remainder of the foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community

school established under Chapter 3314. of the Revised Code and 89262
each STEM school established under Chapter 3326. of the Revised 89263
Code an amount equal to \$25 for each full-time equivalent pupil in 89264
an internet- or computer-based community school and \$200 for each 89265
full-time equivalent pupil in all other community or STEM schools 89266
for assistance with the cost associated with facilities. If the 89267
amount appropriated is not sufficient, the Department of Education 89268
shall prorate the amounts so that the aggregate amount 89269
appropriated is not exceeded. 89270

Section 263.350. STRAIGHT A PROGRAM 89271

(A) The Straight A Program is hereby created for fiscal years 89272
2016 and 2017 to provide grants to city, local, exempted village, 89273
and joint vocational school districts, educational service 89274
centers, community schools established under Chapter 3314., STEM 89275
schools established under Chapter 3326., college-preparatory 89276
boarding schools established under Chapter 3328. of the Revised 89277
Code, individual school buildings, education consortia (which may 89278
represent a partnership among school districts, school buildings, 89279
community schools, STEM schools or educational service centers or 89280
county boards of developmental disabilities that provide special 89281
education and related services to children with disabilities), 89282
institutions of higher education, and private or governmental 89283
entities partnering with one or more of the educational entities 89284
identified in this division for projects that aim to achieve 89285
significant advancement in one or more of the following goals: 89286

(1) Increased student achievement or, in the case of an 89287
educational service center, increased student achievement in the 89288
educational service center's client school districts or other 89289
schools or school districts that are members of the consortium; 89290

(2) Spending reduction in the five-year fiscal forecast 89291
required under section 5705.391 of the Revised Code or positive 89292

performance on other fiscal measures established by the governing board created under division (B)(1) of this section;

(3) Utilization of a greater share of resources in the classrooms operated by the educational entity or by an educational service center's client school districts or other schools or school districts that are members of the consortium;

(4) Use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall

establish a system for evaluating and scoring the grant 89324
applications received under this section. 89325

(6) When determining whether to award grants from among two 89326
or more applicants of similar score, as determined by the board, 89327
the board shall award grants to applicants that demonstrate cost 89328
savings, as reflected in the goal described in division (A)(2) of 89329
this section, over applicants that do not demonstrate cost 89330
savings. 89331

(C) Each grant applicant shall submit a proposal that 89332
includes all of the following: 89333

(1) A description of the project for which the applicant is 89334
seeking a grant, including a description of how the project will 89335
have substantial value and lasting impact; 89336

(2) An explanation of how the project will be 89337
self-sustaining. If the project will result in increased ongoing 89338
spending, the applicant shall show how the spending will be offset 89339
by verifiable, credible, permanent spending reductions. 89340

(3) A description of quantifiable results of the project that 89341
can be benchmarked. 89342

If an education consortium described in division (A) of this 89343
section applies for a grant, the lead applicant shall be the 89344
school district, school building, community school, STEM school, 89345
or educational service center that is a member of the consortium 89346
and shall so indicate on the grant application. In order for an 89347
educational service center to be the lead applicant on a grant 89348
application, at least one of the educational service center's 89349
client school districts shall also be included on the grant 89350
application as a member of the consortium. 89351

(D)(1) The board shall issue a timely decision of "yes," 89352
"no," "hold," or "edit" for each application. In making its 89353
decision, the board shall consider whether the project has the 89354

capability of being replicated in other school districts and 89355
schools or creates something that can be used in other districts 89356
and schools. A grant awarded under this section to a school 89357
district, educational service center, community school, STEM 89358
school, college-preparatory boarding school, individual school 89359
building, institution of higher education, or private entity 89360
partnering with one or more of the educational entities identified 89361
in division (A) of this section shall not exceed \$1,000,000 in 89362
each fiscal year. A grant awarded to an education consortium shall 89363
not exceed \$15,000,000 in each fiscal year. The Superintendent of 89364
Public Instruction may make recommendations to the Controlling 89365
Board that these maximum amounts be exceeded. Upon Controlling 89366
Board approval, grants may be awarded in excess of these amounts. 89367

(2) If the board issues a "hold" or "edit" decision for an 89368
application, it shall, upon returning the application to the 89369
applicant, specify the process for reconsideration of the 89370
application. An applicant may work with the grant advisors and 89371
staff to modify or improve a grant application. 89372

(E) Upon deciding to award a grant to an applicant, the board 89373
shall enter into a grant agreement with the applicant that 89374
includes all of the following: 89375

(1) The content of the applicant's proposal as outlined under 89376
division (C) of this section; 89377

(2) The project's deliverables and a timetable for their 89378
completion; 89379

(3) Conditions for receiving grant funding; 89380

(4) Conditions for receiving funding in future years if the 89381
contract is a multi-year contract; 89382

(5) A provision specifying that funding will be returned to 89383
the board if the applicant fails to implement the agreement. 89384

(6) A provision specifying that the agreement may be amended 89385
by mutual agreement between the board and the applicant. 89386

(F) Each grant awarded under this section shall be subject to 89387
approval by the Controlling Board prior to execution of the grant 89388
agreement. 89389

(G) As used in this section, "client school district" has the 89390
same meaning as in section 3311.0510 of the Revised Code. 89391

(H) At the discretion of the board, a portion of 89392
appropriation item 200644, Straight A Fund, may be used by the 89393
Department of Education to administer the Straight A Program. 89394

(I) Notwithstanding any provision of law to the contrary, 89395
grants awarded under this section may be used by grant recipients 89396
for grant-related expenses incurred for a period not to exceed two 89397
years from the date of the award according to guidelines 89398
established by the Straight A Fund governing board. 89399

Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND 89400

(A) There is hereby created the Lottery Profits Education 89401
Reserve Fund (Fund 7018) in the State Treasury. Investment 89402
earnings of the Lottery Profits Education Reserve Fund shall be 89403
credited to the fund. 89404

(B) Notwithstanding any other provision of law to the 89405
contrary, the Director of Budget and Management may transfer cash 89406
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 89407
in fiscal year 2016 and fiscal year 2017. 89408

(C) On July 15, 2015, or as soon as possible thereafter, the 89409
Director of the Ohio Lottery Commission shall certify to the 89410
Director of Budget and Management the amount by which lottery 89411
profit transfers received by Fund 7017 exceeded \$974,500,000 in 89412
fiscal year 2015. 89413

(D) On July 15, 2016, or as soon as possible thereafter, the 89414

Director of the Ohio Lottery Commission shall certify to the 89415
Director of Budget and Management the amount by which lottery 89416
profit transfers received by Fund 7017 exceeded \$984,000,000 in 89417
fiscal year 2016. 89418

(E) Notwithstanding any provision of law to the contrary, in 89419
fiscal year 2016 and fiscal year 2017, the Director of Budget and 89420
Management may transfer cash in excess of the amounts necessary to 89421
support appropriations in Fund 7017 from that fund to Fund 7018. 89422

Section 263.370. DISTRIBUTION FORMULAS 89423

The Department of Education shall report the following to the 89424
Director of Budget and Management and the Legislative Service 89425
Commission: 89426

(A) Changes in formulas for distributing state 89427
appropriations, including administratively defined formula 89428
factors; 89429

(B) Discretionary changes in formulas for distributing 89430
federal appropriations; 89431

(C) Federally mandated changes in formulas for distributing 89432
federal appropriations. 89433

Any such changes shall be reported two weeks prior to the 89434
effective date of the change. 89435

Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 89436

Upon the request of the Superintendent of Public Instruction, 89437
the Director of Budget and Management may transfer up to \$750,000 89438
cash in each fiscal year from the General Revenue Fund to the 89439
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 89440
transferred cash is to be used by the Department of Education to 89441
pay the expenses the Department incurs in administering the 89442
Medicaid School Component of the Medicaid program established 89443

under sections 5162.36 to 5162.364 of the Revised Code. On June 1 89444
of each fiscal year, or as soon as possible thereafter, the 89445
Director of Budget and Management shall transfer cash from Fund 89446
3AF0 back to the General Revenue Fund in an amount equal to the 89447
total amount transferred to Fund 3AF0 in that fiscal year. 89448

The money deposited into Fund 3AF0 under division (B) of 89449
section 5162.64 of the Revised Code is hereby appropriated for 89450
fiscal years 2016 and 2017 and shall be used in accordance with 89451
division (C) of section 5162.64 of the Revised Code. 89452

Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING 89453

As used in this section, "high-performing primary educational 89454
service center" means an educational service center that reduces 89455
client school district expenditures in fiscal year 2016 through 89456
efficiencies attained by coordinating and consolidating services. 89457

As used in this section, "student count" means the count 89458
calculated under division (G)(1) of section 3313.843 of the 89459
Revised Code. 89460

In fiscal year 2016, the Department of Education shall pay 89461
the governing board of each primary educational service center 89462
state funds equal to twenty-five dollars times its student count. 89463

In fiscal year 2017, the Department of Education shall pay 89464
the governing board of each high-performing primary educational 89465
service center state funds equal to thirty-five dollars times its 89466
student count and to the governing board of each other center, 89467
state funds equal to twenty dollars times its student count. The 89468
State Board of Education shall adopt rules by October 31, 2015, 89469
governing the distribution of state funds under this section for 89470
fiscal year 2017. The rules shall do all of the following: (1) 89471
establish an application process whereby educational service 89472
centers may provide evidence of reductions in client school 89473

district expenditures in fiscal year 2016; (2) require 89474
applications to be submitted between July 1 and July 31, 2016; (3) 89475
provide that determinations of which centers qualify for the 89476
higher per student funding amount be made not later than September 89477
1, 2016. 89478

If the amount earmarked for the state reimbursement of 89479
educational service centers in appropriation item 200550, 89480
Foundation Funding, is not sufficient, the Department of Education 89481
shall prorate the payment amounts so that the appropriation is not 89482
exceeded. 89483

Notwithstanding any provision of law to the contrary, the 89484
Department of Education shall modify the payments under this 89485
section as follows: 89486

(A) If an educational service center ceases operation, the 89487
Department shall redistribute that center's funding, as calculated 89488
under this section, to the remaining centers in proportion to each 89489
center's service center ADM as defined in former section 3317.11 89490
of the Revised Code, as that section existed prior to the date of 89491
its repeal. 89492

(B) If two or more educational service centers merge 89493
operations to create a single service center, the Department shall 89494
distribute the sum of the original service centers' funding, as 89495
calculated under this section, to the new service center. 89496

Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 89497
ASSESSMENT OF EDUCATION PROGRESS 89498

The General Assembly intends for the Superintendent of Public 89499
Instruction to provide for school district participation in the 89500
administration of the National Assessment of Education Progress in 89501
accordance with section 3301.27 of the Revised Code. Each school 89502
and school district selected for participation by the 89503

Superintendent of Public Instruction shall participate. 89504

Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 89505
STUDENTS 89506

(A) As used in this section: 89507

(1) "IEP" has the same meaning as in section 3323.01 of the 89508
Revised Code. 89509

(2) "SBH student" means a student receiving special education 89510
and related services for severe behavior disabilities pursuant to 89511
an IEP. 89512

(B) This section applies only to a community school 89513
established under Chapter 3314. of the Revised Code that in each 89514
of fiscal years 2016 and 2017 enrolls a number of SBH students 89515
equal to at least fifty per cent of the total number of students 89516
enrolled in the school in the applicable fiscal year. 89517

(C) In addition to any state foundation payments made, in 89518
each of fiscal years 2016 and 2017, the Department of Education 89519
shall pay to a community school to which this section applies a 89520
subsidy equal to the difference between the aggregate amount 89521
calculated and paid in that fiscal year to the community school 89522
for special education and related services additional weighted 89523
costs for the SBH students enrolled in the school and the 89524
aggregate amount that would have been calculated for the school 89525
for special education and related services additional weighted 89526
costs for those same students in fiscal year 2001. If the 89527
difference is a negative number, the amount of the subsidy shall 89528
be zero. 89529

(D) The amount of any subsidy paid to a community school 89530
under this section shall not be deducted from the school district 89531
in which any of the students enrolled in the community school are 89532
entitled to attend school under section 3313.64 or 3313.65 of the 89533

Revised Code. The amount of any subsidy paid to a community school 89534
under this section shall be paid from funds appropriated to the 89535
Department of Education in appropriation item 200550, Foundation 89536
Funding. 89537

Section 263.420. EARMARK ACCOUNTABILITY 89538

At the request of the Superintendent of Public Instruction, 89539
any entity that receives a budget earmark under the Department of 89540
Education shall submit annually to the chairpersons of the 89541
committees of the House of Representatives and the Senate 89542
primarily concerned with education and education funding and to 89543
the Department of Education a report that includes a description 89544
of the services supported by the funds, a description of the 89545
results achieved by those services, an analysis of the 89546
effectiveness of the program, and an opinion as to the program's 89547
applicability to other school districts. For an earmarked entity 89548
that received state funds from an earmark in the prior fiscal 89549
year, no funds shall be provided by the Department of Education to 89550
an earmarked entity for a fiscal year until its report for the 89551
prior fiscal year has been submitted. 89552

Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME 89553

A community school established under Chapter 3314. of the 89554
Revised Code that was open for operation as a community school as 89555
of May 1, 2005, may operate from or in any home, as defined in 89556
section 3313.64 of the Revised Code, located in the state, 89557
regardless of when the community school's operations from or in a 89558
particular home began. 89559

Section 263.440. USE OF VOLUNTEERS 89560

The Department of Education may utilize the services of 89561
volunteers to accomplish any of the purposes of the Department. 89562

The Superintendent of Public Instruction shall approve for what 89563
purposes volunteers may be used and for these purposes may 89564
recruit, train, and oversee the services of volunteers. The 89565
Superintendent may reimburse volunteers for necessary and 89566
appropriate expenses in accordance with state guidelines and may 89567
designate volunteers as state employees for the purpose of motor 89568
vehicle accident liability insurance under section 9.83 of the 89569
Revised Code, for immunity under section 9.86 of the Revised Code, 89570
and for indemnification from liability incurred in the performance 89571
of their duties under section 9.87 of the Revised Code. 89572

Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN 89573
REIMBURSEMENTS 89574

(A) Except as expressly required under a court judgment not 89575
subject to further appeals, or a settlement agreement with a 89576
school district executed on or before June 1, 2009, in the case of 89577
a school district for which the formula ADM for fiscal year 2005, 89578
as reported for that fiscal year under division (A) of section 89579
3317.03 of the Revised Code, was reduced based on enrollment 89580
reports for community schools, made under section 3314.08 of the 89581
Revised Code, regarding students entitled to attend school in the 89582
district, which reduction of formula ADM resulted in a reduction 89583
of foundation funding or transitional aid funding for fiscal year 89584
2005, 2006, or 2007, no school district, except a district named 89585
in the court's judgment or the settlement agreement, shall have a 89586
legal claim for reimbursement of the amount of such reduction in 89587
foundation funding or transitional aid funding, and the state 89588
shall not have liability for reimbursement of the amount of such 89589
reduction in foundation funding or transitional aid funding. 89590

(B) As used in this section: 89591

(1) "Community school" means a community school established 89592
under Chapter 3314. of the Revised Code. 89593

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

Section 263.460. UNAUDITABLE COMMUNITY SCHOOL

(A) If the Auditor of State or a public accountant, pursuant to section 117.41 of the Revised Code, declares a community school established under Chapter 3314. of the Revised Code to be unauditale, the Auditor of State shall provide written notification of that declaration to the school, the school's sponsor, and the Department of Education. The Auditor of State also shall post the notification on the Auditor of State's web site.

(B) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, a sponsor of a community school that is notified by the Auditor of State under division (A) of this section that a community school it sponsors is unauditale shall not enter into contracts with any additional community schools under section 3314.03 of the Revised Code until the Auditor of State or a public accountant has completed a financial audit of that school.

(C) Not later than forty-five days after receiving notification by the Auditor of State under division (A) of this

section that a community school is unauditabile, the sponsor of the 89624
school shall provide a written response to the Auditor of State. 89625
The response shall include the following: 89626

(1) An overview of the process the sponsor will use to review 89627
and understand the circumstances that led to the community school 89628
becoming unauditabile; 89629

(2) A plan for providing the Auditor of State with the 89630
documentation necessary to complete an audit of the community 89631
school and for ensuring that all financial documents are available 89632
in the future; 89633

(3) The actions the sponsor will take to ensure that the plan 89634
described in division (C)(2) of this section is implemented. 89635

(D) If a community school fails to make reasonable efforts 89636
and continuing progress to bring its accounts, records, files, or 89637
reports into an auditabile condition within ninety days after being 89638
declared unauditabile, the Auditor of State, in addition to 89639
requesting legal action under sections 117.41 and 117.42 of the 89640
Revised Code, shall notify the Department of the school's failure. 89641
If the Auditor of State or a public accountant subsequently is 89642
able to complete a financial audit of the school, the Auditor of 89643
State shall notify the Department that the audit has been 89644
completed. 89645

(E) Notwithstanding any provision to the contrary in Chapter 89646
3314. of the Revised Code or any other provision of law, upon 89647
notification by the Auditor of State under division (D) of this 89648
section that a community school has failed to make reasonable 89649
efforts and continuing progress to bring its accounts, records, 89650
files, or reports into an auditabile condition following a 89651
declaration that the school is unauditabile, the Department shall 89652
immediately cease all payments to the school under Chapter 3314. 89653
of the Revised Code and any other provision of law. Upon 89654

subsequent notification from the Auditor of State under that 89655
division that the Auditor of State or a public accountant was able 89656
to complete a financial audit of the community school, the 89657
Department shall release all funds withheld from the school under 89658
this section. 89659

Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 89660

In collaboration with the County Family and Children First 89661
Council, a city, local, or exempted village school district, 89662
community school, STEM school, joint vocational school district, 89663
educational service center, or county board of developmental 89664
disabilities that receives allocations from the Department of 89665
Education from appropriation item 200550, Foundation Funding, or 89666
appropriation item 200540, Special Education Enhancements, may 89667
transfer portions of those allocations to a flexible funding pool 89668
authorized by the Section of this act entitled "FAMILY AND 89669
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 89670
maintenance of effort or for federal or state funding matching 89671
requirements shall not be transferred unless the allocation may 89672
still be used to meet such requirements. 89673

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 89674

(A) As used in this section: 89675

(1) The following are "participating residential treatment 89676
centers": 89677

(a) Private residential treatment facilities that have 89678
entered into a contract with the Department of Youth Services to 89679
provide services to children placed at the facility by the 89680
Department and which, in fiscal year 2016 or fiscal year 2017 or 89681
both, the Department pays through appropriation item 470401, 89682
RECLAIM Ohio; 89683

(b) Abraxas, in Shelby; 89684

(c) Paint Creek, in Bainbridge;	89685
(d) F.I.R.S.T., in Mansfield.	89686
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	89687 89688 89689
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	89690 89691
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	89692 89693 89694 89695 89696
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	89697 89698 89699
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment	89700 89701 89702 89703 89704 89705 89706 89707 89708 89709 89710 89711 89712 89713 89714 89715

center. 89716

(C) Any school district responsible for tuition for a 89717
residential child shall, notwithstanding any conflicting provision 89718
of the Revised Code regarding tuition payment, pay tuition for the 89719
child for fiscal year 2016 and fiscal year 2017 to the education 89720
program provider and in the amount specified in this division. If 89721
there is no school district responsible for tuition for a 89722
residential child and if the participating residential treatment 89723
center to which the child is assigned is located in the city, 89724
exempted village, or local school district that, if the child were 89725
not a resident of that treatment center, would be the school 89726
district where the child is entitled to attend school under 89727
sections 3313.64 and 3313.65 of the Revised Code, that school 89728
district, notwithstanding any conflicting provision of the Revised 89729
Code, shall pay tuition for the child for fiscal year 2016 and 89730
fiscal year 2017 under this division unless that school district 89731
is providing the educational program to the child under division 89732
(B) of this section. 89733

A tuition payment under this division shall be made to the 89734
school district, educational service center, or residential 89735
treatment facility providing the educational program to the child. 89736

The amount of tuition paid shall be: 89737

(1) The amount of tuition determined for the district under 89738
division (A) of section 3317.08 of the Revised Code; 89739

(2) In addition, for any student receiving special education 89740
pursuant to an individualized education program as defined in 89741
section 3323.01 of the Revised Code, a payment for excess costs. 89742
This payment shall equal the actual cost to the school district, 89743
educational service center, or residential treatment facility of 89744
providing special education and related services to the student 89745
pursuant to the student's individualized education program, minus 89746

the tuition paid for the child under division (C)(1) of this section. 89747
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A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code. 89749
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(D) In each of fiscal years 2016 and 2017, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made. 89753
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(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible. 89763
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(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability. 89768
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Section 263.490. Notwithstanding section 3302.21 of the Revised Code, for the 2014-2015 school year only, the Department of Education shall not rank school districts, community schools, 89775
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and STEM schools according to the performance measures prescribed 89778
in divisions (A)(1), (2), and (5) of that section. However, the 89779
Department shall rank districts and schools according to the 89780
measures prescribed in divisions (A)(3) and (4) of that section 89781
for the 2014-2015 school year not later than January 31, 2016. 89782

Section 263.510. Notwithstanding section 3302.03 of the 89783
Revised Code, the Department of Education shall issue grades as 89784
described in division (E) of section 3302.03 of the Revised Code 89785
for each of the performance measures prescribed in division (C)(1) 89786
of that section for the 2014-2015 school year not later than 89787
January 15, 2016. 89788

Section 263.520. Notwithstanding anything to the contrary in 89789
section 3302.035 of the Revised Code, the Department of Education 89790
shall issue the reports required under that section on the 89791
performance measures for a school district's or school's students 89792
with disabilities subgroup, using data from the 2014-2015 school 89793
year, not later than January 31, 2016. 89794

For each school year thereafter, the Department shall issue 89795
those reports on the first day of October as required under that 89796
section. 89797

Section 263.530. (A) The Superintendent of Public Instruction 89798
may form partnerships with Ohio's business community, including 89799
the Ohio Business Roundtable, to create and implement initiatives 89800
that connect students with the business community in an effort to 89801
increase student engagement and job readiness through internships, 89802
work study, and site-based learning experiences. 89803

(B) If the Superintendent forms a partnership pursuant to 89804
division (A) of this section, the initiatives created and 89805
implemented through that partnership shall do all of the 89806

following:	89807
(1) Support the career connection learning strategies described in division (B)(2) of section 3301.079 of the Revised Code;	89808 89809 89810
(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code;	89811 89812 89813 89814
(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code.	89815 89816
Section 263.540. The Department of Education shall provide assistance to the State Board of Education for the purposes of updating the statewide plan on subject area competency, including credit by examination, pursuant to division (J)(2) of section 3313.603 of the Revised Code, to reduce barriers to student participation in credit flexibility options.	89817 89818 89819 89820 89821 89822
Upon completion, the Department shall inform students, parents, and schools of the updated plan.	89823 89824
Section 263.560. There is hereby created the School Transportation Joint Task Force to study the transportation of school children. The Task Force shall consist of members appointed equally by the Speaker of the House and by the President of the Senate. The members appointed shall choose a chair and vice-chair who shall be members of the General Assembly. The Task Force shall study and make recommendations to the General Assembly not later than February 1, 2016, on the following:	89825 89826 89827 89828 89829 89830 89831 89832
(1) The appropriate funding formula to assist local school districts with the transportation of students to public and nonpublic schools;	89833 89834 89835

(2) The appropriate relationship, duties, and responsibilities between local school districts, community schools, and nonpublic schools with regard to student transportation. 89836
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All state agencies shall provide such assistance to the Task Force as is requested by the Task Force. 89840
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Section 263.570. The assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code shall be nationally normed, standardized assessments. 89842
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Section 263.580. Not later than July 1, 2016, the Department of Education shall submit and present to the standing committees of the House of Representatives and the Senate that consider education legislation both of the following: 89845
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(A) A plan that proposes the expansion of the Department's authority to directly authorize community schools under section 3314.029 of the Revised Code; 89849
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(B) Recommendations for a ratings rubric for the evaluation of sponsors under section 3314.016 of the Revised Code. The recommendations shall include research-based evidence that demonstrates the rubric will result in improved academic results. 89852
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Section 263.590. The Department of Education, in conjunction with an association of education service centers in this state and an association that advocates for gifted children in the state, shall complete a feasibility analysis of the establishment of a start-up community school in each of the sixteen regions of the Educational Regional Service System to serve primarily identified gifted students. Not later than July 1, 2016, the Department shall submit the analysis to the chairpersons of the standing committees and subcommittees of the House of Representatives and the Senate 89856
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principally responsible for education policy and finance. 89865

Section 263.600. (A) This section applies only to a city 89866
school district that is located in the same municipal corporation 89867
as a professional sports museum. 89868

(B) Notwithstanding section 3313.41 of the Revised Code, the 89869
board of education of a school district to which this section 89870
applies may offer for sale property it owns to a professional 89871
sports museum located in the same municipal corporation prior to 89872
offering that property for sale under the provisions of section 89873
3313.41 of the Revised Code. 89874

(C) This section shall expire on July 1, 2017. 89875

Section 265.10. ELC OHIO ELECTIONS COMMISSION 89876

General Revenue Fund 89877

GRF 051321 Operating Expenses	\$	333,117	\$	333,117	89878
TOTAL GRF General Revenue Fund	\$	333,117	\$	333,117	89879

Dedicated Purpose Fund Group 89880

4P20 051601 Operating Support	\$	194,500	\$	194,500	89881
TOTAL DPF Dedicated Purpose Fund	\$	194,500	\$	194,500	89882

Group

TOTAL ALL BUDGET FUND GROUPS	\$	527,617	\$	527,617	89883
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Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 89885
DIRECTORS 89886

Dedicated Purpose Fund Group 89887

4K90 881609 Operating Expenses	\$	741,000	\$	771,000	89888
TOTAL DPF Dedicated Purpose					89889

Fund Group	\$	741,000	\$	771,000	89890
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TOTAL ALL BUDGET FUND GROUPS	\$	741,000	\$	771,000	89891
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Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 89893

Fiduciary Fund Group					89894
1240 995673	Payroll Deductions	\$ 786,081,277	\$ 801,802,903		89895
8060 995666	Accrued Leave Fund	\$ 70,520,230	\$ 71,930,634		89896
8070 995667	Disability Fund	\$ 22,271,135	\$ 22,716,558		89897
8080 995668	State Employee Health	\$ 711,136,583	\$ 767,740,540		89898
	Benefit Fund				
8090 995669	Dependent Care	\$ 3,323,438	\$ 3,487,159		89899
	Spending Account				
8100 995670	Life Insurance	\$ 1,779,885	\$ 1,815,482		89900
	Investment Fund				
8110 995671	Parental Leave	\$ 3,510,481	\$ 3,580,691		89901
	Benefit Fund				
8130 995672	Health Care Spending	\$ 10,089,249	\$ 10,895,989		89902
	Account				
TOTAL FID	Fiduciary Fund Group	\$ 1,608,712,278	\$ 1,683,969,956		89903
TOTAL ALL BUDGET	FUND GROUPS	\$ 1,608,712,278	\$ 1,683,969,956		89904
	PAYROLL DEDUCTION FUND				89905
	The foregoing appropriation item 995673, Payroll Deductions,				89906
	shall be used to make payments from the Payroll Deduction Fund				89907
	(Fund 1240) pursuant to section 125.21 of the Revised Code. If it				89908
	is determined by the Director of Budget and Management that				89909
	additional amounts are necessary, the amounts are hereby				89910
	appropriated.				89911
	ACCRUED LEAVE LIABILITY FUND				89912
	The foregoing appropriation item 995666, Accrued Leave Fund,				89913
	shall be used to make payments from the Accrued Leave Liability				89914
	Fund (Fund 8060) pursuant to section 125.211 of the Revised Code.				89915
	If it is determined by the Director of Budget and Management that				89916
	additional amounts are necessary, the amounts are hereby				89917
	appropriated.				89918
	STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND				89919

The foregoing appropriation item 995667, Disability Fund, 89920
shall be used to make payments from the State Employee Disability 89921
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 89922
Revised Code. If it is determined by the Director of Budget and 89923
Management that additional amounts are necessary, the amounts are 89924
hereby appropriated. 89925

STATE EMPLOYEE HEALTH BENEFIT FUND 89926

The foregoing appropriation item 995668, State Employee 89927
Health Benefit Fund, shall be used to make payments from the State 89928
Employee Health Benefit Fund (Fund 8080) pursuant to section 89929
124.87 of the Revised Code. If it is determined by the Director of 89930
Budget and Management that additional amounts are necessary, the 89931
amounts are hereby appropriated. 89932

DEPENDENT CARE SPENDING FUND 89933

The foregoing appropriation item 995669, Dependent Care 89934
Spending Account, shall be used to make payments from the 89935
Dependent Care Spending Fund (Fund 8090) to employees eligible for 89936
dependent care expenses pursuant to section 124.822 of the Revised 89937
Code. If it is determined by the Director of Budget and Management 89938
that additional amounts are necessary, the amounts are hereby 89939
appropriated. 89940

LIFE INSURANCE INVESTMENT FUND 89941

The foregoing appropriation item 995670, Life Insurance 89942
Investment Fund, shall be used to make payments from the Life 89943
Insurance Investment Fund (Fund 8100) for the costs and expenses 89944
of the state's life insurance benefit program pursuant to section 89945
125.212 of the Revised Code. If it is determined by the Director 89946
of Budget and Management that additional amounts are necessary, 89947
the amounts are hereby appropriated. 89948

PARENTAL LEAVE BENEFIT FUND 89949

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund					89969
GRF 125321 Operating Expenses	\$	3,761,457	\$	3,761,457	89970
TOTAL GRF General Revenue Fund	\$	3,761,457	\$	3,761,457	89971
Dedicated Purpose Fund Group					89972
5720 125603 Training and Publications	\$	75,000	\$	75,000	89973
TOTAL DPF Dedicated Purpose Fund Group	\$	75,000	\$	75,000	89975
TOTAL ALL BUDGET FUND GROUPS	\$	3,836,457	\$	3,836,457	89976

Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group 89979

4K90	892609	Operating Expenses	\$	993,889	\$	993,889	89980
TOTAL DPF Dedicated Purpose							89981
Fund Group			\$	993,889	\$	993,889	89982
TOTAL ALL BUDGET FUND GROUPS			\$	993,889	\$	993,889	89983
Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY							89985
General Revenue Fund							89986
GRF	715502	Auto Emissions	\$	10,923,093	\$	10,923,093	89987
		e-Check Program					
TOTAL GRF General Revenue Fund			\$	10,923,093	\$	10,923,093	89988
Dedicated Purpose Fund Group							89989
4D50	715618	Recycled State	\$	50,000	\$	50,000	89990
		Materials					
4J00	715638	Underground Injection	\$	393,917	\$	399,125	89991
		Control					
4K20	715648	Clean Air - Non Title	\$	3,309,301	\$	3,726,893	89992
		V					
4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293	89993
4K40	715650	Surface Water	\$	9,265,000	\$	8,050,000	89994
		Protection					
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007	89995
		Laboratory Services					
4K50	715651	Drinking Water	\$	6,637,044	\$	6,825,955	89996
		Protection					
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	89997
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	89998
4R90	715658	Voluntary Action	\$	825,759	\$	842,275	89999
		Program					
4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150	90000
		Permit Program					
5000	715608	Immediate Removal	\$	718,793	\$	731,293	90001
		Special Account					

5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805	90002
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826	90003
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000	90004
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	90005
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	90006
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000	90007
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	90008
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	90009
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	90010
5BC0	715673	Drinking and Ground Water	\$	3,324,521	\$	3,324,520	90011
5BC0	715676	Assistance and Prevention	\$	1,583,098	\$	1,591,682	90012
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	90013
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	90014
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	90015
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	90016
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	90017
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	90018
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	90019
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	90020
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	90021

5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	90022
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	90023
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	90024
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	90025
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	90026
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	90027
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	90028
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	90029
TOTAL DPF Dedicated Purpose Fund Group			\$	127,332,212	\$	128,529,143	90030
Internal Service Activity Fund Group							90031
1990	715602	Laboratory Services	\$	427,234	\$	594,566	90032
2190	715604	Central Support Indirect	\$	6,900,000	\$	6,600,000	90033
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	90034
TOTAL ISA Internal Service Activity Fund Group			\$	9,377,234	\$	9,244,566	90035
Capital Projects Fund Group							90036
5S10	715607	Clean Ohio Revitalization Operating	\$	284,124	\$	284,124	90037
TOTAL CPF Capital Projects Fund Group			\$	284,124	\$	284,124	90038
Federal Fund Group							90039

3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	90040
3540	715614	Hazardous Waste Management - Federal	\$	3,038,383	\$	3,038,383	90041
3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	90042
3620	715605	Underground Injection Control - Federal	\$	98,629	\$	102,859	90043
3BU0	715684	Water Quality Protection	\$	13,211,815	\$	14,537,389	90044
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000	90045
3F20	715630	Revolving Loan Fund - Operating	\$	2,800,000	\$	2,900,000	90046
3F30	715632	Federally Supported Cleanup and Response	\$	4,168,991	\$	4,291,191	90047
3T30	715669	Drinking Water State Revolving Fund	\$	2,824,076	\$	2,824,076	90048
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	90049
TOTAL FED		Federal Fund Group	\$	35,310,223	\$	36,917,121	90050
TOTAL ALL BUDGET FUND GROUPS			\$	183,226,886	\$	185,898,047	90051

AREAWIDE PLANNING AGENCIES 90052

The Director of Environmental Protection Agency may award 90053
grants from appropriation item 715687, Areawide Planning Agencies, 90054
to areawide planning agencies engaged in areawide water quality 90055
management and planning activities in accordance with Section 208 90056
of the "Federal Clean Water Act," 33 U.S.C. 1288. 90057

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 90058

EXPENDITURES LIMITATION 90059

Notwithstanding division (B) of section 6111.09 of the 90060
Revised Code, the Director of Environmental Protection may expend 90061
not more than \$800,000 of the moneys credited to the Water 90062
Pollution Control Administration Fund (Fund 6990) under that 90063

division in either of fiscal years 2016 or 2017 for the purposes 90064
specified in that division. 90065

Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 90066

General Revenue Fund 90067

GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 90068

TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 90069

TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 90070

Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 90072

General Revenue Fund 90073

GRF 935401 Statehouse News \$ 324,533 \$ 324,533 90074

Bureau

GRF 935402 Ohio Government \$ 1,452,089 \$ 1,452,089 90075

Telecommunications
Services

GRF 935408 General Operations \$ 745,000 \$ 745,000 90076

GRF 935409 Technology Operations \$ 3,171,962 \$ 3,171,962 90077

GRF 935410 Content Development, \$ 3,957,094 \$ 3,957,094 90078

Acquisition, and
Distribution

GRF 935412 Information \$ 683,716 \$ 683,716 90079

Technology

TOTAL GRF General Revenue Fund \$ 10,334,394 \$ 10,334,394 90080

Dedicated Purpose Fund Group 90081

5FK0 935608 Media Services \$ 95,000 \$ 95,000 90082

TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 90083

Group

Internal Service Activity Fund Group 90084

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 90085

4T20 935605 Government \$ 7,000 \$ 7,000 90086

Television/Telecommunications

Operating

TOTAL ISA Internal Service Activity				90087
Fund Group	\$	11,000	\$ 11,000	90088
TOTAL ALL BUDGET FUND GROUPS	\$	10,440,394	\$ 10,440,394	90089

Section 279.20. STATEHOUSE NEWS BUREAU 90091

The foregoing appropriation item 935401, Statehouse News 90092
Bureau, shall be used solely to support the operations of the Ohio 90093
Statehouse News Bureau. 90094

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 90095

The foregoing appropriation item 935402, Ohio Government 90096
Telecommunications Services, shall be used solely to support the 90097
operations of Ohio Government Telecommunications Services which 90098
include providing multimedia support to the state government and 90099
its affiliated organizations and broadcasting the activities of 90100
the legislative, judicial, and executive branches of state 90101
government, among its other functions. 90102

TECHNOLOGY OPERATIONS 90103

The foregoing appropriation item 935409, Technology 90104
Operations, shall be used by the Broadcast Educational Media 90105
Commission to pay expenses of the network infrastructure, which 90106
includes the television and radio transmission infrastructure and 90107
infrastructure that shall link all public K-12 classrooms to each 90108
other and to the Internet, and provide access to voice, video, 90109
other communication services, and data educational resources for 90110
students and teachers. 90111

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 90112

The foregoing appropriation item 935410, Content Development, 90113
Acquisition, and Distribution, shall be used for the development, 90114
acquisition, and distribution of information resources by public 90115
media and radio reading services and for educational use in the 90116

classroom and online. 90117

Of the foregoing appropriation item 935410, Content 90118
Development, Acquisition, and Distribution, up to \$658,099 in each 90119
fiscal year shall be allocated equally among the Ohio educational 90120
television stations. Funds shall be used for the production of 90121
interactive instructional programming series with priority given 90122
to resources aligned with state academic content standards. The 90123
programming shall be targeted to the needs of the one-third lowest 90124
capacity school districts as determined by the district's state 90125
share percentage calculated by the Department of Education. 90126

Of the foregoing appropriation item 935410, Content 90127
Development, Acquisition, and Distribution, up to \$1,749,283 in 90128
each fiscal year shall be distributed by the Broadcast Educational 90129
Media Commission to Ohio's qualified public educational television 90130
stations and educational radio stations to support their 90131
operations. The funds shall be distributed pursuant to an 90132
allocation formula used by the Ohio Educational Telecommunications 90133
Network Commission unless a substitute formula is developed by the 90134
Broadcast Educational Media Commission in consultation with Ohio's 90135
qualified public educational television stations and educational 90136
radio stations. 90137

Of the foregoing appropriation item 935410, Content 90138
Development, Acquisition, and Distribution, up to \$199,712 in each 90139
fiscal year shall be distributed by the Broadcast Educational 90140
Media Commission to Ohio's qualified radio reading services to 90141
support their operations. The funds shall be distributed pursuant 90142
to an allocation formula used by the Ohio Educational 90143
Telecommunications Network Commission unless a substitute formula 90144
is developed by the Broadcast Educational Media Commission in 90145
consultation with Ohio's qualified radio reading services. 90146

Section 281.10. ETH OHIO ETHICS COMMISSION 90147

General Revenue Fund				90148
GRF 146321 Operating Expenses	\$	1,381,556	\$ 1,381,556	90149
TOTAL GRF General Revenue Fund	\$	1,381,556	\$ 1,381,556	90150
Dedicated Purpose Fund Group				90151
4M60 146601 Operating Support	\$	641,000	\$ 641,000	90152
TOTAL DPF Dedicated Purpose Fund	\$	641,000	\$ 641,000	90153
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,022,556	\$ 2,022,556	90154

Section 283.10. EXP OHIO EXPOSITIONS COMMISSION 90156

General Revenue Fund				90157
GRF 723403 Junior Fair Subsidy	\$	500,000	\$ 500,000	90158
TOTAL GRF General Revenue Fund	\$	500,000	\$ 500,000	90159
Dedicated Purpose Fund Group				90160
4N20 723602 Ohio State Fair	\$	235,000	\$ 235,000	90161
Harness Racing				
5060 723601 Operating Expenses	\$	13,345,000	\$ 13,585,000	90162
5060 723604 Grounds Maintenance	\$	300,000	\$ 300,000	90163
and Repairs				
TOTAL DPF Dedicated Purpose Fund	\$	13,880,000	\$ 14,120,000	90164
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,380,000	\$ 14,620,000	90165

STATE FAIR RESERVE 90166

The General Manager of the Expositions Commission, in 90167
consultation with the Director of Budget and Management, may 90168
submit a request to the Controlling Board to use available amounts 90169
in the State Fair Reserve Fund (Fund 6400) if revenues from either 90170
the 2015 or the 2016 Ohio State Fair are unexpectedly low. 90171

GROUND'S MAINTENANCE AND REPAIRS 90172

The foregoing appropriation item 723604, Grounds Maintenance 90173
and Repairs, shall be used for maintenance and repairs on the 90174

grounds of the Ohio Expo Center. 90175

Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 90176

General Revenue Fund 90177

GRF 230321 Operating Expenses \$ 6,500,000 \$ 6,500,000 90178

GRF 230401 Cultural Facilities \$ 29,728,000 \$ 25,737,900 90179

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 2,200,000 \$ 2,000,000 90180

Management Services

GRF 230459 Aronoff Center \$ 540,000 \$ 540,000 90181

Building Maintenance

GRF 230908 Common Schools \$ 366,000,000 \$ 377,000,000 90182

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 404,968,000 \$ 411,777,900 90183

Internal Service Activity Fund Group 90184

1310 230639 State Construction \$ 8,500,000 \$ 8,500,000 90185

Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,500,000 90186

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 413,468,000 \$ 420,277,900 90187

Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND 90189

PAYMENTS 90190

The foregoing appropriation item 230401, Cultural Facilities 90191

Lease Rental Bond Payments shall be used to meet all payments 90192

during the period from July 1, 2015, through June 30, 2017, by the 90193

Ohio Facilities Construction Commission under the primary leases 90194

and agreements for cultural and sports facilities made under 90195

Chapters 152. and 154. of the Revised Code. These appropriations 90196

are the source of funds pledged for bond service charges on 90197

related obligations issued under Chapters 152. and 154. of the Revised Code. 90198
90199

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 90200

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.03 of the Revised Code. 90201
90202
90203
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90205

Section 285.30. COMMUNITY PROJECT ADMINISTRATION 90206

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code. 90207
90208
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90211

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 90212

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated. 90213
90214
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Section 285.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 90223
90224

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Facilities Construction Commission shall 90225
90226

certify to the Director of Budget and Management the amount of 90227
cash receipts and related investment income, irrevocable letters 90228
of credit from a bank, or certification of the availability of 90229
funds that have been received from a county or a municipal 90230
corporation for deposit into the Capital Donations Fund (Fund 90231
5A10) and that are related to an anticipated project. These 90232
amounts are hereby appropriated to appropriation item C37146, 90233
Capital Donations. Prior to certifying these amounts to the 90234
Director, the Executive Director shall make a written agreement 90235
with the participating entity on the necessary cash flows required 90236
for the anticipated construction or equipment acquisition project. 90237

Section 285.50. AMENDMENT TO PROJECT AGREEMENT FOR 90238
MAINTENANCE LEVY 90239

The Ohio School Facilities Commission shall amend the project 90240
agreement between the Commission and a school district that is 90241
participating in the Accelerated Urban School Building Assistance 90242
Program on the effective date of this section, if the Commission 90243
determines that it is necessary to do so in order to comply with 90244
division (B)(3)(c) of section 3318.38 of the Revised Code. 90245

Section 285.60. Notwithstanding any other provision of law to 90246
the contrary, the Ohio School Facilities Commission may determine 90247
the amount of funding available for disbursement in a given fiscal 90248
year for any project approved under sections 3318.01 to 3318.20 of 90249
the Revised Code in order to keep aggregate state capital spending 90250
within approved limits and may take actions including, but not 90251
limited to, determining the schedule for design or bidding of 90252
approved projects, to ensure appropriate and supportable cash 90253
flow. 90254

Section 285.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 90255
DISTRICT 90256

Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio School Facilities Commission may provide assistance to at least one joint vocational school district each fiscal year for the acquisition of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT COST

(A) The Ohio School Facilities Commission, in consultation with the Office of Budget and Management, shall prepare a study of the impacts, benefits, and risks associated with a school district funding its share of the basic project cost of a school facilities project under Chapter 3318. of the Revised Code with cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval. The study shall be completed not later than nine months after the effective date of this section and submitted to the Governor and General Assembly in accordance with section 101.68 of the Revised Code. Until this study is completed, a school district shall not fund its share of the basic project cost of a school facilities project under Chapter 3318. of the Revised Code with cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval, except as provided in division (B) of this section.

(B) Notwithstanding division (A) of this section and any other provision of law to the contrary, with the approval of the School Facilities Commission, a school district may use cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval in the following limited circumstances:

(1) Funding the district's share of an increase in the basic project cost approved under section 3318.083 of the Revised Code;				90288
				90289
(2) Funding a locally funded initiative; or				90290
(3) Funding a project under the Expedited Local Partnership Program established under either section 3318.36 or 3318.46 of the Revised Code.				90291
				90292
				90293
Section 287.10. GOV OFFICE OF THE GOVERNOR				90294
General Revenue Fund				90295
GRF 040321 Operating Expenses	\$	3,157,386	\$	3,156,099
TOTAL GRF General Revenue Fund	\$	3,157,386	\$	3,156,099
Dedicated Purpose Fund Group				90298
5QY0 040608 Serve Ohio Support	\$	30,000	\$	30,000
TOTAL DPF Dedicated Purpose Fund Group	\$	30,000	\$	30,000
Internal Service Activity Fund Group				90301
5AK0 040607 Government Relations	\$	300,000	\$	300,000
TOTAL ISA Internal Service Activity Fund Group	\$	300,000	\$	300,000
Federal Fund Group				90305
3GW0 040609 AmeriCorps Programs	\$	7,182,899	\$	7,178,630
TOTAL FED Federal Fund Group	\$	7,182,899	\$	7,178,630
TOTAL ALL BUDGET FUND GROUPS	\$	10,670,285	\$	10,664,729
OPERATING EXPENSES				90309
Of the foregoing appropriation item 040321, Operating Expenses, \$305,834 in fiscal year 2016 and \$304,547 in fiscal year 2017 shall be used to support the operating expenses of the Commission on Service and Volunteerism.				90310
				90311
				90312
				90313
GOVERNMENT RELATIONS				90314
A portion of the foregoing appropriation item 040607,				90315

Government Relations, may be used to support Ohio's membership in 90316
national or regional associations. 90317

The Office of the Governor may charge any state agency of the 90318
executive branch using an intrastate transfer voucher such amounts 90319
necessary to defray the costs incurred for the conduct of 90320
governmental relations associated with issues that can be 90321
attributed to the agency. Amounts collected shall be deposited in 90322
the Government Relations Fund (Fund 5AK0). 90323

Section 289.10. DOH DEPARTMENT OF HEALTH 90324

General Revenue Fund 90325

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 90326
Surveillance System

GRF 440413 Local Health \$ 823,061 \$ 823,061 90327
Departments

GRF 440416 Mothers and Children \$ 4,428,015 \$ 4,428,015 90328
Safety Net Services

GRF 440418 Immunizations \$ 5,988,545 \$ 5,988,545 90329

GRF 440431 Free Clinics Safety \$ 437,326 \$ 437,326 90330
Net Services

GRF 440438 Breast and Cervical \$ 823,217 \$ 823,217 90331
Cancer Screening

GRF 440444 AIDS Prevention and \$ 5,842,315 \$ 5,842,315 90332
Treatment

GRF 440451 Public Health \$ 5,000,000 \$ 5,000,000 90333
Laboratory

GRF 440452 Child and Family \$ 630,444 \$ 630,444 90334
Health Services Match

GRF 440453 Health Care Quality \$ 5,000,000 \$ 5,000,000 90335
Assurance

GRF 440454 Environmental Health \$ 1,209,430 \$ 1,209,430 90336

GRF 440459 Help Me Grow \$ 31,708,080 \$ 31,708,080 90337

GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	90338
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	90339
GRF 440468	Chronic Disease and Injury Prevention	\$	2,466,127	\$	2,466,127	90340
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000	90341
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	1,050,000	\$	1,050,000	90342
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688	90343
GRF 440477	Emergency Preparation and Response	\$	2,000,000	\$	2,000,000	90344
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	90345
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	90346
GRF 440518	Hope for A Smile	\$	700,000	\$	0	90347
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000	90348
TOTAL GRF	General Revenue Fund	\$	89,008,285	\$	88,308,285	90349
Highway Safety Fund Group						90350
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000	90351
TOTAL HSF	Highway Safety Fund Group	\$	280,000	\$	280,000	90352
Dedicated Purpose Fund Group						90353
4700 440647	Fee Supported Programs	\$	23,958,743	\$	24,183,552	90354
4710 440619	Certificate of Need	\$	878,433	\$	878,433	90355
4730 440622	Lab Operating Expenses	\$	5,250,000	\$	5,250,000	90356
4770 440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	90357
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	90358

4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	90359
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	90360
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	90361
4L30	440609	HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000	90362
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	90363
4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	90364
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	90365
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	90366
5CN0	440645	Choose Life	\$	75,000	\$	75,000	90367
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	90368
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	90369
5G40	440639	Adoption Services	\$	20,000	\$	20,000	90370
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	90371
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	90372
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	90373
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	90374
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	90375
6660	440607	Medically Handicapped Children - County	\$	19,739,617	\$	19,739,617	90376

Assessments				
6980	440634	Nurse Aide Training	\$ 120,000	\$ 120,000 90377
TOTAL DPF Dedicated Purpose Fund			\$ 86,915,968	\$ 87,220,460 90378
Group				
Internal Service Activity Fund Group				90379
1420	440646	Agency Health	\$ 3,279,509	\$ 3,130,613 90380
Services				
2110	440613	Central Support	\$ 30,052,469	\$ 30,052,469 90381
Indirect Costs				
TOTAL ISA Internal Service Activity			\$ 33,331,978	\$ 33,183,082 90382
Fund Group				
Holding Account Fund Group				90383
R014	440631	Vital Statistics	\$ 44,986	\$ 44,986 90384
R048	440625	Refunds, Grants	\$ 20,000	\$ 20,000 90385
Reconciliation, and				
Audit Settlements				
TOTAL HLD Holding Account Fund			\$ 64,986	\$ 64,986 90386
Group				
Federal Fund Group				90387
3200	440601	Maternal Child Health	\$ 22,000,000	\$ 22,000,000 90388
Block Grant				
3870	440602	Preventive Health	\$ 8,000,000	\$ 8,000,000 90389
Block Grant				
3890	440604	Women, Infants, and	\$ 240,000,000	\$ 240,000,000 90390
Children				
3910	440606	Medicare Survey and	\$ 18,000,000	\$ 18,000,000 90391
Certification				
3920	440618	Federal Public Health	\$ 107,198,791	\$ 107,198,791 90392
Programs				
3GD0	654601	Medicaid Program	\$ 22,392,094	\$ 22,392,094 90393
Support				
3GN0	440660	Public Health	\$ 27,941,795	\$ 27,941,795 90394

Emergency

Preparedness

TOTAL FED Federal Fund Group	\$	445,532,680	\$	445,532,680	90395
TOTAL ALL BUDGET FUND GROUPS	\$	655,133,897	\$	654,589,493	90396

Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 90398

Of the foregoing appropriation item 440416, Mothers and 90399
 Children Safety Net Services, \$200,000 in each fiscal year shall 90400
 be used to assist families with hearing impaired children under 90401
 twenty-one years of age in purchasing hearing aids. The Director 90402
 of Health shall adopt rules governing the distribution of these 90403
 funds, including rules that do both of the following: (1) 90404
 establish eligibility criteria to include families with incomes at 90405
 or below four hundred per cent of the federal poverty guidelines 90406
 as defined in section 5101.46 of the Revised Code, and (2) develop 90407
 a sliding scale of disbursements under this section based on 90408
 family income. The Director may adopt other rules as necessary to 90409
 implement this section. Rules adopted under this section shall be 90410
 adopted in accordance with Chapter 119. of the Revised Code. 90411

The Department shall disburse all of the funds appropriated 90412
 under this section. 90413

HIV/AIDS PREVENTION/TREATMENT 90414

The foregoing appropriation item 440444, AIDS Prevention and 90415
 Treatment, shall be used to assist persons with HIV/AIDS in 90416
 acquiring HIV-related medications and to administer educational 90417
 prevention initiatives. 90418

PUBLIC HEALTH LABORATORY 90419

A portion of the foregoing appropriation item 440451, Public 90420
 Health Laboratory, shall be used for coordination and management 90421
 of prevention program operations and the purchase of drugs for 90422
 sexually transmitted diseases. 90423

HELP ME GROW 90424

The foregoing appropriation item 440459, Help Me Grow, shall 90425
be used by the Department of Health to implement the Help Me Grow 90426
Program. Funds shall be distributed to counties through 90427
agreements, contracts, grants, or subsidies in accordance with 90428
section 3701.61 of the Revised Code. Appropriation item 440459, 90429
Help Me Grow, may be used in conjunction with other early 90430
childhood funds and services to promote the optimal development of 90431
young children and family-centered programs and services that 90432
acknowledge and support the social, emotional, cognitive, 90433
intellectual, and physical development of children and the vital 90434
role of families in ensuring the well-being and success of 90435
children. The Department of Health shall enter into interagency 90436
agreements with the Department of Education, Department of 90437
Developmental Disabilities, Department of Job and Family Services, 90438
and Department of Mental Health and Addiction Services to ensure 90439
that all early childhood programs and initiatives are coordinated 90440
and school linked. 90441

The foregoing appropriation item 440459, Help Me Grow, may 90442
also be used for the Developmental Autism and Screening Program. 90443

INFANT VITALITY 90444

The foregoing appropriation item 440474, Infant Vitality, 90445
shall be used to fund initiatives including: 90446

(A) The Infant Safe Sleep Campaign to educate parents and 90447
caregivers with a uniform message regarding safe sleep 90448
environments; 90449

(B) The Progesterone Prematurity Prevention Project to enable 90450
prenatal care providers to identify, screen, treat, and track 90451
outcomes for women eligible for progesterone supplementation; and 90452

(C) The Prenatal Smoking Cessation Project to enable prenatal 90453
care providers who work with women of reproductive age, including 90454

pregnant women, to have the tools, training, and technical 90455
assistance needed to treat smokers effectively. 90456

EMERGENCY PREPARATION AND RESPONSE 90457

The foregoing appropriation item 440477, Emergency 90458
Preparation and Response, shall be used to support public health 90459
emergency preparedness and response efforts at the state level or 90460
at a regional sub-level within the state, and may also be used to 90461
support data infrastructure projects related to public health 90462
emergency preparedness/response. 90463

TARGETED HEALTH CARE SERVICES OVER 21 90464

The foregoing appropriation item 440507, Targeted Health Care 90465
Services Over 21, shall be used to administer the Cystic Fibrosis 90466
Program and to implement the Hemophilia Insurance Premium Payment 90467
Program. 90468

The foregoing appropriation item 440507, Targeted Health Care 90469
Services Over 21, shall also be used to provide essential 90470
medications and to pay the copayments for drugs approved by the 90471
Department of Health and covered by Medicare Part D that are 90472
dispensed to Bureau for Children with Medical Handicaps (BCMH) 90473
participants for the Cystic Fibrosis Program. 90474

The Department shall expend all of these funds. 90475

HOPE FOR A SMILE 90476

The foregoing appropriation item 440518, Hope For A Smile, 90477
shall be used to provide for the start-up costs of one bus for the 90478
Hope For A Smile Program. 90479

MEDICALLY HANDICAPPED CHILDREN AUDIT 90480

The Medically Handicapped Children Audit Fund (Fund 4770) 90481
shall receive revenue from audits of hospitals and recoveries from 90482
third-party payers. Moneys may be expended for payment of audit 90483
settlements and for costs directly related to obtaining recoveries 90484

from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

Section 289.30. IMMUNIZATIONS

Beginning on January 1, 2016, the Department of Health shall no longer provide GRF-funded vaccines or GRF funding for vaccines from GRF appropriation item 440418, Immunizations. Local health departments and other local providers who receive GRF funded vaccines or GRF funding for vaccines from the Department of Health before January 1, 2016, shall instead bill private insurance companies as appropriate to recover the costs of providing and administering vaccines. However, the Department of Health may continue to provide GRF-funded vaccines or GRF funding for

vaccines to cover uninsured adults, to cover individuals on 90515
grandfathered private insurance plans that do not cover vaccines, 90516
and in certain exceptional cases as determined by the Director of 90517
Health. 90518

Section 289.40. WIC VENDOR CONTRACTS 90519

(A) As used in this section, "WIC" means the Special 90520
Supplemental Nutrition Program for Women, Infants, and Children 90521
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 90522
42 U.S.C. 1786, as amended. 90523

(B) During fiscal year 2016 and fiscal year 2017, the 90524
Department of Health shall process and review a WIC vendor 90525
contract application pursuant to Chapter 3701-42 of the 90526
Administrative Code not later than forty-five days after receipt 90527
of the application if the applicant is a WIC-contracted vendor at 90528
the time of application and meets all of the following 90529
requirements: 90530

(1) Submits a complete WIC vendor application with all 90531
required documents and information; 90532

(2) Passes the required unannounced preauthorization visit 90533
within forty-five days of submitting a complete application; 90534

(3) Completes the required in-person training within 90535
forty-five days of submitting the complete application. 90536

(C) If an applicant fails to meet any of the requirements 90537
described in division (B) of this section, the Department shall 90538
deny the application for the contract. After an application has 90539
been denied, the applicant may reapply for a contract to act as a 90540
WIC vendor during the contracting cycle that is applicable to the 90541
applicant's WIC region. 90542

Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 90543

PREPAREDNESS FUND 90544

On July 1, 2015, or as soon as possible thereafter, the 90545
 Director of Health shall certify to the Director of Budget and 90546
 Management the cash balance relating to public health emergency 90547
 preparedness and response activities in the General Operations 90548
 Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 90549
 2110), both used by the Department of Health. Upon receiving this 90550
 certification, the Director of Budget and Management may transfer 90551
 the amount certified to the Public Health Emergency Preparedness 90552
 Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 90553
 both used by the Department of Health. 90554

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 90555

Dedicated Purpose Fund Group 90556

4610 372601	Operating Expenses	\$	12,500	\$	12,500	90557
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TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	90558
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	90559
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Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 90561

General Revenue Fund 90562

GRF 148100	Personal Services	\$	347,852	\$	347,852	90563
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GRF 148402	Community Programs	\$	44,924	\$	44,924	90564
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TOTAL GRF	General Revenue Fund	\$	392,776	\$	392,776	90565
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Dedicated Purpose Fund Group 90566

6010 148602	Special Initiatives	\$	24,558	\$	24,558	90567
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TOTAL DPF	Dedicated Purpose					90568
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Fund Group		\$	24,558	\$	24,558	90569
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TOTAL ALL BUDGET FUND GROUPS		\$	417,334	\$	417,334	90570
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Section 295.10. OHS OHIO HISTORY CONNECTION 90572

General Revenue Fund						90573
GRF 360501	Education and	\$	4,368,997	\$	4,218,997	90574
	Collections					
GRF 360502	Site and Museum	\$	6,591,086	\$	6,441,086	90575
	Operations					
GRF 360504	Ohio Preservation	\$	790,000	\$	790,000	90576
	Office					
GRF 360505	National	\$	500,000	\$	500,000	90577
	Afro-American Museum					
GRF 360506	Hayes Presidential	\$	500,000	\$	500,000	90578
	Center					
GRF 360508	State Historical	\$	500,000	\$	500,000	90579
	Grants					
GRF 360509	Outreach and	\$	160,395	\$	160,395	90580
	Partnership					
TOTAL GRF General Revenue Fund		\$	13,410,478	\$	13,110,478	90581
Dedicated Purpose Fund Group						90582
5KL0 360602	Ohio History Tax	\$	250,000	\$	250,000	90583
	Check-off					
5PD0 360603	Ohio History License	\$	10,000	\$	10,000	90584
	Plate					
TOTAL DPF Dedicated Purpose Fund		\$	260,000	\$	260,000	90585
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,670,478	\$	13,370,478	90586
SUBSIDY APPROPRIATION						90587
Upon approval by the Director of Budget and Management, the						90588
foregoing appropriation items shall be released to the Ohio						90589
History Connection in quarterly amounts that in total do not						90590
exceed the annual appropriations. The funds and fiscal records of						90591
the society for fiscal year 2016 and fiscal year 2017 shall be						90592
examined by independent certified public accountants approved by						90593
the Auditor of State, and a copy of the audited financial						90594

statements shall be filed with the Office of Budget and 90595
Management. The society shall prepare and submit to the Office of 90596
Budget and Management the following: 90597

(A) An estimated operating budget for each fiscal year of the 90598
biennium. The operating budget shall be submitted at or near the 90599
beginning of each calendar year. 90600

(B) Financial reports, indicating actual receipts and 90601
expenditures for the fiscal year to date. These reports shall be 90602
filed at least semiannually during the fiscal biennium. 90603

The foregoing appropriations shall be considered to be the 90604
contractual consideration provided by the state to support the 90605
state's offer to contract with the Ohio History Connection under 90606
section 149.30 of the Revised Code. 90607

SITE AND MUSEUM OPERATIONS 90608

Of the foregoing appropriation item 360502, Site and Museum 90609
Operations, \$500,000 in each fiscal year shall be distributed to 90610
Lake View Cemetery for maintenance of the James A. Garfield 90611
Monument. 90612

OHIO PRESERVATION OFFICE 90613

Of the foregoing appropriation item 360504, Ohio Preservation 90614
Office, \$500,000 in each fiscal year shall be distributed to the 90615
Murphy Theatre for preservation of the structure. 90616

STATE HISTORICAL GRANTS 90617

Of the foregoing appropriation item 360508, State Historical 90618
Grants, \$250,000 in each fiscal year shall be used for the 90619
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 90620
be used for the Western Reserve Historical Society. 90621

OUTREACH AND PARTNERSHIP 90622

Of the foregoing appropriation item 360509, Outreach and 90623
Partnership, \$70,000 in each fiscal year shall be distributed to 90624

the Ohio World War I Centennial Working Group. 90625

Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES 90626

General Revenue Fund 90627

GRF 025321 Operating Expenses \$ 23,272,941 \$ 23,272,941 90628

TOTAL GRF General Revenue Fund \$ 23,272,941 \$ 23,272,941 90629

Internal Service Activity Fund Group 90630

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 90631

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 90632

TOTAL Internal Service Activity 90633

Fund Group \$ 1,471,513 \$ 1,471,513 90634

TOTAL ALL BUDGET FUND GROUPS \$ 24,744,454 \$ 24,744,454 90635

OPERATING EXPENSES 90636

On July 1, 2015, or as soon as possible thereafter, the Chief 90637
Administrative Officer of the House of Representatives may certify 90638
to the Director of Budget and Management the amount of the 90639
unexpended, unencumbered balance of the foregoing appropriation 90640
item 025321, Operating Expenses, at the end of fiscal year 2015 to 90641
be reappropriated to fiscal year 2016. The amount certified is 90642
hereby reappropriated to the same appropriation item for fiscal 90643
year 2016. 90644

On July 1, 2016, or as soon as possible thereafter, the Chief 90645
Administrative Officer of the House of Representatives may certify 90646
to the Director of Budget and Management the amount of the 90647
unexpended, unencumbered balance of the foregoing appropriation 90648
item 025321, Operating Expenses, at the end of fiscal year 2016 to 90649
be reappropriated to fiscal year 2017. The amount certified is 90650
hereby reappropriated to the same appropriation item for fiscal 90651
year 2017. 90652

HOUSE REIMBURSEMENT 90653

If it is determined by the Chief Administrative Officer of 90654

the House of Representatives that additional appropriations are 90655
 necessary for the foregoing appropriation item 025601, House 90656
 Reimbursement, the amounts are hereby appropriated. 90657

Section 299.10. HFA OHIO HOUSING FINANCE AGENCY 90658

Dedicated Purpose Fund Group 90659

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 90660

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 90661

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 90662

Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL 90664

General Revenue Fund 90665

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 90666

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 90667

Internal Service Activity Fund Group 90668

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 90669

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 90670

General for BWC/OIC

TOTAL ISA Internal Service Activity 90671

Fund Group \$ 825,000 \$ 825,000 90672

TOTAL ALL BUDGET FUND GROUPS \$ 2,152,759 \$ 2,152,759 90673

Section 303.10. INS DEPARTMENT OF INSURANCE 90675

Dedicated Purpose Fund Group 90676

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 90677

OSHIIP

5540 820606 Operating Expenses \$ 26,235,367 \$ 26,235,367 90678

5550 820605 Examination \$ 8,184,065 \$ 8,184,065 90679

5PT0 820613 Captive Insurance \$ 496,252 \$ 1,198,696 90680

Regulation &				
Supervision				
TOTAL DPF Dedicated Purpose				90681
Fund Group	\$	35,095,684	\$ 35,798,128	90682
Federal Fund Group				90683
3U50 820602 OSHIIP Operating	\$	1,970,725	\$ 1,970,725	90684
Grant				
TOTAL FED Federal Fund Group	\$	1,970,725	\$ 1,970,725	90685
TOTAL ALL BUDGET FUND GROUPS	\$	37,066,409	\$ 37,768,853	90686
MARKET CONDUCT EXAMINATION				90687
When conducting a market conduct examination of any insurer				90688
doing business in this state, the Superintendent of Insurance may				90689
assess the costs of the examination against the insurer. The				90690
superintendent may enter into consent agreements to impose				90691
administrative assessments or fines for conduct discovered that				90692
may be violations of statutes or rules administered by the				90693
Superintendent. All costs, assessments, or fines collected shall				90694
be deposited to the credit of the Department of Insurance				90695
Operating Fund (Fund 5540).				90696
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				90697
The Director of Budget and Management, at the request of the				90698
Superintendent of Insurance, may transfer cash from the Department				90699
of Insurance Operating Fund (Fund 5540), established by section				90700
3901.021 of the Revised Code, to the Superintendent's Examination				90701
Fund (Fund 5550), established by section 3901.071 of the Revised				90702
Code, only for expenses incurred in examining domestic fraternal				90703
benefit societies as required by section 3921.28 of the Revised				90704
Code.				90705
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				90706
Not later than the thirty-first day of July each fiscal year,				90707
the Director of Budget and Management shall transfer \$5,000,000				90708

from the Department of Insurance Operating Fund (Fund 5540) to the 90709
General Revenue Fund. 90710

Section 303.20. TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 90711
COMPANY REGULATION AND SUPERVISION 90712

During fiscal years 2016 and 2017, the Director of Budget and 90713
Management, in consultation with the Superintendent of Insurance, 90714
may transfer up to \$1,000,000 cash, from the Department of 90715
Insurance Operating Fund (Fund 5540) to the Captive Insurance 90716
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 90717
needs associated with regulatory work related to the formation of 90718
captive insurance companies in this state that will occur before 90719
receipts from this activity are deposited into Fund 5PT0. Once 90720
funds from captive insurance company application fees, 90721
reimbursements from captive insurance companies for examinations, 90722
and other sources have accrued to Fund 5PT0 in such amounts as are 90723
deemed sufficient to sustain operations, the Director of Budget 90724
and Management, in consultation with the Superintendent of 90725
Insurance, shall establish a schedule for repaying the amounts 90726
previously transferred during fiscal years 2016 and 2017 from Fund 90727
5PT0 to Fund 5540. 90728

Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 90729

General Revenue Fund 90730

GRF 600321	Program Support	\$	29,189,231	\$	29,189,231	90731
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GRF 600410	TANF State/Maintenance of Effort	\$	152,386,934	\$	152,386,934	90732
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GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	90733
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GRF 600416	Information Technology Projects	\$	54,365,961	\$	54,365,961	90734
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GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048	90735
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	90736
GRF 600423	Families and Children Programs	\$	6,542,517	\$	6,542,517	90737
GRF 600445	Unemployment Insurance Administration	\$	25,218,724	\$	25,523,501	90738
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	90739
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000	90740
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751	90741
GRF 600523	Family and Children Services	\$	57,755,323	\$	57,755,323	90742
GRF 600528	Adoption Services					90743
	State	\$	28,623,389	\$	28,623,389	90744
	Federal	\$	38,202,557	\$	38,202,557	90745
	Adoption Services Total	\$	66,825,946	\$	66,825,946	90746
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000	90747
GRF 600534	Adult Protective Services	\$	3,526,153	\$	3,526,153	90748
GRF 600535	Early Care and Education	\$	143,617,211	\$	143,436,793	90749
GRF 600540	Food Banks	\$	8,750,000	\$	8,750,000	90750
GRF 600546	Healthy Food Financing Initiative	\$	1,500,000	\$	2,000,000	90751
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000	90752
GRF 655522	Medicaid Program Support - Local	\$	31,067,970	\$	31,067,970	90753
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495	90754

		Support - Local					
		Transportation					
TOTAL GRF		General Revenue Fund					90755
		State	\$	783,256,470	\$	786,680,829	90756
		Federal	\$	38,202,557	\$	38,202,557	90757
		GRF Total	\$	821,459,027	\$	824,883,386	90758
		Dedicated Purpose Fund Group					90759
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	90760
4A80	600658	Public Assistance	\$	26,000,000	\$	26,000,000	90761
		Activities					
4A90	600607	Unemployment	\$	15,850,000	\$	15,250,000	90762
		Compensation					
		Administration Fund					
4E70	600604	Family and Children	\$	400,000	\$	400,000	90763
		Services Collections					
4F10	600609	Family and Children	\$	383,549	\$	383,549	90764
		Activities					
5DM0	600633	Audit Settlements and	\$	5,000,000	\$	5,000,000	90765
		Contingency					
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000	90766
		Loan					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	90767
5HC0	600695	Unemployment	\$	38,701,835	\$	28,668,609	90768
		Compensation Interest					
5KU0	600611	Unemployment		500,000		500,000	90769
		Insurance Support -					
		Other Sources					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	90770
		Trafficking					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	90771
		Support					
5RC0	600669	Healthier Buckeye	\$	8,500,000	\$	9,500,000	90772
		Councils					

TOTAL DPF Dedicated Purpose Fund Group	\$	106,309,232	\$	96,676,006	90773
Internal Service Activity Fund Group					90774
5HL0 600602 State and County Shared Services	\$	3,000,000	\$	3,000,000	90775
TOTAL ISA Internal Service Activity Fund Group	\$	3,000,000	\$	3,000,000	90776
Fiduciary Fund Group					90777
1920 600646 Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	90778
5830 600642 Child Support Intercept - State	\$	14,000,000	\$	14,000,000	90779
5B60 600601 Food Assistance Intercept	\$	1,000,000	\$	1,000,000	90780
TOTAL FID Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	90781
Holding Account Fund Group					90782
R012 600643 Refunds and Audit Settlements	\$	500,000	\$	500,000	90783
R013 600644 Forgery Collections	\$	10,000	\$	10,000	90784
TOTAL HLD Holding Account Fund Group	\$	510,000	\$	510,000	90785
Federal Fund Group					90786
3270 600606 Child Welfare	\$	29,769,866	\$	29,769,866	90787
3310 600615 Veterans Programs	\$	8,000,000	\$	8,000,000	90788
3310 600624 Employment Services Programs	\$	26,000,000	\$	26,000,000	90789
3310 600686 Workforce Programs	\$	6,260,000	\$	6,260,000	90790
3840 600610 Food Assistance Programs	\$	160,381,394	\$	160,381,394	90791
3850 600614 Refugee Services	\$	12,564,952	\$	12,564,952	90792
3950 600616 Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	90793

3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000	90794
3970	600626	Child Support - Federal	\$	200,000,000	\$	200,000,000	90795
3980	600627	Adoption Program - Federal	\$	171,178,779	\$	171,178,779	90796
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	90797
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	90798
3F01	655624	Medicaid Program Support	\$	122,280,495	\$	125,080,495	90799
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000	90800
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$	291,968,616	90801
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	90802
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$	128,000,000	90803
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$	133,814,212	90804
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	90805
3V60	600689	TANF Block Grant	\$	824,500,560	\$	836,037,504	90806
TOTAL FED	Federal Fund Group		\$	2,401,387,764	\$	2,406,512,619	90807
TOTAL ALL BUDGET FUND GROUPS			\$	3,476,916,023	\$	3,475,832,011	90808

Section 305.20. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 90810

The Fiduciary Fund Group and Holding Account Fund Group shall 90811
be used to hold revenues until the appropriate fund is determined 90812
or until the revenues are directed to the appropriate governmental 90813
agency other than the Department of Job and Family Services. If 90814
receipts credited to the Support Intercept - Federal Fund (Fund 90815

1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 305.23. OHIO PARENTING AND PREGNANCY PROGRAM

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, \$500,000 in each fiscal year shall be used to support the Ohio Parenting and Pregnancy Program.

Section 305.25. HEALTHY FOOD FINANCING INITIATIVE

The foregoing GRF appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in low- to moderate-income and underserved urban and rural areas of the state.

The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall, not later than October 1, 2015, contract with an Ohio domiciled community development financial institution certified by the United States Department of the Treasury and designated as a statewide community development financial institution to initiate and administer a Healthy Food Financing Initiative. The selected community development financial institution shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles and shall partner with one

or more entities with demonstrable experience in healthy food 90846
access-related policy matters. 90847

Of the foregoing appropriation item 600546, Healthy Food 90848
Financing Initiative, \$250,000 in each fiscal year shall be 90849
provided for the East Side Market in Cleveland to support healthy 90850
food access under the Healthy Food Financing Initiative. 90851

The Director of Job and Family Services shall, not later than 90852
December 31, 2016, provide to the Governor, Speaker of the House 90853
of Representatives, President of the Senate, and Minority Leaders 90854
of the House of Representatives and Senate a written progress 90855
report on the Health Food Financing Initiative including, but not 90856
limited to, state funds granted or loaned, the number of new or 90857
retained jobs associated with related projects, and the number and 90858
location of healthy food access projects established or in 90859
development. 90860

Section 305.27. CINCINNATI COOKS! PROGRAM EXPANSION 90861

Of the foregoing appropriation item 600540, Food Banks, 90862
\$200,000 in each fiscal year shall be used to expand the Freestone 90863
Foodbank's Cincinnati COOKS! Program to the Food Bank operations 90864
in the City of Logan and the City of Cleveland. 90865

These programs shall be offered free of charge to unemployed 90866
or underemployed adults between the ages of eighteen and 90867
twenty-four years of age with incomes below two hundred per cent 90868
of the federal poverty guidelines. Participants must be drug free. 90869
Participants shall receive a ServSafe culinary safety and 90870
sanitation certification and a certificate of completion. Each 90871
program shall be affiliated with a local community college and 90872
have the support of the local restaurant industry. The expansion 90873
programs in the cities of Logan and Cleveland shall provide 90874
training to a total of not fewer than seventy-five participants 90875
combined over the course of the biennium. 90876

The Food Bank shall submit a report, not later than June 30, 2017, to the Governor and to the General Assembly in accordance with section 101.68 of the Revised Code. The report shall outline the number of people trained through the program, the number of graduates who found jobs within three months of completing the course, the number of graduates who retained their jobs for at least a twelve-month period after completing the program, and the average starting wage of all graduates of the program.

Section 305.30. COUNTY ADMINISTRATIVE FUNDS

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 305.40. FOOD STAMPS TRANSFER 90907

On July 1, 2015, or as soon as possible thereafter, the 90908
Director of Budget and Management may transfer up to \$1,000,000 90909
cash from the Supplemental Nutrition Assistance Program Fund (Fund 90910
3840), to the Food Assistance Fund (Fund 5ES0). 90911

Section 305.50. NAME OF FOOD STAMP PROGRAM 90912

The Director of Job and Family Services is not required to 90913
amend rules regarding the Food Stamp Program to change the name of 90914
the program to the Supplemental Nutrition Assistance Program. The 90915
Director may refer to the program as the Food Stamp Program, the 90916
Supplemental Nutrition Assistance Program, or the Food Assistance 90917
Program in rules and documents of the Department of Job and Family 90918
Services. 90919

Section 305.60. OHIO ASSOCIATION OF FOOD BANKS 90920

The foregoing appropriation item 600540, Food Banks, shall be 90921
used to provide funds to the Ohio Association of Food Banks to 90922
purchase and distribute food products. 90923

Notwithstanding section 5101.46 of the Revised Code and any 90924
other provision in this bill, including funds designated for the 90925
Ohio Association of Food Banks in this section, in fiscal year 90926
2016 and fiscal year 2017, the Director of Job and Family Services 90927
shall provide assistance from eligible funds to the Ohio 90928
Association of Food Banks in an amount not less than \$17,250,000 90929
in each fiscal year. 90930

Eligible nonfederal expenditures made by member food banks of 90931
the Association shall be counted by the Department of Job and 90932
Family Services toward the TANF maintenance of effort requirements 90933
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 90934
shall enter into an agreement with the Ohio Association of Food 90935

Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

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Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 90938

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

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Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 90947
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Of the foregoing appropriation item 600689, TANF Block Grant, up to \$6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

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Section 305.90. INDEPENDENT LIVING INITIATIVE 90957

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

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Section 305.100. OHIO COMMISSION ON FATHERHOOD 90964

Of the foregoing appropriation item 600689, TANF Block Grant, 90965
\$1,000,000 in each fiscal year shall be provided to the Ohio 90966
Commission on Fatherhood. 90967

Section 305.103. OHIO ALLIANCE OF BOYS & GIRLS CLUBS 90968

Of the foregoing appropriation item 600689, TANF Block Grant, 90969
\$625,000 in each fiscal year shall be provided to the Ohio 90970
Alliance of Boys & Girls Clubs for after-school and summer 90971
programs that protect at-risk children and enable youth to become 90972
responsible adults. 90973

Section 305.105. HARVARD COMMUNITY SERVICES CENTER 90974

Of the foregoing appropriation item 600689, TANF Block Grant, 90975
\$250,000 in fiscal year 2016 shall be provided, in accordance with 90976
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 90977
Community Services Center in Cleveland to provide workforce 90978
development and other supportive services to individuals under the 90979
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 90980
amount equal to the unexpended portion of this earmark is hereby 90981
reappropriated in fiscal year 2017 for the same purpose. 90982

Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 90983

In collaboration with the county family and children first 90984
council, a county department of job and family services or public 90985
children services agency that receives an allocation from the 90986
Department of Job and Family Services from the foregoing 90987
appropriation item 600523, Family and Children Services, or 90988
600533, Child, Family, and Community Protective Services, may 90989
transfer a portion of either or both allocations to a flexible 90990
funding pool as authorized by the section of this act titled 90991

"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 90992

Section 305.120. STATE CHILD PROTECTION ALLOCATION 90993

Of the foregoing appropriation item 600523, Family and 90994
Children Services, up to \$3,200,000 shall be used to match 90995
eligible federal Title IV-B ESSA funds and federal Title IV-E 90996
Chafee funds allocated to public children services agencies. 90997

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 90998

(A) The Ohio Department of Job and Family Services shall 90999
implement and oversee use of a Child Placement Level of Care Tool 91000
on a pilot basis. The Department shall implement the pilot program 91001
in up to ten counties selected by the Department and shall include 91002
the county and at least one private child placing agency or 91003
private noncustodial agency. The pilot program shall be developed 91004
with the participating counties and agencies and must be 91005
acceptable to all participants. A selected county or agency must 91006
agree to participate in the pilot program. 91007

(B) The pilot program shall begin not later than one hundred 91008
eighty days after the effective date of this section and end not 91009
later than eighteen months after the date the pilot program 91010
begins. The length of the pilot program shall not include any time 91011
expended in preparation for implementation or any post-pilot 91012
program evaluation activity. 91013

(C)(1) In accordance with sections 125.01 to 125.11 of the 91014
Revised Code, the Ohio Department of Job and Family Services shall 91015
provide for an independent evaluation of the pilot program to rate 91016
the program's success in the following areas: 91017

(a) Placement stability, length of stay, and other outcomes 91018
for children; 91019

(b) Cost; 91020

(c) Worker satisfaction; 91021

(d) Any other criteria the Department determines will be 91022
useful in the consideration of statewide implementation. 91023

(2) The evaluation design shall include: 91024

(a) A comparison of data to historical outcomes or control 91025
counties; 91026

(b) A prospective data evaluation in each of the pilot 91027
counties. 91028

(D) The Ohio Department of Job and Family Services may adopt 91029
rules in accordance with Chapter 119. of the Revised Code as 91030
necessary to carry out the purposes of this section. The 91031
Department shall seek maximum federal financial participation to 91032
support the pilot program and the evaluation. 91033

(E) Notwithstanding division (E) of section 5101.141 of the 91034
Revised Code, the Department of Job and Family Services shall seek 91035
state funding to implement the Child Placement Level of Care Tool 91036
pilot program described in this section and to contract for the 91037
independent evaluation of the pilot program. 91038

(F) As used in this section, "Child Placement Level of Care 91039
Tool" means an assessment tool to be used by participating 91040
counties and agencies to assess a child's placement needs when a 91041
child must be removed from the child's own home and cannot be 91042
placed with a relative or kin not certified as a foster caregiver 91043
that includes assessing a child's functioning, needs, strengths, 91044
risk behaviors, and exposure to traumatic experiences. 91045

Section 305.123. CHILDREN'S CRISIS CARE FACILITIES 91046

Of the foregoing appropriation item 600523, Family and 91047
Children Services, \$300,000 in each fiscal year shall be provided 91048
to children's crisis care facilities as defined in section 5103.13 91049
of the Revised Code. The Director of Job and Family Services shall 91050
allocate funds based on the number of children at each facility. A 91051

children's crisis care facility may decline to receive funds 91052
provided under this section. A children's crisis care facility 91053
that accepts funds provided under this section shall use the funds 91054
in accordance with section 5103.13 of the Revised Code and rules 91055
as defined in rule 5101:2-9-36 of the Administrative Code. 91056

Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 91057
SERVICES 91058

(A) The foregoing appropriation item 600533, Child, Family, 91059
and Community Protective Services, shall be distributed to each 91060
county department of job and family services using the formula the 91061
Department of Job and Family Services uses when distributing Title 91062
XX funds to county departments of job and family services under 91063
section 5101.46 of the Revised Code. County departments shall use 91064
the funds distributed to them under this section as follows, in 91065
accordance with the written plan of cooperation entered into under 91066
section 307.983 of the Revised Code: 91067

(1) To assist individuals in achieving or maintaining 91068
self-sufficiency, including by reducing or preventing dependency 91069
among individuals with family income not exceeding two hundred per 91070
cent of the federal poverty guidelines; 91071

(2) Subject to division (B) of this section, to respond to 91072
reports of abuse, neglect, or exploitation of children and adults, 91073
including through the differential response approach program 91074
developed under Section 309.50.10 of this act; 91075

(3) To provide outreach and referral services regarding home 91076
and community-based services to individuals at risk of placement 91077
in a group home or institution, regardless of the individuals' 91078
family income and without need for a written application; 91079

(4) To provide outreach, referral, application assistance, 91080
and other services to assist individuals receive assistance, 91081

benefits, or services under Medicaid; Title IV-A programs, as 91082
defined in section 5101.80 of the Revised Code; the Supplemental 91083
Nutrition Assistance Program; and other public assistance 91084
programs. 91085

(B) Protective services may be provided to a child or adult 91086
as part of a response, under division (A)(2) of this section, to a 91087
report of abuse, neglect, or exploitation without regard to a 91088
child or adult's family income and without need for a written 91089
application. The protective services may be provided if the case 91090
record documents circumstances of actual or potential abuse, 91091
neglect, or exploitation. 91092

Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES 91093

The foregoing appropriation item 600609, Family and Children 91094
Services Activities, shall be used to expend miscellaneous 91095
foundation funds and grants to support family and children 91096
services activities. 91097

Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 91098

Notwithstanding section 5101.073 of the Revised Code, the 91099
Audit Settlements and Contingency Fund (Fund 5DM0) may also 91100
consist of earned federal revenue the final disposition of which 91101
is unknown. 91102

Section 305.160. ADOPTION ASSISTANCE LOAN 91103

Of the foregoing appropriation item 600634, Adoption 91104
Assistance Loan, the Department of Job and Family Services may use 91105
up to ten per cent for administration of adoption assistance loans 91106
pursuant to section 3107.018 of the Revised Code. 91107

Section 305.170. VICTIMS OF HUMAN TRAFFICKING 91108

The foregoing appropriation item 600660, Victims of Human 91109

Trafficking, shall be used to provide treatment, care, 91110
rehabilitation, education, housing, and assistance for victims of 91111
trafficking in persons as specified in section 5101.87 of the 91112
Revised Code. If receipts credited to the Victims of Human 91113
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 91114
the fund, the Director of Job and Family Services may request the 91115
Director of Budget and Management to authorize expenditures from 91116
the fund in excess of the amounts appropriated. Upon the approval 91117
of the Director of Budget and Management, the additional amounts 91118
are hereby appropriated. 91119

Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST 91120

The foregoing appropriation item 600695, Unemployment 91121
Compensation Interest, shall be used for payment of interest costs 91122
paid to the United States Secretary of the Treasury for the 91123
repayment of accrued interest related to federal unemployment 91124
account borrowing. 91125

Section 305.183. HEALTHIER BUCKEYE COUNCILS 91126

Of the foregoing appropriation item 600669, Healthier Buckeye 91127
Councils, up to \$250,000 in each fiscal year may be used by the 91128
Ohio Healthier Buckeye Advisory Council to support the 91129
administration of the Healthier Buckeye Grant Program created 91130
under section 5101.93 of the Revised Code. 91131

Section 305.190. CASE MANAGEMENT 91132

(A) As used in this section, "workforce development agency" 91133
has the same meaning as in section 6301.01 of the Revised Code. 91134

(B) It is the intent of the General Assembly that any 91135
publicly administered case management services made available to 91136
individuals regarding their employment and training needs be 91137
governed at the county level and provided through county 91138

departments of job and family services and workforce development 91139
agencies. 91140

Section 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER 91141

Upon receipt of a request from the Director of the Department 91142
of Job and Family Services and the Director of the Department of 91143
Medicaid, the Director of Budget and Management may transfer up to 91144
\$7,200,000 cash from the State and County Shared Services Fund 91145
(Fund 5HL0) in the Department of Job and Family Services, to the 91146
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 91147
the Department of Medicaid. 91148

Section 307.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 91149

General Revenue Fund 91150

GRF 029321 Operating Expenses	\$	493,139	\$	512,253	91151
TOTAL GRF General Revenue Fund	\$	493,139	\$	512,253	91152
TOTAL ALL BUDGET FUND GROUPS	\$	493,139	\$	512,253	91153

OPERATING GUIDANCE 91154

The Chief Administrative Officer of the House of 91155
Representatives and the Clerk of the Senate shall determine, by 91156
mutual agreement, which of them shall act as fiscal agent for the 91157
Joint Committee on Agency Rule Review. Members of the Committee 91158
shall be paid in accordance with section 101.35 of the Revised 91159
Code. 91160

OPERATING EXPENSES 91161

On July 1, 2015, or as soon as possible thereafter, the 91162
Executive Director of the Joint Committee on Agency Rule Review 91163
may certify to the Director of Budget and Management the amount of 91164
the unexpended, unencumbered balance of the foregoing 91165
appropriation item 029321, Operating Expenses, at the end of 91166
fiscal year 2015 to be reappropriated to fiscal year 2016. The 91167

amount certified is hereby reappropriated to the same 91168
appropriation item for fiscal year 2016. 91169

On July 1, 2016, or as soon as possible thereafter, the 91170
Executive Director of the Joint Committee on Agency Rule Review 91171
may certify to the Director of Budget and Management the amount of 91172
the unexpended, unencumbered balance of the foregoing 91173
appropriation item 029321, Operating Expenses, at the end of 91174
fiscal year 2016 to be reappropriated to fiscal year 2017. The 91175
amount certified is hereby reappropriated to the same 91176
appropriation item for fiscal year 2017. 91177

Section 307.30. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 91178

General Revenue Fund 91179

GRF 047321 Operating Expenses	\$	1,250,000	\$	1,250,000	91180
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TOTAL GRF General Revenue Fund	\$	1,250,000	\$	1,250,000	91181
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TOTAL ALL BUDGET FUND GROUPS	\$	1,250,000	\$	1,250,000	91182
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OPERATING EXPENSES 91183

The foregoing appropriation item 047321, Operating Expenses, 91184
shall be used to support expenses related to the Joint Education 91185
Oversight Committee under section 103.45 to 103.50 of the Revised 91186
Code. 91187

On July 1, 2016, or as soon as possible thereafter, the Joint 91188
Education Oversight Committee may certify to the Director of 91189
Budget and Management the amount of the unexpended, unencumbered 91190
balance of the foregoing appropriation item 047321, Operating 91191
Expenses, at the end of fiscal year 2016 to be reappropriated to 91192
fiscal year 2017. The amount certified is hereby reappropriated to 91193
the same appropriation item for fiscal year 2017. 91194

Section 308.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 91195

General Revenue Fund 91196

GRF 048321 Operating Expenses	\$	321,995	\$	490,320	91197
TOTAL GRF General Revenue Fund	\$	321,995	\$	490,320	91198
TOTAL ALL BUDGET FUND GROUPS	\$	321,995	\$	490,320	91199

OPERATING EXPENSES 91200

The foregoing appropriation item 048321, Operating Expenses, 91201
shall be used to support expenses related to the Joint Medicaid 91202
Oversight Committee created by section 103.41 of the Revised Code. 91203

On July 1, 2015, or as soon as possible thereafter, the 91204
Executive Director of the Joint Medicaid Oversight Committee may 91205
certify to the Director of Budget and Management the amount of the 91206
unexpended, unencumbered balance of the foregoing appropriation 91207
item 048321, Operating Expenses, at the end of fiscal year 2015 to 91208
be reappropriated to fiscal year 2016. The amount certified is 91209
hereby reappropriated to the same appropriation item for fiscal 91210
year 2016. 91211

On July 1, 2016, or as soon as possible thereafter, the 91212
Executive Director of the Joint Medicaid Oversight Committee may 91213
certify to the Director of Budget and Management the amount of the 91214
unexpended, unencumbered balance of the foregoing appropriation 91215
item 048321, Operating Expenses, at the end of fiscal year 2016 to 91216
be reappropriated to fiscal year 2017. The amount certified is 91217
hereby reappropriated to the same appropriation item for fiscal 91218
year 2017. 91219

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 91220

The Joint Medicaid Oversight Committee shall review the 91221
following Department of Health appropriation items: 440416, 91222
Mothers and Children Safety Net Services; 440418, Immunizations; 91223
440438, Breast and Cervical Cancer Screening; 440444, AIDS 91224
Prevention and Treatment; and 440505, Medically Handicapped 91225
Children. The review shall include the uses and the necessity of 91226
these appropriation items both before and after the enactment of 91227

section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 91228
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 91229
funding sources, maintenance of effort requirements, and any grant 91230
restrictions. Additionally, the review shall include analysis and 91231
recommendations to maximize integration into the formal health 91232
care system with the goal of achieving the statutory goals of the 91233
Joint Medicaid Oversight Committee. 91234

Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO 91235

General Revenue Fund 91236

GRF 018321	Operating Expenses	\$	999,000	\$	1,038,000	91237
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TOTAL GRF	General Revenue Fund	\$	999,000	\$	1,038,000	91238
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Dedicated Purpose Fund Group 91239

4030 018601	Ohio Jury	\$	337,000	\$	337,000	91240
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	337,000	\$	337,000	91241
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,336,000	\$	1,375,000	91242
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STATE COUNCIL OF UNIFORM STATE LAWS 91243

Notwithstanding section 105.26 of the Revised Code, of the 91244
foregoing appropriation item 018321, Operating Expenses, up to 91245
\$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 91246
shall be used to pay the expenses of the State Council of Uniform 91247
State Laws, including membership dues to the National Conference 91248
of Commissioners on Uniform State Laws. 91249

OHIO JURY INSTRUCTIONS FUND 91250

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 91251
grants, royalties, dues, conference fees, bequests, devises, and 91252
other gifts received for the purpose of supporting costs incurred 91253
by the Judicial Conference of Ohio in its activities as a part of 91254
the judicial system of the state as determined by the Judicial 91255

Conference Executive Committee. Fund 4030 shall be used by the 91256
 Judicial Conference of Ohio to pay expenses incurred in its 91257
 activities as a part of the judicial system of the state as 91258
 determined by the Judicial Conference Executive Committee. All 91259
 moneys accruing to Fund 4030 in excess of \$337,000 in fiscal year 91260
 2016 and in excess of \$337,000 in fiscal year 2017 are hereby 91261
 appropriated for the purposes authorized. 91262

No money in Fund 4030 shall be transferred to any other fund 91263
 by the Director of Budget and Management or the Controlling Board. 91264

Section 311.10. JSC THE JUDICIARY/SUPREME COURT 91265

General Revenue Fund 91266

GRF 005321 Operating Expenses - \$ 144,352,316 \$ 146,884,490 91267
 Judiciary/Supreme
 Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 91268

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 91269
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 147,938,488 \$ 150,470,662 91270

Dedicated Purpose Fund Group 91271

4C80 005605 Attorney Services \$ 5,841,263 \$ 5,795,909 91272

5HT0 005617 Court Interpreter \$ 10,000 \$ 10,000 91273
 Certification

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 91274

6720 005601 Continuing Judicial \$ 120,000 \$ 120,000 91275
 Education

6A80 005606 Supreme Court \$ 1,415,963 \$ 1,425,709 91276
 Admissions

TOTAL DPF Dedicated Purpose Fund \$ 7,393,226 \$ 7,357,618 91277

Group

Fiduciary Fund Group 91278

5JY0 005620	County Law Library	\$	423,000	\$	423,000	91279
	Resources Boards					
TOTAL FID	Fiduciary Fund Group	\$	423,000	\$	423,000	91280
	Federal Fund Group					91281
3J00 005603	Federal Grants	\$	1,389,018	\$	1,402,091	91282
TOTAL FED	Federal Fund Group	\$	1,389,018	\$	1,402,091	91283
TOTAL ALL BUDGET FUND GROUPS		\$	157,143,732	\$	159,653,371	91284
	OPERATING EXPENSES - JUDICIARY/SUPREME COURT					91285
	Of the foregoing appropriation item 005321, Operating					91286
	Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year					91287
	2016 and up to \$308,433 in fiscal year 2017 may be used to support					91288
	the functions of the State Criminal Sentencing Council.					91289
	LAW-RELATED EDUCATION					91290
	The foregoing appropriation item 005406, Law-Related					91291
	Education, shall be distributed directly to the Ohio Center for					91292
	Law-Related Education for the purposes of providing continuing					91293
	citizenship education activities to primary and secondary					91294
	students, expanding delinquency prevention programs, increasing					91295
	activities for at-risk youth, and accessing additional public and					91296
	private money for new programs.					91297
	OHIO COURTS TECHNOLOGY INITIATIVE					91298
	The foregoing appropriation item 005409, Ohio Courts					91299
	Technology Initiative, shall be used to fund an initiative by the					91300
	Supreme Court to facilitate the exchange of information and					91301
	warehousing of data by and between Ohio courts and other justice					91302
	system partners through the creation of an Ohio Courts Network,					91303
	the delivery of technology services to courts throughout the					91304
	state, including the provision of hardware, software, and the					91305
	development and implementation of educational and training					91306
	programs for judges and court personnel, and operation of the					91307
	Commission on Technology and the Courts by the Supreme Court for					91308

the promulgation of statewide rules, policies, and uniform 91309
standards, and to aid in the orderly adoption and comprehensive 91310
use of technology in Ohio courts. 91311

ATTORNEY SERVICES 91312

The Attorney Services Fund (Fund 4C80), formerly known as the 91313
Attorney Registration Fund, shall consist of money received by the 91314
Supreme Court (The Judiciary) pursuant to the Rules for the 91315
Government of the Bar of Ohio. In addition to funding other 91316
activities considered appropriate by the Supreme Court, the 91317
foregoing appropriation item 005605, Attorney Services, may be 91318
used to compensate employees and to fund appropriate activities of 91319
the following offices established by the Supreme Court: the Office 91320
of Disciplinary Counsel, the Board of Commissioners on Grievances 91321
and Discipline, the Clients' Security Fund, and the Attorney 91322
Services Division. If it is determined by the Administrative 91323
Director of the Supreme Court that additional appropriations are 91324
necessary, the amounts are hereby appropriated. 91325

No money in Fund 4C80 shall be transferred to any other fund 91326
by the Director of Budget and Management or the Controlling Board. 91327
Interest earned on money in Fund 4C80 shall be credited to the 91328
fund. 91329

COURT INTERPRETER CERTIFICATION 91330

The Court Interpreter Certification Fund (Fund 5HT0) shall 91331
consist of money received by the Supreme Court (The Judiciary) 91332
pursuant to Rules 80 through 87 of the Rules of Superintendence 91333
for the Courts of Ohio. The foregoing appropriation item 005617, 91334
Court Interpreter Certification, shall be used to provide 91335
training, to provide the written examination, and to pay language 91336
experts to rate, or grade, the oral examinations of those applying 91337
to become certified court interpreters. If it is determined by the 91338
Administrative Director that additional appropriations are 91339

necessary, the amounts are hereby appropriated. 91340

No money in Fund 5HT0 shall be transferred to any other fund 91341
by the Director of Budget and Management or the Controlling Board. 91342
Interest earned on money in Fund 5HT0 shall be credited to the 91343
fund. 91344

GRANTS AND AWARDS 91345

The Grants and Awards Fund (Fund 5T80) shall consist of 91346
grants and other money awarded to the Supreme Court (The 91347
Judiciary) by the State Justice Institute, the Division of 91348
Criminal Justice Services, or other entities. The foregoing 91349
appropriation item 005609, Grants and Awards, shall be used in a 91350
manner consistent with the purpose of the grant or award. If it is 91351
determined by the Administrative Director of the Supreme Court 91352
that additional appropriations are necessary, the amounts are 91353
hereby appropriated. 91354

No money in Fund 5T80 shall be transferred to any other fund 91355
by the Director of Budget and Management or the Controlling Board. 91356
Interest earned on money in Fund 5T80 shall be credited or 91357
transferred to the General Revenue Fund. 91358

CONTINUING JUDICIAL EDUCATION 91359

The Continuing Judicial Education Fund (Fund 6720) shall 91360
consist of fees paid by judges and court personnel for attending 91361
continuing education courses and other gifts and grants received 91362
for the purpose of continuing judicial education. The foregoing 91363
appropriation item 005601, Continuing Judicial Education, shall be 91364
used to pay expenses for continuing education courses for judges 91365
and court personnel. If it is determined by the Administrative 91366
Director of the Supreme Court that additional appropriations are 91367
necessary, the amounts are hereby appropriated. 91368

No money in Fund 6720 shall be transferred to any other fund 91369
by the Director of Budget and Management or the Controlling Board. 91370

Interest earned on money in Fund 6720 shall be credited to the 91371
fund. 91372

SUPREME COURT ADMISSIONS 91373

The foregoing appropriation item 005606, Supreme Court 91374
Admissions, shall be used to compensate Supreme Court employees 91375
who are primarily responsible for administering the attorney 91376
admissions program under the Rules for the Government of the Bar 91377
of Ohio, and to fund any other activities considered appropriate 91378
by the court. Moneys shall be deposited into the Supreme Court 91379
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 91380
Government of the Bar of Ohio. If it is determined by the 91381
Administrative Director of the Supreme Court that additional 91382
appropriations are necessary, the amounts are hereby appropriated. 91383

No money in Fund 6A80 shall be transferred to any other fund 91384
by the Director of Budget and Management or the Controlling Board. 91385
Interest earned on money in Fund 6A80 shall be credited to the 91386
fund. 91387

COUNTY LAW LIBRARY RESOURCES BOARD 91388

The Statewide Consortium of County Law Library Resources 91389
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 91390
to section 307.515 of the Revised Code into a county's law library 91391
resources fund and forwarded by that county's treasurer for 91392
deposit in the state treasury pursuant to division (E)(1) of 91393
section 3375.481 of the Revised Code. The foregoing appropriation 91394
item 005620, County Law Library Resources Board, shall be used for 91395
the operation of the Statewide Consortium of County Law Library 91396
Resources Boards. If it is determined by the Administrative 91397
Director of the Supreme Court that additional appropriations are 91398
necessary, the amounts are hereby appropriated. 91399

No money in Fund 5JY0 shall be transferred to any other fund 91400
by the Director of Budget and Management or the Controlling Board. 91401

Interest earned on money in Fund 5JY0 shall be credited to the fund. 91402
 91403

FEDERAL GRANTS 91404

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated. 91405
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No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund. 91415
 91416
 91417
 91418

Section 313.10. LEC LAKE ERIE COMMISSION 91419

Dedicated Purpose Fund Group 91420

4C00 780601	Lake Erie Protection	\$	300,000	\$	300,000	91421
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5D80 780602	Lake Erie Resources	\$	329,000	\$	367,000	91422
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TOTAL DPF Dedicated Purpose 91423

Fund Group		\$	629,000	\$	667,000	91424
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Federal Fund Group 91425

3EP0 780603	Lake Erie Federal	\$	30,000	\$	0	91426
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Grants

TOTAL FED Federal Fund Group		\$	30,000	\$	0	91427
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TOTAL ALL BUDGET FUND GROUPS		\$	659,000	\$	667,000	91428
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CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 91429

On July 1 of each fiscal year, or as soon as possible 91430

thereafter, the Director of Budget and Management may transfer 91431
cash from the funds specified below, up to the amounts specified 91432
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 91433
accept contributions and transfers made to the fund. 91434

Fund	Fund Name	User	FY 2016	FY 2017	
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	91435
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	91436
4700	General Operations	Department of Health	\$44,000	\$44,000	91437
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	91438

On July 1, 2015, or as soon as possible thereafter, the 91440
Director of Budget and Management may transfer \$44,000 cash from a 91441
fund used by the Development Services Agency, as specified by the 91442
Director of Development Services, to Fund 5D80. 91443

On July 1, 2016, or as soon as possible thereafter, the 91444
Director of Budget and Management may transfer \$44,000 cash from a 91445
fund used by the Development Services Agency, as specified by the 91446
Director of Development Services, to Fund 5D80. 91447

Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 91448

General Revenue Fund					91449
GRF 028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	91450
TOTAL GRF	General Revenue Fund	\$	550,000	\$ 550,000	91451
Dedicated Purpose Fund Group					91452
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	91453
TOTAL DPF	Dedicated Purpose Fund	\$	150,000	\$ 150,000	91454

GRF 035411	Ohio Constitutional	\$	600,000	\$	600,000	91481
	Modernization					
	Commission					
TOTAL GRF	General Revenue Fund	\$	24,670,478	\$	24,670,478	91482
	Dedicated Purpose Fund Group					91483
4100 035601	Sale of Publications	\$	10,000	\$	10,000	91484
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	91485
	Group					
	Internal Service Activity Fund Group					91486
4F60 035603	Legislative Budget	\$	100,000	\$	0	91487
	Services					
TOTAL ISA	Internal Service Activity					91488
	Fund Group	\$	100,000	\$	0	91489
TOTAL ALL BUDGET FUND GROUPS		\$	24,780,478	\$	24,680,478	91490

OPERATING EXPENSES 91491

On July 1, 2015, or as soon as possible thereafter, the 91492
 Director of the Legislative Service Commission may certify to the 91493
 Director of Budget and Management the amount of the unexpended, 91494
 unencumbered balance of the foregoing appropriation item 035321, 91495
 Operating Expenses, at the end of fiscal year 2015 to be 91496
 reappropriated to fiscal year 2016. The amount certified is hereby 91497
 reappropriated to the same appropriation item for fiscal year 91498
 2016. 91499

On July 1, 2016, or as soon as possible thereafter, the 91500
 Director of the Legislative Service Commission may certify to the 91501
 Director of Budget and Management the amount of the unexpended, 91502
 unencumbered balance of the foregoing appropriation item 035321, 91503
 Operating Expenses, at the end of fiscal year 2016 to be 91504
 reappropriated to fiscal year 2017. The amount certified is hereby 91505
 reappropriated to the same appropriation item for fiscal year 91506
 2017. 91507

LEGISLATIVE TASK FORCE ON REDISTRICTING 91508

An amount equal to the unexpended, unencumbered portion of 91509
the foregoing appropriation item 035407, Legislative Task Force on 91510
Redistricting, at the end of fiscal year 2015 is hereby 91511
reappropriated to the Legislative Service Commission for the same 91512
purpose for fiscal year 2016. 91513

An amount equal to the unexpended, unencumbered portion of 91514
the foregoing appropriation item 035407, Legislative Task Force on 91515
Redistricting, at the end of fiscal year 2016 is hereby 91516
reappropriated to the Legislative Service Commission for the same 91517
purpose for fiscal year 2017. 91518

LEGISLATIVE INFORMATION SYSTEMS 91519

On July 1, 2015, or as soon as possible thereafter, the 91520
Director of the Legislative Service Commission may certify to the 91521
Director of Budget and Management the amount of the unexpended, 91522
unencumbered balance of the foregoing appropriation item 035410, 91523
Legislative Information Systems, at the end of fiscal year 2015 to 91524
be reappropriated to fiscal year 2016. The amount certified is 91525
hereby reappropriated to the same appropriation item for fiscal 91526
year 2016. 91527

On July 1, 2016, or as soon as possible thereafter, the 91528
Director of the Legislative Service Commission may certify to the 91529
Director of Budget and Management the amount of the unexpended, 91530
unencumbered balance of the foregoing appropriation item 035410, 91531
Legislative Information Systems, at the end of fiscal year 2016 to 91532
be reappropriated to fiscal year 2017. The amount certified is 91533
hereby reappropriated to the same appropriation item for fiscal 91534
year 2017. 91535

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 91536

The foregoing appropriation item 035411, Ohio Constitutional 91537
Modernization Commission, shall be used to support the operation 91538

and expenses of the Ohio Constitutional Modernization Commission 91539
under sections 103.61 to 103.67 of the Revised Code. All 91540
expenditures paid from the appropriation item must be approved by 91541
the director and chairperson of the Legislative Service Commission 91542
under division (A) of section 103.21 of the Revised Code. 91543

An amount equal to the unexpended, unencumbered portion of 91544
the foregoing appropriation item 035411, Ohio Constitutional 91545
Modernization Commission, at the end of fiscal year 2015 is hereby 91546
reappropriated to the Legislative Service Commission for the same 91547
purpose for fiscal year 2016. 91548

An amount equal to the unexpended, unencumbered portion of 91549
the foregoing appropriation item 035411, Ohio Constitutional 91550
Modernization Commission, at the end of fiscal year 2016 is hereby 91551
reappropriated to the Legislative Service Commission for the same 91552
purpose for fiscal year 2017. 91553

Section 319.10. LIB STATE LIBRARY BOARD 91554

General Revenue Fund 91555

GRF	350321	Operating Expenses	\$	5,057,364	\$	5,057,364	91556
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GRF	350401	Ohioana Library	\$	260,114	\$	260,114	91557
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Association

GRF	350502	Regional Library	\$	582,469	\$	582,469	91558
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Systems

TOTAL GRF	General Revenue Fund	\$	5,899,947	\$	5,899,947	91559
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Dedicated Purpose Fund Group 91560

4590	350603	Services for	\$	4,094,092	\$	4,190,834	91561
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Libraries

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	91562
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	91563
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TOTAL DPF	Dedicated Purpose					91564
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Fund Group	\$	11,058,074	\$	11,154,816	91565
Internal Service Activity Fund					91566
1390 350602 Services for State	\$	8,000	\$	8,000	91567
Agencies					
TOTAL ISA Internal Service Activity					91568
Fund Group	\$	8,000	\$	8,000	91569
Federal Fund Group					91570
3130 350601 LSTA Federal	\$	5,350,000	\$	5,350,000	91571
TOTAL FED Federal Fund Group	\$	5,350,000	\$	5,350,000	91572
TOTAL ALL BUDGET FUND GROUPS	\$	22,316,021	\$	22,412,763	91573
OHIOANA LIBRARY ASSOCIATION					91574
Of the foregoing appropriation item 350401, Ohioana Library					91575
Association, \$140,000 in each fiscal year shall be used to support					91576
the operating expenses of the Ohioana Library Association.					91577
The remainder of the foregoing appropriation item 350401,					91578
Ohioana Library Association, shall be used to pay the rental					91579
expenses of the Martha Kinney Cooper Ohioana Library Association					91580
under section 3375.61 of the Revised Code.					91581
REGIONAL LIBRARY SYSTEMS					91582
The foregoing appropriation item 350502, Regional Library					91583
Systems, shall be used to support regional library systems					91584
eligible for funding under sections 3375.83 and 3375.90 of the					91585
Revised Code.					91586
OHIO PUBLIC LIBRARY INFORMATION NETWORK					91587
(A) The foregoing appropriation item 350604, Ohio Public					91588
Library Information Network, shall be used for an information					91589
telecommunications network linking public libraries in the state					91590
and such others as may participate in the Ohio Public Library					91591
Information Network (OPLIN).					91592
The Ohio Public Library Information Network Board of Trustees					91593

created under section 3375.65 of the Revised Code may make 91594
decisions regarding use of the foregoing appropriation item 91595
350604, Ohio Public Library Information Network. 91596

(B) The OPLIN Board shall research and assist or advise local 91597
libraries with regard to emerging technologies and methods that 91598
may be effective means to control access to obscene and illegal 91599
materials. The OPLIN Director shall provide written reports upon 91600
request within ten days to the Governor, the Speaker and Minority 91601
Leader of the House of Representatives, and the President and 91602
Minority Leader of the Senate on any steps being taken by OPLIN 91603
and public libraries in the state to limit and control such 91604
improper usage as well as information on technological, legal, and 91605
law enforcement trends nationally and internationally affecting 91606
this area of public access and service. 91607

(C) The Ohio Public Library Information Network, INFOhio, and 91608
OhioLINK shall, to the extent feasible, coordinate and cooperate 91609
in their purchase or other acquisition of the use of electronic 91610
databases for their respective users and shall contribute funds in 91611
an equitable manner to such effort. 91612

LIBRARY FOR THE BLIND 91613

The foregoing appropriation item 350605, Library for the 91614
Blind, shall be used for the statewide Talking Book Program to 91615
assist the blind and disabled. 91616

TRANSFER TO OPLIN TECHNOLOGY FUND 91617

Notwithstanding sections 5747.03 and 5747.47 of the Revised 91618
Code and any other provision of law to the contrary, in accordance 91619
with a schedule established by the Director of Budget and 91620
Management, the Director of Budget and Management shall transfer 91621
\$3,689,788 cash in each fiscal year from the Public Library Fund 91622
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 91623

TRANSFER TO LIBRARY FOR THE BLIND FUND 91624

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

Section 321.10. LCO LIQUOR CONTROL COMMISSION				91631
Dedicated Purpose Fund Group				91632
5LP0 970601	Commission Operating	\$ 796,368	\$ 796,368	91633
Expenses				
TOTAL DPF	Dedicated Purpose Fund	\$ 796,368	\$ 796,368	91634
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 796,368	\$ 796,368	91635

Section 323.10. LOT STATE LOTTERY COMMISSION				91637
State Lottery Fund Group				91638
7044 950321	Operating Expenses	\$ 52,218,910	\$ 53,320,434	91639
7044 950402	Advertising Contracts	\$ 24,550,000	\$ 24,550,000	91640
7044 950403	Gaming Contracts	\$ 68,934,057	\$ 69,081,749	91641
7044 950601	Direct Prize Payments	\$ 131,894,037	\$ 132,397,721	91642
7044 950605	Problem Gambling	\$ 3,000,000	\$ 3,000,000	91643
8710 950602	Annuity Prizes	\$ 81,705,325	\$ 82,313,553	91644
TOTAL SLF	State Lottery Fund			91645
Group		\$ 362,302,329	\$ 364,663,457	91646
TOTAL ALL BUDGET FUND GROUPS		\$ 362,302,329	\$ 364,663,457	91647

OPERATING EXPENSES 91648

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of

lottery products. Upon the approval of the Controlling Board, the 91654
additional amounts are hereby appropriated. 91655

DIRECT PRIZE PAYMENTS 91656

Any amounts, in addition to the amounts appropriated in 91657
appropriation item 950601, Direct Prize Payments, that the 91658
Director of the State Lottery Commission determines to be 91659
necessary to fund prizes are hereby appropriated. 91660

ANNUITY PRIZES 91661

Upon request of the State Lottery Commission, the Director of 91662
Budget and Management may transfer cash from the State Lottery 91663
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 91664
an amount sufficient to fund deferred prizes. The Treasurer of 91665
State, from time to time, shall credit the Deferred Prizes Trust 91666
Fund (Fund 8710) the pro rata share of interest earned by the 91667
Treasurer of State on invested balances. 91668

Any amounts, in addition to the amounts appropriated in 91669
appropriation item 950602, Annuity Prizes, that the Director of 91670
the State Lottery Commission determines to be necessary to fund 91671
deferred prizes and interest earnings are hereby appropriated. 91672

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 91673

Estimated transfers from the State Lottery Fund (Fund 7044) 91674
to the Lottery Profits Education Fund (Fund 7017) are to be 91675
\$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 91676
2017. The Director of Budget and Management shall transfer such 91677
amounts contingent upon the availability of resources. Transfers 91678
from the State Lottery Fund to the Lottery Profits Education Fund 91679
shall represent the estimated net income from operations for the 91680
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 91681
the Director of Budget and Management to the Lottery Profits 91682
Education Fund shall be administered as the statutes direct. 91683

Section 325.10. MHC MANUFACTURED HOMES COMMISSION				91684
Dedicated Purpose Fund Group				91685
4K90	996609	Operating Expenses	\$ 459,134 \$ 459,134	91686
5MC0	996610	Manufactured Homes	\$ 747,825 \$ 747,825	91687
Regulation				
TOTAL DPF	Dedicated Purpose Fund		\$ 1,206,959 \$ 1,206,959	91688
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 1,206,959 \$ 1,206,959	91689
 Section 327.10. MCD DEPARTMENT OF MEDICAID				91691
General Revenue Fund				91692
GRF	651425	Medicaid Program	\$ 189,107,820 \$ 196,608,060	91693
Support - State				
GRF	651525	Medicaid/Health Care		91694
Services				
		State	\$ 4,836,872,281 \$ 5,019,421,818	91695
		Federal	\$12,276,038,504 \$13,016,357,321	91696
		Medicaid/Health Care	\$17,112,910,785 \$18,035,779,139	91697
Services Total				
GRF	651526	Medicare Part D	\$ 308,823,000 \$ 328,424,000	91698
GRF	651527	Medicaid for Inmates	\$ 500,000 \$ 500,000	91699
Pilot Program				
TOTAL GRF	General Revenue Fund			91700
		State	\$ 5,335,303,101 \$ 5,544,953,878	91701
		Federal	\$12,276,038,504 \$13,016,357,321	91702
		GRF Total	\$17,611,341,605 \$18,561,311,199	91703
Dedicated Purpose Fund Group				91704
4E30	651605	Resident Protection	\$ 2,878,000 \$ 2,878,000	91705
Fund				
5AJ0	651631	Money Follows the	\$ 6,911,000 \$ 6,660,000	91706
Person				

5DL0	651639	Medicaid Services - Recoveries	\$	551,125,000	\$	561,317,000	91707
5FX0	651638	Medicaid Services - Payment Withholding	\$	6,000,000	\$	6,000,000	91708
5GF0	651656	Medicaid Services - Hospitals/UPL	\$	881,067,756	\$	927,048,527	91709
5KC0	651682	Health Care Grants - State	\$	10,000,000	\$	10,000,000	91710
5R20	651608	Medicaid Services - Long Term Care	\$	400,000,000	\$	403,311,000	91711
5U30	651654	Medicaid Program Support	\$	62,885,000	\$	53,834,000	91712
6510	651649	Medicaid Services - HCAP	\$	451,535,858	\$	237,049,000	91713
TOTAL DPF Group		Dedicated Purpose Fund Group	\$	2,372,402,614	\$	2,208,097,527	91714
		Holding Account Fund Group					91715
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	91716
TOTAL HLD Group		Holding Account Fund Group	\$	1,000,000	\$	1,000,000	91717
		Federal Fund Group					91718
3ER0	651603	Medicaid Health Information Technology	\$	71,764,000	\$	61,896,000	91719
3F00	651623	Medicaid Services - Federal	\$	4,041,951,708	\$	3,772,494,772	91720
3F00	651624	Medicaid Program Support - Federal	\$	564,857,000	\$	562,547,000	91721
3FA0	651680	Health Care Grants - Federal	\$	45,718,000	\$	36,296,000	91722
3G50	651655	Medicaid Interagency	\$	91,400,000	\$	91,406,000	91723

Pass-Through

TOTAL FED Federal Fund Group	\$ 4,815,690,708	\$ 4,524,639,772	91724
TOTAL ALL BUDGET FUND GROUPS	\$24,800,434,927	\$25,295,048,498	91725

Section 327.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 91727

(A) As used in this section, "medical assistance program" has 91728
the same meaning as in section 5160.01 of the Revised Code. 91729

(B) During the period beginning July 1, 2015, and ending June 91730
30, 2017, all of the following apply: 91731

(1) The Medicaid Director has the authority to establish, 91732
change, and abolish positions for the Department of Medicaid, and 91733
to assign, reassign, classify, reclassify, transfer, reduce, 91734
promote, or demote all employees of the Department of Medicaid who 91735
are not subject to Chapter 4117. of the Revised Code. 91736

(2) As part of the transfer of medical assistance programs to 91737
the Department of Medicaid, the Director of Job and Family 91738
Services has the authority to establish, change, and abolish 91739
positions for the Department of Job and Family Services, and to 91740
assign, reassign, classify, reclassify, transfer, reduce, promote, 91741
or demote all employees of the Department of Job and Family 91742
Services who are not subject to Chapter 4117. of the Revised Code. 91743

(C) The authority granted under division (B) of this section 91744
includes assigning or reassigning an exempt employee, as defined 91745
in section 124.152 of the Revised Code, to a bargaining unit 91746
classification if the Medicaid Director or Director of Job and 91747
Family Services determines that the bargaining unit classification 91748
is the proper classification for that employee. The actions of the 91749
Medicaid Director or Director of Job and Family Services shall be 91750
consistent with the requirements of 5 C.F.R. 900.603 for those 91751
employees subject to such requirements. If an employee in the E-1 91752
pay range is to be assigned, reassigned, classified, reclassified, 91753
transferred, reduced, or demoted to a position in a lower 91754

classification during the period specified in this section, the 91755
Medicaid Director or Director of Job and Family Services, or in 91756
the case of a transfer outside the Department of Medicaid or 91757
Department of Job and Family Services, the Director of 91758
Administrative Services, shall assign the employee to the 91759
appropriate classification and place the employee in Step X. The 91760
employee shall not receive any increase in compensation until the 91761
maximum rate of pay for that classification exceeds the employee's 91762
compensation. 91763

(D) Actions taken by the Medicaid Director, Director of Job 91764
and Family Services, and Director of Administrative Services 91765
pursuant to this section are not subject to appeal to the State 91766
Personnel Board of Review. 91767

(E) A portion of the foregoing appropriation items 651425, 91768
Medicaid Program Support - State, 651603, Medicaid Health 91769
Information Technology, 651624, Medicaid Program Support - 91770
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 91771
Interagency Pass-Through, 651605, Resident Protection Fund, 91772
651631, Money Follows the Person, 651682, Health Care Grants - 91773
State, and 651654, Medicaid Program Support, may be used to pay 91774
for costs associated with the administration of the Medicaid 91775
program, including the assignment, reassignment, classification, 91776
reclassification, transfer, reduction, promotion, or demotion of 91777
employees authorized by this section. 91778

Section 327.30. NEW AND AMENDED GRANT AGREEMENTS 91779

(A) As used in this section: 91780

(1) "Grant agreement" has the same meaning as in section 91781
5101.21 of the Revised Code. 91782

(2) "Medical assistance program" has the same meaning as in 91783
section 5160.01 of the Revised Code. 91784

(B) The Director of Job and Family Services and boards of county commissioners may enter into negotiations to amend an existing grant agreement or to enter into a new grant agreement regarding the transfer of medical assistance programs to the Department of Medicaid. Any such amended or new grant agreement shall be drafted in the name of the Department of Job and Family Services. The amended or new grant agreement may be executed before July 1, 2015, if the amendment or agreement does not become effective sooner than that date.

(C) A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services - Federal, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid program.

Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES

A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651656, Medicaid Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, Medicaid Services-Long Term Care, 651654, Medicaid Program Support, and 651649, Medicaid Services-HCAP, may be used to pay for services and costs associated with operating protocols adopted under sections 191.04 and 191.06 of the Revised Code.

Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 91815

At the beginning of each quarter, or as soon as possible 91816
thereafter, the Medicaid Director shall certify to the Director of 91817
Budget and Management the amount withheld in accordance with 91818
section 5167.30 of the Revised Code for purposes of the Managed 91819
Care Performance Payment Program. Upon receiving certification, 91820
the Director of Budget and Management shall transfer cash in the 91821
amount certified from the General Revenue Fund to the Managed Care 91822
Performance Payment Fund. Appropriation item 651525, 91823
Medicaid/Health Care Services, is hereby reduced by the amount of 91824
the transfer and by the corresponding federal share of the 91825
transfer. Upon request of the Medicaid Director and approval of 91826
the Director of Budget and Management, appropriation up to the 91827
cash balance in the Managed Care Performance Payment Fund is 91828
hereby appropriated. The federal share of the cash balance may 91829
also be appropriated in a federal appropriation item specified in 91830
the request. Any federal share specified in the request is hereby 91831
appropriated. 91832

In addition to any other purpose authorized by law, the 91833
Department of Medicaid may use money in the Managed Care 91834
Performance Payment Fund for the following purposes for fiscal 91835
year 2016 and fiscal year 2017: 91836

(A) To meet obligations specified in provider agreements with 91837
Medicaid managed care organizations; 91838

(B) To pay for Medicaid services provided by a Medicaid 91839
managed care organization; 91840

(C) To reimburse a Medicaid managed care organization that 91841
has paid a fine for failure to meet performance standards or other 91842
requirements specified in provider agreements or rules adopted 91843
under section 5167.02 of the Revised Code if the organization 91844
comes into compliance with the standards or requirements. 91845

Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED	91846
CARE	91847
(A) As used in this section:	91848
(1) "ICDS participant" has the same meaning as in section	91849
5164.01 of the Revised Code.	91850
(2) "Integrated Care Delivery System" and "ICDS" have the	91851
same meaning as section 5164.01 of the Revised Code.	91852
(3) "Medicaid managed care organization" has the same meaning	91853
as in section 5167.01 of the Revised Code.	91854
(B) For fiscal year 2016 and fiscal year 2017, the Department	91855
of Medicaid shall provide performance payments as provided under	91856
this section to Medicaid managed care organizations providing care	91857
under the Integrated Care Delivery System.	91858
(C) If ICDS participants receive care through Medicaid	91859
managed care organizations under ICDS, the Department shall, in	91860
consultation with the United States Centers for Medicare and	91861
Medicaid Services, do both of the following:	91862
(1) Develop quality measures designed specifically to	91863
determine the effectiveness of the health care and other services	91864
provided to ICDS participants by Medicaid managed care	91865
organizations;	91866
(2) Determine an amount to be withheld from the Medicaid	91867
premium payments paid to Medicaid managed care organizations for	91868
ICDS participants.	91869
(D)(1) For the purposes of division (C)(2) of this section,	91870
the Department shall establish an amount that is to be withheld	91871
each time a premium payment is made to a Medicaid managed care	91872
organization for an ICDS participant. The amount shall be	91873
established as a percentage of each premium payment. The	91874
percentage shall be the same for all Medicaid managed care	91875

organizations providing care to ICDS participants. 91876

(2) Each Medicaid managed care organization shall agree to 91877
the withholding as a condition of receiving or maintaining its 91878
Medicaid provider agreement with the Department. 91879

(3) When the amount is established and each time the amount 91880
is modified thereafter, the Department shall certify the amount to 91881
the Director of Budget and Management and begin withholding the 91882
amount from each premium the Department pays to a Medicaid managed 91883
care organization for an ICDS participant. 91884

(E) The Director of Budget and Management shall transfer the 91885
amounts certified in accordance with division (D) of this section 91886
into the Managed Care Performance Payment Fund created under 91887
section 5162.60 of the Revised Code. The amounts transferred may 91888
be used to make performance payments to Medicaid managed care 91889
organizations providing care to ICDS participants in accordance 91890
with rules that may be adopted by the Medicaid Director under 91891
Chapter 119. of the Revised Code. 91892

(F) A Medicaid managed care organization subject to this 91893
section is not subject to section 5167.30 of the Revised Code for 91894
premium payments attributed to ICDS participants during fiscal 91895
year 2016 and fiscal year 2017. 91896

Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 91897
PAYMENT PROGRAM 91898

At the beginning of each quarter, or as soon as possible 91899
thereafter, the Medicaid Director may certify to the Director of 91900
Budget and Management the amount withheld in accordance with the 91901
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 91902
MANAGED CARE." On receipt of certification, the Director of Budget 91903
and Management shall transfer cash in the amount certified from 91904
the General Revenue Fund to the Managed Care Performance Payment 91905

Fund (Fund 5KW0). The federal share may also be appropriated in a 91906
federal appropriation item specified in the request. The 91907
transferred cash and the corresponding federal share is hereby 91908
appropriated. Appropriation item 651525, Medicaid/Health Care 91909
Services, is hereby reduced by the amount of the transfer and the 91910
corresponding federal share of the transfer. 91911

Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 91912

The Director of Budget and Management may authorize 91913
additional expenditures from appropriation item 651623, Medicaid 91914
Services - Federal, appropriation item 651525, Medicaid/Health 91915
Care Services, and appropriation item 651656, Medicaid Services - 91916
Hospital/UPL, in order to implement the programs authorized by 91917
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 91918
authorized are hereby appropriated. 91919

Section 327.93. HOSPITAL FRANCHISE PERMIT FEE ASSESSMENT RATE 91920

(A) As used in this section, "applicable assessment 91921
percentage" and "assessment program year" have the same meanings 91922
as in section 5168.20 of the Revised Code. 91923

(B) For the purpose of the assessments imposed on hospitals 91924
pursuant to sections 5168.20 to 5168.28 of the Revised Code for 91925
the two assessment program years that begin during the period 91926
beginning July 1, 2015, and ending June 30, 2017, the applicable 91927
assessment percentage shall be four per cent. 91928

Section 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 91929
OF MEDICAID WAIVER PROGRAMS 91930

(A) As used in this section, "MCD or ODA Medicaid waiver 91931
component" means the following: 91932

(1) The Medicaid waiver component of the PASSPORT program 91933
created under section 173.52 of the Revised Code; 91934

(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.	91935 91936
(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;	91937 91938
(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;	91939 91940
(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:	91941 91942 91943
(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	91944 91945 91946 91947 91948 91949 91950 91951 91952 91953
(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections.	91954 91955 91956 91957 91958 91959 91960
(3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination.	91961 91962 91963 91964
(4) Neither the Department of Medicaid nor the Department of	91965

Aging has liability under the component to reimburse any provider 91966
or other person for claims for medical assistance rendered under 91967
the component after it is terminated. 91968

(C) The Medicaid Director and Director of Aging may adopt 91969
rules in accordance with Chapter 119. of the Revised Code to 91970
implement this section. 91971

Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 91972
REIMBURSEMENT FUND 91973

The federal payments made to the state under subsection (e) 91974
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 91975
No. 109-171, as amended, shall be deposited into the Money Follows 91976
the Person Enhanced Reimbursement Fund. The Department of Medicaid 91977
shall continue to use money deposited into the fund for system 91978
reform activities related to the Money Follows the Person 91979
demonstration project. 91980

Section 327.113. OHIO ALL-PAYER HEALTH CLAIMS DATABASE 91981

Of the foregoing appropriation item 651631, Money Follows the 91982
Person, \$2,000,000 in each fiscal year shall be used to support 91983
the electronic Ohio All-Payer Health Claims Database. 91984

Section 327.120. MEDICARE PART D 91985

The foregoing appropriation item 651526, Medicare Part D, may 91986
be used by the Department of Medicaid for the implementation and 91987
operation of the Medicare Part D requirements contained in the 91988
"Medicare Prescription Drug, Improvement, and Modernization Act of 91989
2003," Pub. L. No. 108-173, as amended. Upon the request of the 91990
Department of Medicaid, the Director of Budget and Management may 91991
transfer the state share of appropriations between appropriation 91992
item 651525, Medicaid/Health Care Services, and appropriation item 91993
651526, Medicare Part D. If the state share of appropriation item 91994

651525, Medicaid/Health Care Services, is adjusted, the Director 91995
of Budget and Management shall adjust the federal share 91996
accordingly. The Department of Medicaid shall provide notification 91997
to the Controlling Board of any transfers at the next scheduled 91998
Controlling Board meeting. 91999

Section 327.130. OHIO ACCESS SUCCESS PROJECT 92000

Of the foregoing appropriation item, 651525, Medicaid/Health 92001
Care Services, up to \$450,000 in each fiscal year may be used to 92002
provide one-time transitional benefits under the Ohio Access 92003
Success Project that the Medicaid Director may establish under 92004
section 5166.35 of the Revised Code. 92005

Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND 92006

Of the amount received by the Department of Medicaid during 92007
fiscal year 2016 and fiscal year 2017 from the first installment 92008
of assessments paid under section 5168.06 of the Revised Code and 92009
intergovernmental transfers made under section 5168.07 of the 92010
Revised Code, the Medicaid Director shall deposit \$350,000 in each 92011
fiscal year into the state treasury to the credit of the Health 92012
Care Services Administration Fund (Fund 5U30). 92013

Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE 92014
SERVICES ADMINISTRATION FUND 92015

(A) As used in this section: 92016

"Hospital offset" means an offset from a hospital's Medicaid 92017
payment authorized by section 5168.991 of the Revised Code. 92018

"Vendor offset" means a reduction of a Medicaid payment to a 92019
Medicaid provider to correct a previous, incorrect Medicaid 92020
payment. 92021

(B) During fiscal year 2016 and fiscal year 2017, at 92022

intervals selected by the Medicaid Director, the Director shall 92023
certify to the Director of Budget and Management the amount of 92024
hospital offsets and vendor offsets for the period covered by the 92025
certification and the particular funds that would have been used 92026
to make Medicaid payments to providers if not for the offsets. 92027
Each certification shall specify the amount that would have been 92028
taken from each of the funds if not for the hospital offsets and 92029
vendor offsets. 92030

(C) On receipt of a certification under division (B) of this 92031
section, the Director of Budget and Management shall transfer cash 92032
from the funds identified in the certification to the Health Care 92033
Services Administration Fund (Fund 5U30). The amount transferred 92034
from a fund shall equal the amount that would have been taken from 92035
the fund if not for the hospital offsets and vendor offsets as 92036
specified in the certification. The federal share may also be 92037
appropriated in a federal appropriation item specified in the 92038
certification. The transferred cash and the corresponding federal 92039
share is hereby appropriated. The appropriations for those 92040
appropriation items identified in the certification, and from 92041
which transfers occurred, are hereby reduced by the amount of the 92042
transfer and the amount of the corresponding federal share. 92043

Section 327.160. HOSPITAL CARE ASSURANCE MATCH 92044

If receipts credited to the Health Care Federal Fund (Fund 92045
3F00) exceed the amounts appropriated from the fund for making the 92046
hospital care assurance program distribution, the Medicaid 92047
Director may request the Director of Budget and Management to 92048
authorize expenditures from the fund in excess of the amounts 92049
appropriated. Upon the approval of the Director of Budget and 92050
Management, the additional amounts are hereby appropriated. 92051

The foregoing appropriation item 651649, Medicaid Services - 92052
HCAP, shall be used by the Department of Medicaid for distributing 92053

the state share of all hospital care assurance program funds to 92054
hospitals under section 5168.09 of the Revised Code. If receipts 92055
credited to the Hospital Care Assurance Program Fund (Fund 6510) 92056
exceed the amounts appropriated from the fund for making the 92057
hospital care assurance program distribution, the Medicaid 92058
Director may request the Director of Budget and Management to 92059
authorize expenditures from the fund in excess of the amounts 92060
appropriated. Upon the approval of the Director of Budget and 92061
Management, the additional amounts are hereby appropriated. 92062

Section 327.170. REFUNDS AND RECONCILIATION FUND 92063

The Refunds and Reconciliation Fund (Fund R055) shall be used 92064
to hold refund and reconciliation revenues until the appropriate 92065
fund is determined or until the revenues are directed to the 92066
appropriate governmental agency other than the Department of 92067
Medicaid. Any Medicaid refunds or reconciliations received or held 92068
by the Department of Job and Family Services shall be transferred 92069
or credited to this fund. If receipts credited to the Refunds and 92070
Reconciliation Fund exceed the amounts appropriated from the fund, 92071
the Medicaid Director may request the Director of Budget and 92072
Management to authorize expenditures from the fund in excess of 92073
the amounts appropriated. Upon approval of the Director of Budget 92074
and Management, the additional amounts are hereby appropriated. 92075

Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH 92076

The Medicaid Director may request the Director of Budget and 92077
Management to increase appropriation item 651655, Medicaid 92078
Interagency Pass-Through. Upon the approval of the Director of 92079
Budget and Management, the additional amounts are hereby 92080
appropriated. 92081

Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 92082

(A) As used in this section: 92083

"Federal poverty line" means the official poverty line 92084
defined by the United States Office of Management and Budget based 92085
on the most recent data available from the United States Bureau of 92086
the Census and revised by the United States Secretary of Health 92087
and Human Services pursuant to the "Omnibus Budget Reconciliation 92088
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 92089

"State plan home and community-based services" means home and 92090
community-based services that may be included in the Medicaid 92091
state plan pursuant to the "Social Security Act," section 1915(i), 92092
42 U.S.C. 1396n(i). 92093

(B) During fiscal year 2016 and fiscal year 2017, the 92094
Medicaid program may cover state plan home and community-based 92095
services for Medicaid recipients of any age who have behavioral 92096
health issues and countable incomes not exceeding one hundred 92097
fifty per cent of the federal poverty line. A Medicaid recipient 92098
is not required to undergo a level of care determination to be 92099
eligible for the state plan home and community-based services. 92100

The Medicaid Director may adopt rules under section 5164.02 92101
of the Revised Code as necessary to implement this section. 92102

Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS 92103

As used in this section, "authorizing statute" means a 92104
Revised Code section or provision of a Revised Code section that 92105
is cited in the Ohio Administrative Code as the statute that 92106
authorizes the adoption of a rule. 92107

The Medicaid Director is not required to amend any rule for 92108
the sole purpose of updating the citation in the Ohio 92109
Administrative Code to the rule's authorizing statute to reflect 92110
that this act renumbers the authorizing statute or relocates it to 92111
another Revised Code section. Such citations shall be updated as 92112

the Director amends the rules for other purposes. 92113

Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION 92114

In order to ensure access to a non-emergency medical 92115
transportation brokerage program established pursuant to section 92116
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 92117
upon the request of the Medicaid Director, the Director of Budget 92118
and Management may transfer appropriations between General Revenue 92119
Fund appropriation item 651525, Medicaid/Health Care Services, 92120
within the Department of Medicaid and 655523, Medicaid Program 92121
Support - Local Transportation, within the Department of Job and 92122
Family Services. If appropriation transfers occur from 92123
appropriation item 651525, Medicaid/Health Care Services, the 92124
Director of Budget and Management shall transfer the corresponding 92125
federal share of the transfer in cash from the General Revenue 92126
Fund to the Medicaid Program Support Fund (Fund 3F01), used by the 92127
Department of Job and Family Services. The amount transferred to 92128
Fund 3F01 is hereby appropriated to appropriation item 655624, 92129
Medicaid Program Support, and the federal share portion of GRF 92130
appropriation item 651525, Medicaid/Health Care Services, is 92131
hereby reduced by such amount. The Director of Budget and 92132
Management may also transfer cash from the Medicaid Program 92133
Support Fund (Fund 3F01) to the General Revenue Fund. The amount 92134
transferred to the General Revenue Fund is hereby appropriated to 92135
the federal share portion of appropriation item 651525, 92136
Medicaid/Health Care Services, and the appropriation to 655624, 92137
Medicaid Program Support, is hereby reduced by such amount. 92138

Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 92139
SYSTEM IMPLEMENTATION 92140

Upon the request of the Medicaid Director, the Director of 92141
Budget and Management, in each fiscal year, may increase 92142

appropriation by up to \$7,200,000 in appropriation item 655522, 92143
Medicaid Program Support-Local, used by the Department of Job and 92144
Family Services. In addition, the Director of Budget and 92145
Management may transfer cash from the General Revenue Fund in the 92146
amount equal to the federal share to a federal fund identified by 92147
the Medicaid Director. Any amount transferred is hereby 92148
appropriated. Appropriation item 651525, Medicaid/Health Care 92149
Services, is hereby reduced by the amount of the state share of 92150
the appropriation increase and the corresponding federal share. 92151

Any increase in funding shall be provided to county 92152
departments of job and family services and shall only be used for 92153
costs related to transitioning to a new public assistance 92154
eligibility determination system. These funds shall not be used 92155
for existing and ongoing operating expenses. The Medicaid Director 92156
shall establish criteria for distributing these funds and for 92157
county departments of job and family services to submit allowable 92158
expenses. 92159

County departments of job and family services shall comply 92160
with new roles, processes, and responsibilities related to the new 92161
eligibility determination system. County departments of job and 92162
family services shall report to the Ohio Department of Job and 92163
Family Services and the Ohio Department of Medicaid, on a schedule 92164
determined by the Medicaid Director, how the funds were used. 92165

Section 327.223. MONTGOMERY AND JACKSON COUNTIES MEDICAID FOR 92166
INMATES PILOT PROGRAM 92167

(A) As used in this section, "local correctional facility" 92168
has the same meaning as in section 2903.13 of the Revised Code. 92169

(B) The Department of Medicaid shall operate a two-year pilot 92170
program under which the suspension of a person's eligibility for 92171
Medicaid that occurs under section 5163.45 of the Revised Code 92172
ends when the remainder of the period for which the person is to 92173

be confined in a local correctional facility owned and operated by 92174
Montgomery or Jackson County is thirty days or less. Only state 92175
funds shall be used for the Medicaid payments made for the 92176
Medicaid services provided to such a recipient during the last 92177
thirty days of the recipient's confinement in such a local 92178
correctional facility. 92179

Section 5162.06 of the Revised Code does not apply to this 92180
section. 92181

Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 92182
SERVICES FUND (FUND 4J50) 92183

On July 1, 2015, or as soon as possible thereafter, the 92184
Director of Budget and Management shall transfer the cash balance 92185
in the Home and Community - Based Services Fund (Fund 4J50) to the 92186
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 92187
by the Department of Medicaid. Upon completion of the transfer, 92188
Fund 4J50 is hereby abolished. 92189

Section 327.240. DENTAL PROVIDER RATES AND PILOT PROJECT 92190

Of the foregoing appropriation item 651525, Medicaid/Health 92191
Care Services, \$8,002,000 in fiscal year 2016 and \$7,974,000 in 92192
fiscal year 2017 shall be provided for the purpose of establishing 92193
a demonstration pilot project which pays Medicaid dental providers 92194
in Brown, Scioto, Adams, Lawrence, Jackson, Gallia, Vinton, Perry, 92195
Hocking, Meigs, Morgan, Washington, Pike, Athens, Noble, and 92196
Monroe counties at 65 per cent of the American Dental Association 92197
survey of fees for dental services. 92198

HOLZER CLINIC PAYMENT 92199

Of the foregoing appropriation item 651525, Medicaid/Health 92200
Care Services, \$500,000 in fiscal year 2016 and \$1,000,000 in 92201
fiscal year 2017 shall be used to make Medicaid payments in 92202
accordance with rule 5160-1-60.1 of the Administrative Code, as 92203

the rule is in effect on the day immediately preceding the 92204
effective date of this section, for physician, pregnancy-related, 92205
evaluation, and management services provided by physician groups 92206
that meet the criteria described in the rule. 92207

Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES 92208

(A) As used in this section, "independent provider" means an 92209
individual who personally provides home health aide services and 92210
is not employed by, under contract with, or affiliated with 92211
another entity that provides those services. 92212

(B) Notwithstanding section 5164.77 of the Revised Code, the 92213
Medicaid payment rate for home health aide services that are 92214
provided by a provider, other than an independent provider, during 92215
the period beginning July 1, 2015, and ending June 30, 2017, shall 92216
be at least ten per cent higher than the rate in effect on June 92217
30, 2015, for those services. 92218

Section 327.260. HOME HEALTH AIDE SERVICES 92219

Of the foregoing appropriation item 651525, Medicaid/Health 92220
Care Services, \$29,000,000 in each fiscal year shall be used to 92221
increase the Medicaid payment rate for agency providers for home 92222
health services rendered under the Medicaid program by home health 92223
aides, during fiscal year 2016 and fiscal year 2017, by ten per 92224
cent relative to such rate in effect on June 30, 2015. 92225

Section 329.10. MED STATE MEDICAL BOARD 92226

Dedicated Purpose Fund Group 92227
5C60 883609 Operating Expenses \$ 9,467,737 \$ 9,655,200 92228
TOTAL DPF Dedicated Purpose Fund \$ 9,467,737 \$ 9,655,200 92229
Group
TOTAL ALL BUDGET FUND GROUPS \$ 9,467,737 \$ 9,655,200 92230

		Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION			92232
		SERVICES			92233
		General Revenue Fund			92234
GRF	336321	Central	\$ 13,632,646	\$ 13,632,646	92235
		Administration			
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	92236
GRF	336405	Family & Children	\$ 1,386,000	\$ 1,386,000	92237
		First			
GRF	336406	Prevention and	\$ 3,488,659	\$ 3,488,659	92238
		Wellness			
GRF	336412	Hospital Services	\$ 200,658,333	\$ 200,658,333	92239
GRF	336415	Mental Health	\$ 20,817,900	\$ 19,902,200	92240
		Facilities			
		Lease-Rental Bond			
		Payments			
GRF	336421	Continuum of Care	\$ 71,989,846	\$ 71,989,846	92241
		Services			
GRF	336422	Criminal Justice	\$ 12,916,418	\$ 12,916,418	92242
		Services			
GRF	336423	Addiction Services	\$ 27,422,269	\$ 34,362,315	92243
		Partnership with			
		Corrections			
GRF	336424	Recovery Housing	\$ 2,500,000	\$ 2,500,000	92244
GRF	336425	Specialized Docket	\$ 5,000,000	\$ 5,000,000	92245
		Support			
GRF	336504	Community Innovations	\$ 9,250,000	\$ 9,250,000	92246
GRF	336506	Court Costs	\$ 1,284,210	\$ 1,284,210	92247
GRF	336510	Residential State	\$ 15,002,875	\$ 15,002,875	92248
		Supplement			
GRF	336511	Early Childhood	\$ 2,500,000	\$ 2,500,000	92249
		Mental Health			
		Counselors and			

		Consultation				
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600 92250
TOTAL GRF		General Revenue Fund	\$	390,035,756	\$	396,060,102 92251
		Dedicated Purpose Fund Group				92252
2320	336621	Family and Children	\$	400,000	\$	400,000 92253
		First Administration				
4750	336623	Statewide Treatment	\$	15,550,000	\$	15,550,000 92254
		and Prevention				
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733 92255
		Operating				
5AU0	336615	Behaviorial Health	\$	7,850,000	\$	7,850,000 92256
		Care				
5JL0	336629	Problem Gambling and	\$	6,250,000	\$	6,250,000 92257
		Casino Addictions				
5T90	336641	Problem Gambling	\$	435,000	\$	435,000 92258
		Services				
6320	336616	Community Capital	\$	350,000	\$	350,000 92259
		Replacement				
6890	336640	Education and	\$	150,000	\$	150,000 92260
		Conferences				
TOTAL DPF		Dedicated Purpose Fund	\$	33,596,733	\$	33,596,733 92261
		Group				
		Internal Service Activity Fund Group				92262
1490	336609	Hospital Operating	\$	24,790,000	\$	24,790,000 92263
		Expenses				
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190 92264
1500	336620	Special Education	\$	150,000	\$	150,000 92265
1510	336601	Ohio Pharmacy	\$	75,000,000	\$	75,000,000 92266
		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 92267
		Health Projects				
TOTAL ISA		Internal Service Activity	\$	106,933,190	\$	106,933,190 92268

Fund Group

Federal Fund Group						92269
3240 336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	92270
3A60 336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	92271
3A70 336612	Social Services Block	\$	8,450,000	\$	8,450,000	92272
	Grant					
3A80 336613	Federal Grants	\$	11,417,000	\$	11,417,000	92273
3A90 336614	Mental Health Block	\$	16,058,470	\$	16,058,470	92274
	Grant					
3B10 652635	Community Medicaid	\$	5,000,000	\$	5,000,000	92275
	Legacy Costs					
3B10 652636	Community Medicaid	\$	7,000,000	\$	7,000,000	92276
	Legacy Support					
3FR0 336638	Race to the Top -	\$	1,164,000	\$	1,164,000	92277
	Early Learning					
	Challenge Grant					
3G40 336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756	92278
	Grant					
3H80 336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	92279
3N80 336639	Administrative	\$	1,300,000	\$	1,300,000	92280
	Reimbursement					
TOTAL FED	Federal Fund Group	\$	167,015,226	\$	167,015,226	92281
TOTAL ALL BUDGET	FUND GROUPS	\$	697,580,905	\$	703,605,251	92282

Section 331.40. PREVENTION AND WELLNESS 92284

Of the foregoing appropriation item 336406, Prevention and 92285
Wellness: 92286

(A) Up to \$1,500,000 in each fiscal year shall be used to 92287
expand evidence-based prevention resources statewide. 92288

(B) Up to \$1,000,000 in each fiscal year shall be used to 92289
support and expand suicide prevention efforts. 92290

(C) \$120,000 in each fiscal year shall be allocated to 92291

Northeast Ohio Medical University to use for campus safety and 92292
mental health programs. 92293

Section 331.50. HOSPITAL SERVICES 92294

The foregoing appropriation item 336412, Hospital Services, 92295
shall be used for the operation of the State Regional Psychiatric 92296
Hospitals, including, but not limited to, all aspects involving 92297
civil and forensic commitment, treatment, and discharge as 92298
determined by the Director of Mental Health and Addiction 92299
Services. A portion of this appropriation may be used by the 92300
Department of Mental Health and Addiction Services to create, 92301
purchase, or contract for the custody, supervision, control, and 92302
treatment of persons committed to the Department of Mental Health 92303
and Addiction Services in other clinically appropriate 92304
environments, consistent with public safety. 92305

Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND 92306
PAYMENTS 92307

The foregoing appropriation item 336415, Mental Health 92308
Facilities Lease-Rental Bond Payments, shall be used to meet all 92309
payments during the period from July 1, 2015, through June 30, 92310
2017, by the Department of Mental Health and Addiction Services 92311
under leases and agreements made under section 154.20 of the 92312
Revised Code. These appropriations are the source of funds pledged 92313
for bond service charges on obligations issued pursuant to Chapter 92314
154. of the Revised Code. 92315

Section 331.70. CONTINUUM OF CARE SERVICES 92316

The foregoing appropriation item 336421, Continuum of Care 92317
Services, shall be used as follows: 92318

(A) A portion of this appropriation shall be allocated to 92319
community alcohol, drug addiction, and mental health services 92320

boards in accordance with a distribution methodology determined by 92321
the Director of Mental Health and Addiction Services for the 92322
boards to purchase mental health and addiction services permitted 92323
under Chapter 340. of the Revised Code. Boards may use a portion 92324
of the funds allocated: 92325

(1) To provide subsidized support for psychotropic medication 92326
needs of indigent citizens in the community to reduce unnecessary 92327
hospitalization due to lack of medication; and 92328

(2) To provide subsidized support for medication-assisted 92329
treatment costs. 92330

(B) A portion of this appropriation may be distributed to 92331
community alcohol, drug addiction, and mental health services 92332
boards, community addiction and/or mental health services 92333
providers, courts, or other governmental entities to provide 92334
specific grants in support of initiatives concerning mental health 92335
and addiction services. 92336

Section 331.80. CRIMINAL JUSTICE SERVICES 92337

The foregoing appropriation item 336422, Criminal Justice 92338
Services, shall be used to provide forensic psychiatric 92339
evaluations to courts of common pleas and to conduct evaluations 92340
of patients of forensic status in facilities operated or 92341
designated by the Department of Mental Health and Addiction 92342
Services prior to conditional release to the community. A portion 92343
of this appropriation may be allocated through community alcohol, 92344
drug addiction, and mental health services boards to community 92345
addiction and/or mental health services providers in accordance 92346
with a distribution methodology as determined by the Director of 92347
Mental Health and Addiction Services. 92348

Of the foregoing appropriation item 336422, Criminal Justice 92349
Services, up to \$1,000,000 in each fiscal year shall be used to 92350

support specialty dockets and expand and/or create new certified court programs. 92351
92352

Appropriation item 336422, Criminal Justice Services, may also be used to: 92353
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(A) Provide forensic monitoring and tracking of individuals on conditional release; 92355
92356

(B) Provide forensic training; 92357

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders; 92358
92359
92360

(D) Provide specialized re-entry services to offenders leaving prisons and jails; 92361
92362

(E) Provide specific grants in support of addiction services alternatives to incarceration; and 92363
92364

(F) Support therapeutic communities. 92365

Section 331.90. ADDICTION TREATMENT PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 92366
92367

(A) As used in this section: 92368

(1) "Addiction treatment program" means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts. 92369
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(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 92374
92375

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in an 92376
92377
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addiction treatment program, and are selected under this section 92380
to be participants in the program because of their dependence on 92381
opioids, alcohol, or both. 92382

(2) The Department shall conduct the program in those courts 92383
of Adams, Allen, Butler, Clinton, Crawford, Delaware, Fairfield, 92384
Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Lawrence, 92385
Lucas, Mercer, Montgomery, Noble, Summit, and Warren counties that 92386
are conducting addiction treatment programs. If in any of these 92387
counties there is no court conducting an addiction treatment 92388
program, the Department shall conduct the program in a court that 92389
is conducting an addiction treatment program in another county. 92390

(3) In addition to conducting the program in accordance with 92391
division (B)(2) of this section, the Department may conduct the 92392
program in any court that is conducting an addiction treatment 92393
program. 92394

(C) In conducting the program, the Department shall 92395
collaborate with the Supreme Court, the Department of 92396
Rehabilitation and Correction, and any agency of the state that 92397
the Department determines may be of assistance in accomplishing 92398
the objectives of the program. The Department may collaborate with 92399
the boards of alcohol, drug addiction, and mental health services 92400
and with local law enforcement agencies that serve the counties in 92401
which a court participating in the program is located. 92402

(D)(1) An addiction treatment program shall select persons 92403
who are criminal offenders to be participants in the program. A 92404
person shall not be selected to be a participant unless the person 92405
meets the legal and clinical eligibility criteria for the 92406
addiction treatment program and is an active participant in the 92407
program. 92408

(2) The total number of persons participating in a program at 92409
any time shall not exceed one thousand five hundred, except that 92410

the Department of Mental Health and Addiction Services may 92411
authorize the maximum number to be exceeded in circumstances that 92412
the Department considers to be appropriate. 92413

(3) After being enrolled in an addiction treatment program, a 92414
participant shall comply with all requirements of the addiction 92415
treatment program. 92416

(E) The treatment provided in an addiction treatment program 92417
shall be provided by a community addiction services provider that 92418
is certified under section 5119.36 of the Revised Code. In serving 92419
as a community addiction services provider, a provider shall do 92420
all of the following: 92421

(1) Provide treatment based on an integrated service delivery 92422
model that consists of the coordination of care between a 92423
prescriber and the community addiction services provider; 92424

(2) Conduct professional, comprehensive substance abuse and 92425
mental health diagnostic assessments of a person under 92426
consideration for selection as a program participant to determine 92427
whether the person would benefit from substance abuse treatment 92428
and monitoring; 92429

(3) Determine, based on the assessment described in division 92430
(E)(2) of this section, the treatment needs of the participants 92431
served by the treatment provider; 92432

(4) Develop, for participants served by the treatment 92433
provider, individualized goals and objectives; 92434

(5) Provide access to the long-acting antagonist therapies, 92435
partial agonist therapies, or both, that are included in the 92436
program's medication-assisted treatment; 92437

(6) Provide other types of therapies, including psychosocial 92438
therapies, for both substance abuse and any disorders that are 92439
considered by the treatment provider to be co-occurring disorders; 92440

(7) Provide detoxification services;	92441
(8) Provide participants with transportation to the treatments and therapies;	92442 92443
(9) Monitor program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the community addiction services provider.	92444 92445 92446
(F) In the case of medication-assisted treatment provided under the program, all of the following conditions apply:	92447 92448
(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.	92449 92450 92451 92452
(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy.	92453 92454 92455
(3) If a drug constituting partial agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.	92456 92457 92458 92459
(G) Within 90 days after the effective date of this section, the Department shall select a nationally recognized research institution with experience in evaluating multiple court systems across jurisdictions in both rural and urban regions. The research institution shall have demonstrated experience evaluating the use of agonist and antagonist medication assisted treatment in drug courts, a track record of scientific publications, experience in health economics, and ethical and patient selection and consent issues. The institution shall also have an internal institutional review board. The institution shall prepare the report described in division (H) of this section.	92460 92461 92462 92463 92464 92465 92466 92467 92468 92469 92470

(H) A report of the findings obtained from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31, 2016. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(I) It is anticipated and expected that drug courts will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support this addiction treatment program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director with major Ohio healthcare plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for participants in the addiction treatment program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the addiction treatment program;

(2) A rapid conversion to reimbursement for all healthcare services by the participant's health insurance company following approval for coverage of healthcare benefits;

(3) The development of a consistent benefit package that

provides ready access to and reimbursement for essential 92503
healthcare services including, but not be limited to, primary 92504
healthcare, alcohol and opiate detoxification services, 92505
appropriate psychosocial services, and medication for long-acting 92506
injectable antagonist therapies and partial agonist therapies; 92507

(4) The development of guidelines that require the provision 92508
of all treatment services, including medication, with minimal 92509
administrative barriers and within a timeframe that meets the 92510
requirements of individual patient care plans. 92511

(J) Of the foregoing appropriation item 336422, Criminal 92512
Justice Services, \$7.0 million in each fiscal year shall be used 92513
to support the Addiction Treatment Program for Specialized Docket 92514
Programs. 92515

Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH 92516
CORRECTIONS 92517

On the effective date of this section, the Bureau of Recovery 92518
Services within the Department of Rehabilitation and Correction is 92519
abolished and all of its functions, assets, and liabilities, 92520
regardless of form or medium, agreements and contracts of the 92521
program are transferred to the Department of Mental Health and 92522
Addiction Services. The Department of Mental Health and Addiction 92523
Services is thereupon and thereafter successor to, assumes the 92524
obligations of, and otherwise constitutes the continuation of the 92525
Bureau of Recovery Services. 92526

Any business commenced but not completed by the effective 92527
date of this section by the Department of Rehabilitation and 92528
Correction regarding recovery services shall be completed by the 92529
Department of Mental Health and Addiction Services. No validation, 92530
cure, right, privilege, remedy, obligation, or liability is lost 92531
or impaired by reason of the transfer required by this section and 92532
shall be administered by the Department of Mental Health and 92533

Addiction Services. Any rules, orders, and determinations 92534
pertaining to the Bureau of Recovery Services continue in effect 92535
as rules, orders, and determinations of the Department of Mental 92536
Health and Addiction Services until modified or rescinded by the 92537
Department of Mental Health and Addiction Services. If necessary 92538
to ensure the integrity of the numbering of the Administrative 92539
Code, the Director of the Legislative Service Commission shall 92540
renumber the numbers to reflect their transfer to the Department 92541
of Mental Health and Addiction Services. 92542

Subject to the lay-off provisions of sections 124.321 to 92543
124.382 of the Revised Code, all employees of the Bureau of 92544
Recovery Services are hereby transferred to the Department of 92545
Mental Health and Addiction Services and retain their positions 92546
and all of their benefits. 92547

Wherever the Bureau of Recovery Services is referred to in 92548
any law, contract, or other document, the reference shall be 92549
deemed to refer to the Department of Mental Health and Addiction 92550
Services or its director, as appropriate. 92551

No action or proceeding pending on the effective date of this 92552
act, is affected by the transfer, and shall be prosecuted or 92553
defended in the name of the Department of Mental Health and 92554
Addiction Services or its director. In all such actions and 92555
proceedings, the Department of Mental Health and Addiction 92556
Services or its director shall be substituted as a party. 92557

On July 1, 2015, or as soon as possible thereafter, the 92558
Director of Budget and Management shall cancel any existing 92559
encumbrances against appropriation item 505321, Institutional 92560
Medical Services, used by the Department of Rehabilitation and 92561
Correction, that pertain to the Bureau of Recovery Services in the 92562
Department of Rehabilitation and Correction. The canceled 92563
encumbrances shall be reestablished against appropriation item 92564
336423, Addiction Services Partnership with Corrections, used by 92565

the Department of Mental Health and Addiction Services. The 92566
reestablished encumbrance amounts are hereby appropriated. Any 92567
business commenced but not completed under appropriation item 92568
505321, Institutional Medical Services, pertaining to the Bureau 92569
of Recovery Services, shall be completed under appropriation item 92570
336423, Addiction Services Partnership with Corrections, in the 92571
same manner, and with the same effect, as if completed with regard 92572
to appropriation item 505321, Institutional Medical Services. 92573

Section 331.110. RECOVERY HOUSING 92574

The foregoing appropriation item 336424, Recovery Housing, 92575
shall be used to expand and support access to recovery housing. 92576
"Recovery housing" means housing for individuals recovering from 92577
alcoholism or drug addiction that provides an alcohol and 92578
drug-free living environment, peer support, assistance with 92579
obtaining alcohol and drug addiction services, and other alcohol 92580
and drug addiction recovery assistance where the length of stay is 92581
not limited to a specific duration. Recovery housing does not 92582
include residential facilities subject to licensure pursuant to 92583
section 5119.34 of the Revised Code. Medication-assisted treatment 92584
may be allowed in recovery housing. Support for projects in 92585
counties of the state that are underserved or do not currently 92586
have recovery housing stock shall be given priority. For 92587
expenditures that are capital in nature, the Department of Mental 92588
Health and Addiction Services shall develop procedures to 92589
administer these funds in a manner that is consistent with current 92590
community capital assistance guidelines. 92591

New recovery housing projects awarded grants through this 92592
appropriation item shall have at least one public meeting to 92593
present the project to the community before purchase. Following 92594
the public meeting, a resolution of support from the county 92595
commissioners shall be submitted to the Department by the grantee 92596

before purchasing the property using grant funds. The Department 92597
shall not release grant monies awarded under this section until 92598
receiving the resolution of support from the county commissioners. 92599

Section 331.113. SPECIALIZED DOCKET SUPPORT 92600

(A) The foregoing appropriation item 336425, Specialized 92601
Docket Support, shall be used to defray a portion of the annual 92602
payroll costs associated with the employment of one full-time, or 92603
full-time equivalent, specialized docket staff member by a 92604
specialized docket of a common pleas court, municipal court, 92605
county court, juvenile court, or family court that meets all of 92606
the eligibility requirements in division (B) of this section, 92607
including a family dependency treatment docket. A specialized 92608
docket staff member employed under this section shall be 92609
considered an employee of the court. 92610

(B) To be eligible, the specialized docket must have received 92611
Supreme Court of Ohio final certification and include participants 92612
with a drug addiction or dependency in its target population. In 92613
addition, the specialized docket staff member must have received 92614
training for or education in alcohol and other drug addiction, 92615
abuse, and recovery and have demonstrated, prior to or within 92616
ninety days of hire, competencies in fundamental alcohol and other 92617
drug addiction, abuse, and recovery. Fundamental competencies 92618
shall include, at a minimum, an understanding of alcohol and other 92619
drug treatment and recovery, how to engage a person in treatment 92620
and recovery, and an understanding of other health care systems, 92621
social service systems, and the criminal justice system. 92622

(C) For the purposes of this section, payroll costs include 92623
annual compensation and fringe benefits. 92624

(D) The Department, solely for the purpose of determining the 92625
amount of the state share available to a court under division (F) 92626
of this section for the employment of one full-time or full-time 92627

equivalent specialized docket staff member, shall use the lesser 92628
of: 92629

(1) The actual annual compensation and fringe benefits paid 92630
to that staff member proportionally reflecting the staff member's 92631
time allocated for specialized docket duties and responsibilities; 92632
or 92633

(2) \$78,000. 92634

(E) In accordance with any applicable rules, guidelines, or 92635
procedures adopted by the Department pursuant to this section, the 92636
county auditor shall certify, for any court located within the 92637
county that is applying for or receiving funding under this 92638
section, to the Department the information necessary to determine 92639
that court's eligibility for, and the amount of, funding under 92640
this section. 92641

(F) For a specialized docket staff member employed by a 92642
court, the amount of state funding available under this section 92643
shall be sixty-five per cent of the payroll costs specified in 92644
division (D) of this section. The state funding shall not exceed 92645
\$50,700. 92646

(G) The Department shall disburse this state funding in 92647
semi-annual installments to the appropriate county or municipality 92648
in which the court is located. 92649

(H) Of the foregoing appropriation item 336425, Specialized 92650
Docket Support, the Department shall use up to one per cent of the 92651
funds appropriated in each fiscal year to pay the cost it incurs 92652
in administering the duties established in this section. 92653

(I) The Department, in consultation with the Supreme Court of 92654
Ohio, may adopt rules, guidelines, and procedures as necessary to 92655
carry out the purposes of this section. 92656

Section 331.120. COMMUNITY INNOVATIONS 92657

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community 92690
Innovations, up to \$3,000,000 in each fiscal year shall be used to 92691
provide funding for community projects across the state that focus 92692
on support for families, assisting families in avoiding crisis, 92693
and crisis intervention. 92694

Of the foregoing appropriation item 336504, Community 92695
Innovations, up to \$500,000 in each fiscal year shall be used to 92696
enhance access to Naloxone across the state for county health 92697
departments to then disperse through a grant program to local law 92698
enforcement, emergency personnel, and first responders. 92699

Of the foregoing appropriation item 336504, Community 92700
Innovations, up to \$3,000,000 in each fiscal year shall be used to 92701
improve collaboration between local jails, state hospitals, and 92702
community addiction and mental health services providers in order 92703
to reduce transfers, improve safety and judicial oversight as well 92704
as address capacity issues in both jails and state hospitals. 92705

Of the foregoing appropriation item 336504, Community 92706
Innovations, up to \$100,000 in each fiscal year shall be used to 92707
continue the Department of Mental Health and Addiction Services 92708
cross-agency efforts to share evidence-based practices that 92709
encourage the use of trauma-informed care. 92710

Of the foregoing appropriation item 336504, Community 92711
Innovations, up to \$1,000,000 in each fiscal year shall be used to 92712
implement strategies to increase job opportunities, reduce the 92713
number of positive drug screens, and improve workforce readiness 92714
for individuals in recovery. 92715

Section 331.130. RESIDENTIAL STATE SUPPLEMENT 92716

(A) The foregoing appropriation item 336510, Residential 92717
State Supplement, may be used by the Department of Mental Health 92718
and Addiction Services to provide training for residential 92719

facilities providing accommodations, supervision, and personal 92720
care services to three to sixteen unrelated adults with mental 92721
illness and to make benefit payments to residential state 92722
supplement recipients. 92723

(B) The Department of Mental Health and Addiction Services 92724
shall adopt rules establishing eligibility criteria and benefit 92725
payment amounts under section 5119.41 of the Revised Code. 92726

Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 92727
CONSULTATION 92728

The foregoing appropriation item 336511, Early Childhood 92729
Mental Health Counselors and Consultation, shall be used to 92730
promote identification and intervention for early childhood mental 92731
health and to enhance healthy social emotional development in 92732
order to reduce preschool to third grade classroom expulsions. 92733
Funds shall be used by the Department of Mental Health and 92734
Addiction Services to support early childhood mental health 92735
credentialed counselors and consultation services, as well as 92736
administration and workforce development for the program. 92737

Section 331.143. MEDICAID SUPPORT 92738

The Department of Mental Health and Addiction Services shall 92739
administer specified Medicaid services as delegated by the State's 92740
single agency responsible for the Medicaid program. Effective July 92741
1, 2015, the Department shall use appropriation item 652321, 92742
Medicaid Support, to fund the Medicaid-related services and 92743
supports performed by the Department. 92744

Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 92745

A portion of appropriation item 336629, Problem Gambling and 92746
Casino Addictions, shall be allocated to boards of alcohol, drug 92747
addiction, and mental health services in accordance with a 92748

distribution methodology determined by the Director of Mental Health and Addiction Services. 92749
92750

Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL 92751
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A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions: 92753
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(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council; 92758
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92760

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council; 92761
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92764

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children; 92765
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(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 92769
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(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 92773
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92776

Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 92777

The designation of administering agency for federal aid shall 92778

be held jointly by the Department of Mental Health and Addiction 92779
Services and the Department of Medicaid for determining 92780
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 92781
Department of Mental Health and Addiction Services remains the 92782
designated agency for all other purposes established by 42 U.S.C. 92783
300x et seq. and section 5119.32 of the Revised Code. 92784

Section 331.180. ACCESS SUCCESS II PROGRAM 92785

To the extent cash is available, the Director of Budget and 92786
Management may transfer cash from the Money Follows the Person 92787
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 92788
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 92789
by the Department of Mental Health and Addiction Services. The 92790
transferred cash is hereby appropriated. 92791

The Department of Mental Health and Addiction Services shall 92792
use the transferred funds to administer the Access Success II 92793
Program to help non-Medicaid patients in any hospital established, 92794
controlled, or supervised by the Department under Chapter 5119. of 92795
the Revised Code to transition from inpatient status to a 92796
community setting. 92797

Section 331.190. MFC OHIO MILITARY FACILITIES COMMISSION 92798

General Revenue Fund 92799

GRF	232501	Ohio Military	\$	2,500,000	\$	2,500,000	92800
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Facilities Support

TOTAL GRF	General Revenue Fund	\$	2,500,000	\$	2,500,000	92801
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TOTAL ALL BUDGET FUND GROUPS	\$	2,500,000	\$	2,500,000	92802
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OHIO MILITARY FACILITIES SUPPORT 92803

The foregoing appropriation item 232501, Ohio Military 92804
Facilities Support, shall be used for the purposes described in 92805
sections 193.15 to 193.17 of the Revised Code. 92806

Section 333.10. MIH COMMISSION ON MINORITY HEALTH				92807
General Revenue Fund				92808
GRF	149321	Operating Expenses	\$ 591,615 \$ 591,615	92809
GRF	149501	Minority Health	\$ 878,975 \$ 878,975	92810
Grants				
GRF	149502	Lupus Program	\$ 96,000 \$ 96,000	92811
TOTAL GRF General Revenue Fund				92812
Dedicated Purpose Fund Group				92813
4C20	149601	Minority Health	\$ 50,000 \$ 50,000	92814
Conference				
TOTAL DPF Dedicated Purpose Fund				92815
Group				
Federal Fund Group				92816
3J90	149602	Federal Grant Program	\$ 126,833 \$ 90,929	92817
Support				
TOTAL FED Federal Fund Group				92818
TOTAL ALL BUDGET FUND GROUPS				92819
Section 335.10. CRB MOTOR VEHICLE REPAIR BOARD				92821
Dedicated Purpose Fund Group				92822
4K90	865601	Operating Expenses	\$ 484,292 \$ 484,292	92823
TOTAL DPF Dedicated Purpose Fund				92824
Group				
TOTAL ALL BUDGET FUND GROUPS				92825
Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES				92827
General Revenue Fund				92828
GRF	725401	Division of Wildlife-Operating Subsidy	\$ 1,800,000 \$ 1,800,000	92829
GRF	725413	Parks and Recreational	\$ 23,239,600 \$ 24,655,600	92830

		Facilities Lease					
		Rental Bond Payments					
GRF	725456	Canal Lands	\$	135,000	\$	135,000	92831
GRF	725502	Soil and Water	\$	3,400,000	\$	3,400,000	92832
		Districts					
GRF	725505	Healthy Lake Erie	\$	1,350,000	\$	1,000,000	92833
		Program					
GRF	725507	Coal and Mine Safety	\$	2,700,000	\$	2,800,000	92834
		Program					
GRF	725510	Indian Lake Watershed	\$	125,000	\$	0	92835
		Project					
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400	92836
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,392,001	\$	4,392,001	92837
GRF	729321	Office of Information	\$	177,405	\$	177,405	92838
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	92839
		Recreation					
GRF	736321	Division of	\$	2,324,736	\$	2,324,736	92840
		Engineering					
GRF	737321	Division of Soil and	\$	4,782,652	\$	4,782,652	92841
		Water Resources					
GRF	738321	Division of Real	\$	670,342	\$	670,342	92842
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	92843
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	103,376,636	\$	103,412,136	92844
		Dedicated Purpose Fund Group					92845
2270	725406	Parks Projects	\$	685,098	\$	696,995	92846
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	92847

4J20	725628	Injection Well Review	\$	128,466	\$	128,466	92848
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	92849
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	92850
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	92851
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	92852
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000	92853
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	92854
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	92855
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	92856
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	92857
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	92858
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	92859
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	92860
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	92861
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	92862
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	92863
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	92864
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	92865
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	92866
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	92867
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	92868
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	92869

5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	92870
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	92871
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	92872
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	92873
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	92874
6150	725661	Dam Safety	\$	943,517	\$	943,517	92875
6970	725670	Submerged Lands	\$	869,145	\$	869,145	92876
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$	59,997,307	92877
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	92878
7086	725418	Buoy Placement	\$	60,000	\$	60,000	92879
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	92880
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	92881
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	92882
7086	739401	Division of Watercraft	\$	21,471,870	\$	21,271,870	92883
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	92884
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	92885
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	92886
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	92887
8190	725685	Ohio River Management	\$	203,584	\$	203,584	92888
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	92889
TOTAL	DPF	Dedicated Purpose Fund Group	\$	186,747,034	\$	190,704,063	92890
		Internal Service Activity Fund Group					92891

1550	725601	Departmental Projects	\$	3,044,303	\$	2,912,653	92892
1570	725651	Central Support	\$	5,176,611	\$	5,351,233	92893
		Indirect					
2040	725687	Information Services	\$	5,633,426	\$	5,633,426	92894
2050	725696	Human Resource Direct	\$	2,634,135	\$	2,696,052	92895
		Service					
2070	725690	Real Estate Services	\$	34,291	\$	34,834	92896
2230	725665	Law Enforcement	\$	2,553,054	\$	2,609,277	92897
		Administration					
4X80	725662	Water Resources	\$	138,005	\$	138,005	92898
		Council					
5100	725631	Maintenance -	\$	249,611	\$	249,611	92899
		State-owned					
		Residences					
6350	725664	Fountain Square	\$	3,457,486	\$	3,469,467	92900
		Facilities Management					
TOTAL ISA Internal Service Activity							92901
Fund Group			\$	22,920,922	\$	23,094,558	92902
Capital Projects Fund Group							92903
7061	725405	Clean Ohio Trail	\$	300,775	\$	300,775	92904
		Operating					
TOTAL CPF Capital Projects Fund			\$	300,775	\$	300,775	92905
Group							
Fiduciary Fund Group							92906
4M80	725675	FOP Contract	\$	20,219	\$	20,219	92907
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	92908
Holding Account Fund Group							92909
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	92910
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	92911
TOTAL HLD Holding Account							92912
Fund Group			\$	2,628,993	\$	2,628,993	92913

Federal Fund Group					92914
3320 725669	Federal Mine Safety Grant	\$	265,000	\$	265,000 92915
3B30 725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000 92916
3B40 725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000 92917
3B50 725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759 92918
3B60 725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000 92919
3B70 725654	Reclamation - Regulatory	\$	2,977,956	\$	2,977,955 92920
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000 92921
3P20 725642	Oil and Gas - Federal	\$	234,509	\$	234,509 92922
3P30 725650	Coastal Management - Federal	\$	1,746,000	\$	1,746,000 92923
3P40 725660	Federal - Soil and Water Resources	\$	2,844,644	\$	1,195,738 92924
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280 92925
3Z50 725657	Federal Recreation and Trails	\$	1,600,000	\$	1,600,000 92926
TOTAL FED	Federal Fund Group	\$	27,972,148	\$	26,323,241 92927
TOTAL ALL BUDGET	FUND GROUPS	\$	343,966,727	\$	346,483,985 92928

Section 337.20. CENTRAL SUPPORT INDIRECT 92930

The Department of Natural Resources, with approval of the 92931
Director of Budget and Management, shall utilize a methodology for 92932
determining each division's payments into the Central Support 92933
Indirect Fund (Fund 1570). The methodology used shall contain the 92934

characteristics of administrative ease and uniform application in 92935
compliance with federal grant requirements. It may include direct 92936
cost charges for specific services provided. Payments to Fund 1570 92937
shall be made using an intrastate transfer voucher. The foregoing 92938
appropriation item 725401, Division of Wildlife-Operating Subsidy, 92939
shall be used to pay the direct and indirect costs of the Division 92940
of Wildlife. 92941

Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 92942
RENTAL BOND PAYMENTS 92943

The foregoing appropriation item 725413, Parks and 92944
Recreational Facilities Lease Rental Bond Payments, shall be used 92945
to meet all payments during the period from July 1, 2015, through 92946
June 30, 2017, by the Department of Natural Resources pursuant to 92947
leases and agreements made under section 154.22 of the Revised 92948
Code. These appropriations are the source of funds pledged for 92949
bond service charges on related obligations issued under Chapter 92950
154. of the Revised Code. 92951

CANAL LANDS 92952

The foregoing appropriation item 725456, Canal Lands, shall 92953
be used to provide operating expenses for the State Canal Lands 92954
Program. 92955

SOIL AND WATER CONSERVATION DISTRICTS 92956

Of the foregoing appropriation item 725502, Soil and Water 92957
Conservation Districts, \$500,000 in each fiscal year shall be used 92958
by the Chief of the Division of Soil and Water Resources for a 92959
program to support soil and water conservation districts in the 92960
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 92961
the 131st General Assembly. The Chief shall approve a soil and 92962
water district's application for funding under the program if the 92963
application demonstrates that funding will be used for, but not 92964

limited to, providing technical assistance, developing applicable 92965
nutrient or manure management plans, hiring and training of soil 92966
and water conservation district staff on best conservation 92967
practices, or other activities the Chief determines is appropriate 92968
to assist farmers in the Western Lake Erie Basin in complying with 92969
the provisions of Sub. S.B. 1 of the 131st General Assembly. 92970

HEALTHY LAKE ERIE PROGRAM 92971

The foregoing appropriation item 725505, Healthy Lake Erie 92972
Program, shall be used by the Director of Natural Resources, in 92973
consultation with the Director of Agriculture and the Director of 92974
Environmental Protection, to implement nonstatutory 92975
recommendations of the Agriculture Nutrients and Water Quality 92976
Working Group. The Director shall give priority to recommendations 92977
that encourage farmers to adopt agricultural production guidelines 92978
commonly known as 4R nutrient stewardship practices. Funds may 92979
also be used for enhanced soil testing in the Western Lake Erie 92980
Basin, monitoring the quality of Lake Erie and its tributaries, 92981
and conducting research and establishing pilot projects that have 92982
the goal of reducing algae blooms in Lake Erie. 92983

Of the foregoing appropriation item 725505, Healthy Lake Erie 92984
Program, \$350,000 in fiscal year 2016 shall be distributed by the 92985
Director of Natural Resources to the City of Mentor for the 92986
wetland and stormwater management project. 92987

COAL AND MINE SAFETY PROGRAM 92988

The foregoing appropriation item 725507, Coal and Mine Safety 92989
Program, shall be used for the administration of the Mine Safety 92990
Program and the Coal Regulation Program. 92991

INDIAN LAKE WATERSHED PROJECT 92992

The foregoing appropriation item 725510, Indian Lake 92993
Watershed Project, shall be used to support the administrative 92994
expenses of Indian Lake Watershed Project, Inc. 92995

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT	92996
During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in the Unreclaimed Land Fund (Fund 5290), transfer up to \$500,000 per year from Fund 5290 to the Coal Mining Administration and Reclamation Reserve Fund (Fund 5260) created in section 1513.181 of the Revised Code. The cash transfer to Fund 5260 shall be used to operate the Coal Regulatory Program.	92997 92998 92999 93000 93001 93002 93003 93004 93005
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	93006
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.05 of the Revised Code.	93007 93008 93009 93010 93011
Section 337.40. SOIL AND WATER DISTRICTS	93012
In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.	93013 93014 93015 93016 93017 93018 93019 93020 93021 93022 93023
OIL AND GAS WELL PLUGGING	93024
The foregoing appropriation item 725677, Oil and Gas Well	93025

Plugging, shall be used exclusively for the purposes of plugging 93026
wells and to properly restore the land surface of idle and orphan 93027
oil and gas wells pursuant to section 1509.071 of the Revised 93028
Code. No funds from the appropriation item shall be used for 93029
salaries, maintenance, equipment, or other administrative 93030
purposes, except for those costs directly attributed to the 93031
plugging of an idle or orphan well. This appropriation item shall 93032
not be used to transfer cash to any other fund or appropriation 93033
item. 93034

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 93035
MAPPING OPERATIONS 93036

During fiscal years 2016 and 2017, the Director of Budget and 93037
Management may, in consultation with the Director of Natural 93038
Resources, transfer such cash as necessary from the General 93039
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 93040
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 93041
5180 shall be used for handling the increased regulatory work 93042
related to the expansion of the oil and gas program that will 93043
occur before receipts from this activity are deposited into Fund 93044
5180. The cash transfer to Fund 5110 shall be used for handling 93045
the increased field and laboratory research efforts related to the 93046
expansion of the oil and gas program that will occur before 93047
receipts from this activity are deposited into Fund 5110. Once 93048
funds from severance taxes, application and permitting fees, and 93049
other sources have accrued to Fund 5180 and Fund 5110 in such 93050
amounts as are considered sufficient to sustain expanded 93051
operations, the Director of Budget and Management, in consultation 93052
with the Director of Natural Resources, shall establish a schedule 93053
for repaying the transferred funds from Fund 5180 and Fund 5110 to 93054
the General Revenue Fund. 93055

Section 337.43. DIVISION OF WILDLIFE CONSERVATION 93056

Of the foregoing appropriation item 740401, Division of 93057
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 93058
Director of Natural Resources to study the effect that zebra 93059
mussels and quagga mussels have on Lake Erie. 93060

Of the foregoing appropriation item 740401, Division of 93061
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 93062
Director of Natural Resources to study the effect that Canada 93063
geese have on Lake Erie. 93064

Section 337.50. WATERCRAFT MARINE PATROL 93065

Of the foregoing appropriation item 739401, Division of 93066
Watercraft, up to \$200,000 in each fiscal year shall be expended 93067
for the purchase of equipment for marine patrols qualifying for 93068
funding from the Department of Natural Resources pursuant to 93069
section 1547.67 of the Revised Code. Proposals for equipment shall 93070
accompany the submission of documentation for receipt of a marine 93071
patrol subsidy pursuant to section 1547.67 of the Revised Code and 93072
shall be loaned to eligible marine patrols pursuant to a 93073
cooperative agreement between the Department of Natural Resources 93074
and the eligible marine patrol. 93075

Section 337.60. WELL LOG FILING FEES 93076

The Chief of the Division of Soil and Water Resources shall 93077
deposit fees forwarded to the Division pursuant to section 1521.05 93078
of the Revised Code into the Departmental Services - Intrastate 93079
Fund (Fund 1550) for the purposes described in that section. 93080

Section 337.70. HUMAN RESOURCES DIRECT SERVICE 93081

The foregoing appropriation item 725696, Human Resources 93082
Direct Service, shall be used to cover the cost of support, 93083
coordination, and oversight of the Department of Natural 93084
Resources' human resources functions. The Human Resources 93085

Chargeback Fund (Fund 2050) shall consist of cash transferred to 93086
it via intrastate transfer voucher from other funds as determined 93087
by the Director of Natural Resources and the Director of Budget 93088
and Management. 93089

Section 337.80. LAW ENFORCEMENT ADMINISTRATION 93090

The foregoing appropriation item 725665, Law Enforcement 93091
Administration, shall be used to cover the cost of support, 93092
coordination, and oversight of the Department of Natural 93093
Resources' law enforcement functions. The Law Enforcement 93094
Administration Fund (Fund 2230) shall consist of cash transferred 93095
to it via intrastate transfer voucher from other funds as 93096
determined by the Director of Natural Resources and the Director 93097
of Budget and Management. 93098

Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 93099
EXPO CENTER 93100

The foregoing appropriation item 725664, Fountain Square 93101
Facilities Management, shall be used for payment of repairs, 93102
renovation, utilities, property management, and building 93103
maintenance expenses for the Fountain Square complex and the 93104
Department of Natural Resources grounds at the Ohio Expo Center. 93105
Cash transferred by intrastate transfer vouchers from various 93106
department funds and rental income received by the Department of 93107
Natural Resources shall be deposited into the Fountain Square 93108
Facilities Management Fund (Fund 6350). 93109

Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES 93110

The foregoing appropriation item 725405, Clean Ohio Trail 93111
Operating, shall be used by the Department of Natural Resources in 93112
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 93113
to section 1519.05 of the Revised Code. 93114

Section 337.110. PARKS CAPITAL EXPENSES FUND 93115

The Director of Natural Resources shall submit to the 93116
Director of Budget and Management the estimated design, 93117
engineering, and planning costs of capital-related work to be done 93118
by Department of Natural Resources staff for parks projects within 93119
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 93120
Director of Budget and Management approves the estimated costs, 93121
the Director may release appropriations from appropriation item 93122
C725E6, Project Planning, Fund 7035, for those purposes. Upon 93123
release of the appropriations, the Department of Natural Resources 93124
shall pay for these expenses from the Parks Capital Expenses Fund 93125
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 93126
Fund 7035 using an intrastate transfer voucher. 93127

NATUREWORKS CAPITAL EXPENSES FUND 93128

The Department of Natural Resources shall submit to the 93129
Director of Budget and Management the estimated design, planning, 93130
and engineering costs of capital-related work to be done by 93131
Department of Natural Resources staff for each capital improvement 93132
project within the Ohio Parks and Natural Resources Fund (Fund 93133
7031). If the Director of Budget and Management approves the 93134
estimated costs, the Director may release appropriations from 93135
appropriation item C725E5, Project Planning, in Fund 7031, for 93136
those purposes. Upon release of the appropriations, the Department 93137
of Natural Resources shall pay for these expenses from the Capital 93138
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 93139
reimbursed by Fund 7031 by using an intrastate transfer voucher. 93140

Section 339.10. NUR STATE BOARD OF NURSING 93141

Dedicated Purpose Fund Group 93142
4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 93143
5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 93144

		Program					
5P80	884601	Nursing Special	\$	2,000	\$	2,000	93145
		Issues					
		TOTAL DPF Dedicated Purpose					93146
		Fund Group	\$	9,127,834	\$	9,147,834	93147
		TOTAL ALL BUDGET FUND GROUPS	\$	9,127,834	\$	9,147,834	93148
		Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,					93150
		AND ATHLETIC TRAINERS BOARD					93151
		Dedicated Purpose Fund Group					93152
4K90	890609	Operating Expenses	\$	925,897	\$	944,865	93153
		TOTAL DPF Dedicated Purpose Fund	\$	925,897	\$	944,865	93154
		Group					
		TOTAL ALL BUDGET FUND GROUPS	\$	925,897	\$	944,865	93155
		Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH					93157
		DISABILITIES AGENCY					93158
		General Revenue Fund					93159
GRF	415402	Independent Living	\$	252,000	\$	252,000	93160
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	93161
GRF	415431	Brain Injury	\$	126,567	\$	126,567	93162
GRF	415506	Services for	\$	15,817,709	\$	15,817,709	93163
		Individuals with					
		Disabilities					
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	93164
		TOTAL GRF General Revenue Fund	\$	16,250,894	\$	16,250,894	93165
		Dedicated Purpose Fund Group					93166
4670	415609	Business Enterprise	\$	1,430,633	\$	1,217,633	93167
		Operating Expenses					
4680	415618	Third Party Funding	\$	12,400,000	\$	12,400,000	93168
4L10	415619	Services for	\$	3,099,971	\$	3,099,971	93169
		Rehabilitation					

4W50	415606	Program Management	\$	12,357,482	\$	12,357,482	93170
TOTAL DPF Dedicated Purpose							93171
Fund Group			\$	29,288,086	\$	29,075,086	93172
Federal Fund Group							93173
3170	415620	Disability	\$	81,000,000	\$	81,000,000	93174
Determination							
3790	415616	Federal - Vocational	\$	124,415,653	\$	123,628,652	93175
Rehabilitation							
3GH0	415602	Personal Care	\$	2,752,396	\$	2,752,396	93176
Assistance							
3GH0	415604	Community Centers for	\$	772,000	\$	772,000	93177
the Deaf							
3GH0	415613	Independent Living	\$	638,431	\$	638,431	93178
3L10	415608	Social Security	\$	5,000,000	\$	5,000,000	93179
Vocational							
Rehabilitation							
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000	93180
Employment							
3L40	415617	Vocational	\$	1,514,239	\$	1,514,239	93181
Rehabilitation							
Programs							
TOTAL FED Federal Fund Group			\$	217,092,719	\$	216,305,718	93182
TOTAL ALL BUDGET FUND GROUPS			\$	262,631,699	\$	261,631,698	93183

INDEPENDENT LIVING 93184

The foregoing appropriation item 415402, Independent Living, 93185
shall be used to support the state independent living programs and 93186
centers under Title VII of the Independent Living Services and 93187
Centers for Independent Living of the Rehabilitation Act 93188
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 93189

Of the foregoing appropriation item 415402, Independent 93190
Living, \$67,662 in each fiscal year shall be used as state 93191
matching funds for vocational rehabilitation innovation and 93192

expansion activities.	93193
ASSISTIVE TECHNOLOGY	93194
The total amount of the foregoing appropriation item 415406,	93195
Assistive Technology, shall be provided to Assistive Technology of	93196
Ohio to provide grants and assistive technology services for	93197
people with disabilities in the State of Ohio.	93198
BRAIN INJURY	93199
The foregoing appropriation item 415431, Brain Injury, shall	93200
be provided to The Ohio State University College of Medicine to	93201
support the Brain Injury Program established under section 3304.23	93202
of the Revised Code.	93203
VOCATIONAL REHABILITATION SERVICES	93204
The foregoing appropriation item 415506, Services for	93205
Individuals with Disabilities, shall be used as state matching	93206
funds to provide vocational rehabilitation services to eligible	93207
consumers.	93208
SERVICES FOR THE DEAF	93209
The foregoing appropriation item 415508, Services for the	93210
Deaf, shall be used to provide grants to community centers for the	93211
deaf.	93212
PROGRAM MANAGEMENT	93213
The foregoing appropriation item 415606, Program Management,	93214
shall be used to support the administrative functions of the	93215
commission related to the provision of vocational rehabilitation,	93216
disability determination services, and ancillary programs.	93217
SOCIAL SECURITY REIMBURSEMENT FUNDS	93218
Reimbursement funds received from the Social Security	93219
Administration, United States Department of Health and Human	93220
Services, for the costs of providing services and training to	93221

return disability recipients to gainful employment shall be 93222
 expended, to the extent funds are available, as follows: 93223

(A) Appropriation item 415602, Personal Care Assistance, to 93224
 provide personal care services in accordance with section 3304.41 93225
 of the Revised Code; 93226

(B) Appropriation item 415604, Community Centers for the 93227
 Deaf, to provide grants to community centers for the deaf in Ohio 93228
 for services to individuals with hearing impairments; and 93229

(C) Appropriation item 415608, Social Security Vocational 93230
 Rehabilitation, to provide vocational rehabilitation services to 93231
 individuals with severe disabilities who are Social Security 93232
 beneficiaries, to enable them to achieve competitive employment. 93233

Section 347.10. ODB OHIO OPTICAL DISPENSERS BOARD 93234

Dedicated Purpose Fund Group 93235
 4K90 894609 Program Support \$ 373,000 \$ 375,400 93236
 General Services 93237
 TOTAL DPF Dedicated Purpose Fund \$ 373,000 \$ 375,400 93238
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 373,000 \$ 375,400 93239

Section 349.10. OPT STATE BOARD OF OPTOMETRY 93241

Dedicated Purpose Fund Group 93242
 4K90 885609 Program Support \$ 347,278 \$ 347,278 93243
 TOTAL DPF Dedicated Purpose Fund \$ 347,278 \$ 347,278 93244
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 93245

**Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 93247
 AND PEDORTHICS 93248**

Dedicated Purpose Fund Group 93249

4K90 973609	Operating Expenses	\$	176,950	\$	186,438	93250
TOTAL DPF	Dedicated Purpose Fund	\$	176,950	\$	186,438	93251
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	176,950	\$	186,438	93252

Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK 93253

RELEASE COMPENSATION BOARD 93254

Dedicated Purpose Fund Group 93255

6910 810632	Petroleum Underground	\$	1,257,155	\$	1,258,914	93256
	Storage Tank Release					
	Compensation Board -					
	Operating					

TOTAL DPF	Dedicated Purpose Fund	\$	1,257,155	\$	1,258,914	93257
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,257,155	\$	1,258,914	93258
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Section 355.10. PRX STATE BOARD OF PHARMACY 93260

Dedicated Purpose Fund Group 93261

4A50 887605	Drug Law Enforcement	\$	150,000	\$	150,000	93262
4K90 887609	Operating Expenses	\$	6,779,608	\$	6,818,799	93263
TOTAL DPF	Dedicated Purpose Fund	\$	6,929,608	\$	6,968,799	93264

Group

Federal Fund Group 93265

3DV0 887607	Enhancing Ohio's PMP	\$	128,677	\$	0	93266
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TOTAL FED	Federal Fund Group	\$	128,677	\$	0	93267
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TOTAL ALL BUDGET FUND GROUPS		\$	7,058,285	\$	6,968,799	93268
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Section 357.10. PSY STATE BOARD OF PSYCHOLOGY 93270

Dedicated Purpose Fund Group 93271

4K90 882609	Operating Expenses	\$	588,690	\$	598,890	93272
TOTAL DPF	Dedicated Purpose					93273
Fund Group		\$	588,690	\$	598,890	93274

TOTAL ALL BUDGET FUND GROUPS		\$	588,690	\$	598,890	93275
Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION						93277
General Revenue Fund						93278
GRF 019401	State Legal Defense	\$	3,020,855	\$	3,020,855	93279
	Services					
GRF 019403	Multi-County: State	\$	1,960,463	\$	1,977,325	93280
	Share					
GRF 019404	Trumbull County -	\$	545,658	\$	552,337	93281
	State Share					
GRF 019405	Training Account	\$	50,000	\$	50,000	93282
GRF 019501	County Reimbursement	\$	21,128,268	\$	21,128,268	93283
TOTAL GRF General Revenue Fund		\$	26,705,244	\$	26,728,785	93284
Dedicated Purpose Fund Group						93285
1010 019607	Juvenile Legal	\$	200,000	\$	200,000	93286
	Assistance					
4070 019604	County Representation	\$	225,800	\$	228,456	93287
4080 019605	Client Payments	\$	969,964	\$	834,277	93288
4C70 019601	Multi-County: County	\$	2,364,693	\$	2,389,985	93289
	Share					
4N90 019613	Gifts and Grants	\$	50,250	\$	50,250	93290
4X70 019610	Trumbull County -	\$	654,790	\$	664,809	93291
	County Share					
5740 019606	Civil Legal Aid	\$	17,250,000	\$	17,250,000	93292
5CX0 019617	Civil Case Filing Fee	\$	446,820	\$	453,580	93293
5DY0 019618	Indigent Defense	\$	38,005,178	\$	39,409,939	93294
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	5,772,000	\$	5,850,000	93295
	Support - State					
	Office					
TOTAL DPF Dedicated Purpose						93296

Fund Group	\$	65,939,495	\$	67,331,296	93297
Federal Fund Group					93298
3GJ0 019622 Byrne Memorial Grant	\$	39,958	\$	39,958	93299
3S80 019608 Federal	\$	202,942	\$	202,942	93300
Representation					
TOTAL FED Federal Fund Group	\$	242,900	\$	242,900	93301
TOTAL ALL BUDGET FUND GROUPS	\$	92,887,639	\$	94,302,981	93302
INDIGENT DEFENSE OFFICE					93303
The foregoing appropriation items 019404, Trumbull County -					93304
State Share, and 019610, Trumbull County - County Share, shall be					93305
used to support an indigent defense office for Trumbull County.					93306
MULTI-COUNTY OFFICE					93307
The foregoing appropriation items 019403, Multi-County: State					93308
Share, and 019601, Multi-County: County Share, shall be used to					93309
support the Office of the Ohio Public Defender's Multi-County					93310
Branch Office Program.					93311
TRAINING ACCOUNT					93312
The foregoing appropriation item 019405, Training Account,					93313
shall be used by the Ohio Public Defender to provide legal					93314
training programs at no cost for private appointed counsel who					93315
represents at least one indigent defendant at no cost and for					93316
state and county public defenders and attorneys who contract with					93317
the Ohio Public Defender to provide indigent defense services.					93318
LEGAL AID FUND					93319
On July 1 of each fiscal year, or as soon as possible					93320
thereafter, the Director of Budget and Management shall transfer					93321
\$750,000 cash from the General Revenue Fund to the Legal Aid Fund					93322
(Fund 5740).					93323
Of the foregoing appropriation item 019606, Civil Legal Aid,					93324
and notwithstanding any provision of law to the contrary, \$750,000					93325

in each fiscal year shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing outreach and legal services for economically disadvantaged veterans. For purposes of this section, "economically disadvantaged veteran" is defined as a person: (1) who presents a valid copy of United States Department of Defense form DD-214, DD-215, or equivalent service-related document, and (2) whose income does not exceed one hundred fifty per cent of the federal poverty line as defined in section 5162.01 of the Revised Code.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.

INDIGENT DEFENSE SUPPORT FUND

Notwithstanding section 120.08 of the Revised Code, the Ohio Public Defender may use up to thirteen per cent of the money in the indigent defense support fund created by section 120.08 of the Revised Code for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code.

Section 361.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF 763403 EMA Operating \$ 4,050,000 \$ 4,050,000

GRF	767420	Investigative Unit - Operating	\$	11,399,300	\$	11,399,300	93356
GRF	768425	Justice Program Services	\$	650,000	\$	650,000	93357
GRF	769406	Homeland Security - Operating	\$	2,000,000	\$	2,000,000	93358
TOTAL GRF	General Revenue Fund		\$	18,099,300	\$	18,099,300	93359
Dedicated Purpose Fund Group							93360
4P60	768601	Justice Program Services	\$	150,000	\$	150,000	93361
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	93362
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	93363
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	93364
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	93365
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	93366
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	93367
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	93368
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	93369
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	93370
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	93371
8500	767628	Investigative Unit	\$	92,700	\$	92,700	93372

Salvage					
TOTAL DPF Dedicated Purpose Fund Group	\$	12,716,084	\$	11,216,084	93373
Federal Fund Group					93374
3290 763645 Federal Mitigation Program	\$	10,413,642	\$	10,413,642	93375
3370 763609 Federal Disaster Relief	\$	27,707,636	\$	27,707,636	93376
3390 763647 Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	93377
3EU0 768614 Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	93378
3FK0 768615 Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	93379
3FP0 767620 Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	93380
3FY0 768616 Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	93381
3FZ0 768617 Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	93382
3GA0 768618 Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	93383
3GL0 768619 Justice Assistance Grants	\$	7,500,000	\$	10,500,000	93384
3GT0 767691 Equitable Share Account	\$	300,000	\$	300,000	93385
3GU0 769610 Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000	93386
3GU0 769631 Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000	93387

3L50 768604	Justice Program	\$ 10,500,000	\$ 10,500,000	93388
3N50 763644	U.S. Department of Energy Agreement	\$ 31,672	\$ 31,672	93389
TOTAL FED	Federal Fund Group	\$ 133,042,715	\$ 134,067,715	93390
TOTAL ALL BUDGET FUND GROUPS		\$ 163,858,099	\$ 163,383,099	93391
CASH TRANSFER - INVESTIGATIVE UNIT				93392
Upon written request of the Director of Public Safety, the				93393
Director of Budget and Management may transfer cash from the				93394
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to				93395
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).				93396
CASH TRANSFER - JUSTICE PROGRAM SERVICES				93397
Upon written request of the Director of Public Safety, the				93398
Director of Budget and Management may transfer cash from the				93399
Justice Program Services Fund (Fund 4P60) to the State Bureau of				93400
Motor Vehicles Fund (Fund 4W40).				93401
STATE DISASTER RELIEF				93402
The State Disaster Relief Fund (Fund 5330) may accept				93403
transfers of cash and appropriations from Controlling Board				93404
appropriation items for the Ohio Emergency Management Agency				93405
disaster response costs and disaster program management costs, and				93406
may also be used for the following purposes:				93407
(A) To accept transfers of cash and appropriations from				93408
Controlling Board appropriation items for Ohio Emergency				93409
Management Agency public assistance and mitigation program match				93410
costs to reimburse eligible local governments and private				93411
nonprofit organizations for costs related to disasters;				93412
(B) To accept transfers of cash to reimburse the costs				93413
associated with Emergency Management Assistance Compact (EMAC)				93414
deployments;				93415
(C) To accept disaster related reimbursement from federal,				93416

state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				93447
Dedicated Purpose Fund Group				93448
4A30	870614	Grade Crossing Protection Devices-State	\$ 1,347,357 \$ 1,347,357	93449
4L80	870617	Pipeline Safety-State	\$ 331,992 \$ 331,992	93450
5610	870606	Power Siting Board	\$ 581,618 \$ 581,618	93451
5F60	870622	Utility and Railroad Regulation	\$ 30,619,708 \$ 30,619,708	93452
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	93453
5LT0	870640	Intrastate Registration	\$ 180,000 \$ 180,000	93454
5LT0	870641	Unified Carrier Registration	\$ 420,000 \$ 420,000	93455
5LT0	870642	Hazardous Materials Registration	\$ 753,346 \$ 753,346	93456
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 277,496 \$ 277,496	93457
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 898,800 \$ 898,800	93458
5LT0	870645	Motor Carrier Enforcement	\$ 4,709,592 \$ 4,709,592	93459
5Q50	870626	Telecommunications Relay Service	\$ 5,000,000 \$ 5,000,000	93460
TOTAL DPF Dedicated Purpose Fund Group				\$ 45,204,909 \$ 45,204,909 93461
Federal Fund Group				93462
3330	870601	Gas Pipeline Safety	\$ 597,959 \$ 597,959	93463
3500	870608	Motor Carrier Safety	\$ 7,351,660 \$ 7,351,660	93464
3V30	870604	Commercial Vehicle	\$ 100,000 \$ 100,000	93465

Information

Systems/Networks

TOTAL FED Federal Fund Group	\$	8,049,619	\$	8,049,619	93466
TOTAL ALL BUDGET FUND GROUPS	\$	53,254,528	\$	53,254,528	93467

Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING 93469

The foregoing appropriation item 870622, Utility and Railroad 93470
Regulation, shall be used in part to plan for the transition, 93471
consistent with the directives and policies of the Federal 93472
Communications Commission, from the current public switched 93473
telephone network to an internet-protocol network that will 93474
stimulate investment in the internet-protocol network in Ohio and 93475
that will expand the availability of advanced telecommunications 93476
services to all Ohioans. The transition plan shall include a 93477
review of statutes or rules that may prevent or delay an 93478
appropriate transition. The Public Utilities Commission shall 93479
report to the General Assembly on any further action required to 93480
be taken by the General Assembly to ensure a successful and timely 93481
transition. 93482

Section 363.30. (A) The Public Utilities Commission shall do 93483
both of the following not later than one hundred eighty days after 93484
the effective date of this section: 93485

(1) Adopt rules to implement section 4927.10 of the Revised 93486
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 93487
4927.11 of the Revised Code made by H.B. 64 of the 131st General 93488
Assembly; 93489

(2) Bring its rules into conformity with this act. 93490

(B) Rules adopted or amended under this section shall include 93491
provisions for reasonable customer notice of the steps to be taken 93492
during, and the actions resulting from, the transition plan 93493
described in Section 363.20 of H.B. 64 of the 131st General 93494

Assembly.					93495
(C) Any rule adopted or amended under this section shall be					93496
consistent with the rules of the Federal Communications					93497
Commission.					93498
(D) If the Public Utilities Commission fails to comply with					93499
division (A) of this section before the Federal Communications					93500
Commission adopts the order described in section 4927.10 of the					93501
Revised Code, any rule of the Public Utilities Commission that is					93502
inconsistent with that order shall not be enforced.					93503
Section 365.10. PWC PUBLIC WORKS COMMISSION					93504
General Revenue Fund					93505
GRF 150904 Conservation General	\$	33,174,900	\$	37,725,700	93506
Obligation Bond Debt					
Service					
GRF 150907 Infrastructure	\$	227,937,400	\$	231,303,200	93507
Improvement General					
Obligation Bond Debt					
Service					
TOTAL GRF General Revenue Fund	\$	261,112,300	\$	269,028,900	93508
Capital Projects Fund Group					93509
7056 150403 Clean Ohio	\$	288,980	\$	288,980	93510
Conservation					
Operating					
TOTAL CPF Capital Projects Fund	\$	288,980	\$	288,980	93511
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	261,401,280	\$	269,317,880	93512
CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE					93513
The foregoing appropriation item 150904, Conservation General					93514
Obligation Bond Debt Service, shall be used to pay all debt					93515
service and related financing costs during the period from July 1,					93516

2015, through June 30, 2017, at the times they are required to be 93517
made for obligations issued under sections 151.01 and 151.09 of 93518
the Revised Code. 93519

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 93520
SERVICE 93521

The foregoing appropriation item 150907, Infrastructure 93522
Improvement General Obligation Bond Debt Service, shall be used to 93523
pay all debt service and related financing costs during the period 93524
from July 1, 2015, through June 30, 2017, at the times they are 93525
required to be made for obligations issued under sections 151.01 93526
and 151.08 of the Revised Code. 93527

CLEAN OHIO CONSERVATION OPERATING 93528

The foregoing appropriation item 150403, Clean Ohio 93529
Conservation Operating, shall be used by the Ohio Public Works 93530
Commission in administering Clean Ohio Conservation Fund (Fund 93531
7056) projects pursuant to sections 164.20 to 164.27 of the 93532
Revised Code. 93533

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 93534

The Director of the Public Works Commission is authorized to 93535
create a District Administration Costs Program for districts 93536
represented by natural resource assistance councils. This program 93537
shall be funded from proceeds of the Clean Ohio Conservation Fund. 93538
This program shall be used by natural resource assistance councils 93539
in order to provide for administration costs of the nineteen 93540
natural resource assistance councils for the direct costs of 93541
council administration. Councils choosing to participate in this 93542
program may be eligible for up to \$15,000 per fiscal year from its 93543
district allocation as provided in section 164.27 of the Revised 93544
Code. The director shall define allowable and nonallowable costs 93545
for the purpose of the District Administration Costs Program. 93546
Nonallowable costs include indirect costs, elected official 93547

salaries and benefits, and project-specific costs. 93548

Section 367.10. RAC STATE RACING COMMISSION 93549

Dedicated Purpose Fund Group 93550

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 93551

Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 93552

Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 93553

Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 93554

Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 93555

Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 93556

Group

Fiduciary Fund Group 93557

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 93558

Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 93559

Holding Account Fund Group 93560

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 93561

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 93562

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 93563

Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION 93565

General Revenue Fund 93566

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 93567

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 93568

GRF 235406 Articulation and \$ 2,000,000 \$ 2,000,000 93569

Transfer

GRF 235408	Midwest Higher Education Compact	\$	115,000	\$	115,000	93570
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	93571
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	93572
GRF 235428	Appalachian New Economy Partnership	\$	1,500,000	\$	1,500,000	93573
GRF 235438	Choose Ohio First Scholarship	\$	17,415,114	\$	17,415,114	93574
GRF 235443	Adult Basic and Literacy Education - State	\$	7,402,416	\$	7,372,416	93575
GRF 235444	Ohio Technical Centers	\$	16,817,547	\$	16,817,547	93576
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	93577
GRF 235483	Technology Integration and Professional Development	\$	378,598	\$	378,598	93578
GRF 235488	Higher Education Innovation Grants	\$	0	\$	20,000,000	93579
GRF 235492	Campus Safety and Training	\$	2,000,000	\$	0	93580
GRF 235501	State Share of Instruction	\$	1,857,752,007	\$	1,894,907,047	93581
GRF 235502	Student Support Services	\$	632,974	\$	632,974	93582
GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	93583
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	93584
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	93585

GRF 235510	Ohio Supercomputer Center	\$	4,247,418	\$	4,247,418	93586
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	93587
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	93588
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	93589
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	93590
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	93591
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	93592
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	93593
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	93594
GRF 235533	Higher Education Program Support	\$	5,400,000	\$	4,650,000	93595
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470	93596
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	93597
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	93598
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	93599
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	93600

GRF 235540	Ohio University Clinical Teaching	\$ 2,911,212	\$ 2,911,212	93601
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$ 2,994,178	\$ 2,994,178	93602
GRF 235542	Defense/Aerospace Workforce Development Initiative	\$ 10,000,000	\$ 10,000,000	93603
GRF 235545	Southern Gateway Innovation Center	\$ 0	\$ 750,000	93604
GRF 235552	Capital Component	\$ 10,280,387	\$ 6,350,817	93605
GRF 235555	Library Depositories	\$ 1,440,342	\$ 1,440,342	93606
GRF 235556	Ohio Academic Resources Network	\$ 3,172,519	\$ 3,172,519	93607
GRF 235558	Long-term Care Research	\$ 325,300	\$ 325,300	93608
GRF 235563	Ohio College Opportunity Grant	\$ 96,187,107	\$ 97,187,107	93609
GRF 235572	The Ohio State University Clinic Support	\$ 766,533	\$ 766,533	93610
GRF 235591	Co-Op Internship Program	\$ 9,250,000	\$ 9,250,000	93611
GRF 235599	National Guard Scholarship Program	\$ 18,750,552	\$ 18,900,003	93612
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 252,470,800	\$ 259,289,500	93613
TOTAL GRF	General Revenue Fund	\$ 2,457,171,283	\$ 2,516,623,335	93614
	Dedicated Purpose Fund Group			93615
2200 235614	Program Approval and Reauthorization	\$ 650,000	\$ 650,000	93616
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	93617

4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	93618
4X10	235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	93619
5D40	235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	93620
5JC0	235694	Competency Based Pilot Project	\$	4,000,000	\$	4,000,000	93621
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	16,000,000	\$	0	93622
5P30	235663	Variable Savings Plan	\$	8,028,685	\$	8,082,899	93623
5QF0	235695	Student Debt Reduction Program	\$	7,500,000	\$	7,500,000	93624
5RA0	235616	Workforce Grants	\$	7,500,000	\$	7,500,000	93625
6450	235664	Guaranteed Savings Plan	\$	1,068,048	\$	1,061,886	93626
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	93627
TOTAL DPF		Dedicated Purpose Fund Group	\$	47,799,648	\$	31,847,700	93628
		Bond Research and Development Fund Group					93629
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	93630
TOTAL BRD		Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	93631
		Federal Fund Group					93632
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	93633
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	93634

3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	93635
3120	235641	Adult Basic and Literacy Education - Federal	\$	15,207,359	\$	15,207,359	93636
3120	235672	H-1B Tech Skills Training	\$	2,100,000	\$	2,100,000	93637
3H20	235608	Human Services Project	\$	375,000	\$	375,000	93638
TOTAL FED	Federal Fund Group		\$	24,882,959	\$	25,001,409	93639
TOTAL ALL BUDGET FUND GROUPS			\$	2,537,853,890	\$	2,581,472,444	93640

Section 369.13. OPERATING EXPENSES 93642

Of the foregoing appropriation item 235321, Operating 93643
 Expenses, up to \$2,854,000 in fiscal year 2016 and up to 93644
 \$2,996,000 in fiscal year 2017 shall be used by the Director of 93645
 Higher Education to support the development and implementation of 93646
 information technology solutions designed to improve the 93647
 performance and services of the Department of Higher Education and 93648
 the University System of Ohio. The information technology 93649
 solutions may be provided by the Ohio Academic Resources Network 93650
 (OARnet). 93651

Section 369.20. SEA GRANTS 93652

The foregoing appropriation item 235402, Sea Grants, shall be 93653
 used to match federal dollars and leverage additional support by 93654
 The Ohio State University's Sea Grant program, including Stone 93655
 Laboratory, for research, education, and outreach to enhance the 93656
 economic value, public utilization, and responsible management of 93657
 Lake Erie and Ohio's coastal resources. 93658

Section 369.30. ARTICULATION AND TRANSFER 93659

The foregoing appropriation item 235406, Articulation and 93660

Transfer, shall be used by the Director of Higher Education to 93661
maintain and expand the work of the Articulation and Transfer 93662
Council to develop a system of transfer policies to ensure that 93663
students at state institutions of higher education can transfer 93664
and have coursework apply to their majors and degrees at any other 93665
state institution of higher education without unnecessary 93666
duplication or institutional barriers under sections 3333.16, 93667
3333.161, and 3333.162 of the Revised Code. 93668

Section 369.40. MIDWEST HIGHER EDUCATION COMPACT 93669

The foregoing appropriation item 235408, Midwest Higher 93670
Education Compact, shall be distributed by the Director of Higher 93671
Education under section 3333.40 of the Revised Code. 93672

Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 93673

The foregoing appropriation item 235414, State Grants and 93674
Scholarship Administration, shall be used by the Director of 93675
Higher Education to administer the following student financial aid 93676
programs: Ohio College Opportunity Grant, Ohio War Orphans' 93677
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 93678
Officers College Memorial Fund, and any other student financial 93679
aid programs created by the General Assembly. The appropriation 93680
item also shall be used to support all state financial aid audits 93681
and student financial aid programs created by Congress, and to 93682
provide fiscal services for the Ohio National Guard Scholarship 93683
Program. 93684

Section 369.60. ESTUDENT SERVICES 93685

The foregoing appropriation item 235417, eStudent Services, 93686
shall be used by the Director of Higher Education to support the 93687
continued implementation of eStudent Services, a consortium 93688
organized under division (T) of section 3333.04 of the Revised 93689

Code to expand access to dual enrollment opportunities for high 93690
school students, as well as adult and higher education 93691
opportunities through technology. The funds shall be used by 93692
eStudent Services to develop and promote learning and assessment 93693
through the use of technology, to test and provide advice on 93694
emerging learning-directed technologies, to support the distance 93695
learning clearinghouse and platform created under section 3333.82 93696
of the Revised Code, to facilitate cost-effectiveness through 93697
shared educational technology investments, and for any other 93698
priorities of the Director of Higher Education. 93699

Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 93700

The foregoing appropriation item 235428, Appalachian New 93701
Economy Partnership, shall be distributed to Ohio University to 93702
continue a multi-campus and multi-agency coordinated effort to 93703
link Appalachia to the new economy. Ohio University shall use 93704
these funds to provide leadership in the development and 93705
implementation of initiatives in the areas of entrepreneurship, 93706
management, education, and technology. 93707

Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP 93708

The foregoing appropriation item 235438, Choose Ohio First 93709
Scholarship, shall be used to operate the program prescribed in 93710
sections 3333.60 to 3333.70 of the Revised Code. 93711

Section 369.90. ADULT BASIC AND LITERACY EDUCATION 93712

Of the foregoing appropriation item 235443, Adult Basic and 93713
Literacy Education - State, \$100,000 in fiscal year 2016 and 93714
\$70,000 in fiscal year 2017 shall be used to provide a grant for 93715
an Ohio public library that provides remedial coursework 93716
instruction for postsecondary students. 93717

The remainder of the foregoing appropriation item 235443, 93718

Adult Basic and Literacy Education - State, shall be used to 93719
support the adult basic and literacy education instructional grant 93720
program and state leadership program. The supported programs shall 93721
satisfy the state match and maintenance of effort requirements for 93722
the state-administered grant program. 93723

Section 369.100. OHIO TECHNICAL CENTERS FUNDING 93724

The foregoing appropriation item 235444, Ohio Technical 93725
Centers, shall be used by the Director of Higher Education to 93726
support post-secondary adult career-technical education. 93727

(A)(1) As soon as possible in each fiscal year, in accordance 93728
with instructions of the Director of Higher Education, each Ohio 93729
Technical Center shall report its actual data, consistent with the 93730
definitions in the Higher Education Information (HEI) system's 93731
files, to the Director. 93732

(a) In defining the number of full-time equivalent students 93733
for state subsidy purposes, the Director of Higher Education shall 93734
exclude all students who are not residents of Ohio. 93735

(b) A full-time equivalent student shall be defined as a 93736
student who completes 450 hours. Those students that complete some 93737
portion of 450 hours shall be counted as a partial full-time 93738
equivalent for funding purposes, while students that complete more 93739
than 450 hours shall be counted as proportionally greater than one 93740
full-time equivalent. 93741

(c) In calculating each Ohio Technical Center's full-time 93742
equivalent students, the Director of Higher Education shall use a 93743
three-year average. 93744

(2) In each fiscal year, twenty-five per cent of the 93745
allocation for Ohio Technical Centers shall be distributed based 93746
on the proportion of each Center's full-time equivalent students 93747
to the total full-time equivalent students who complete a 93748

post-secondary workforce training program approved by the Director 93749
with a grade of C or better or a grade of pass if the program is 93750
evaluated on a pass/fail basis. 93751

(3) In each fiscal year, twenty per cent of the allocation 93752
for Ohio Technical Centers shall be distributed based on the 93753
proportion of each Center's full-time equivalent students to the 93754
total full-time equivalent students who complete 50 per cent of a 93755
program of study as a measure of student retention. 93756

(4) In each fiscal year, fifty per cent of the allocation for 93757
Ohio Technical Centers shall be distributed based on the 93758
proportion of each Center's full-time equivalent students to the 93759
total full-time equivalent students who have found employment, 93760
entered military service, or enrolled in additional post-secondary 93761
education and training in accordance with the placement 93762
definitions of the Carl D. Perkins Career and Technical Education 93763
Act of 2006 (Perkins). The calculation for eligible full-time 93764
equivalent students shall be based on the per cent of Perkins 93765
placements for students who have completed at least 50 per cent of 93766
a program of study. 93767

(5) In each fiscal year, five per cent of the allocation for 93768
Ohio Technical Centers shall be distributed based on the 93769
proportion of each Center's full-time equivalent students to the 93770
total full-time equivalent students who have earned a credential 93771
from an industry-recognized third party. 93772

(B) Of the foregoing appropriation item 235444, Ohio 93773
Technical Centers, up to \$400,000 in each fiscal year shall be 93774
distributed by the Director of Higher Education to the Ohio 93775
Central School System, up to \$48,000 in each fiscal year shall be 93776
utilized for assistance for Ohio Technical Centers, and up to 93777
\$975,000 in each fiscal year shall be distributed by the Director 93778
to Ohio Technical Centers that provide business consultation with 93779
matching local dollars. Centers meeting this requirement shall 93780

receive an amount not to exceed \$25,000 per center. 93781

(C) The remainder of the foregoing appropriation item 235444, 93782
Ohio Technical Centers, in each fiscal year shall be distributed 93783
in accordance with division (A) of this section. 93784

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 93785
CENTERS 93786

(1) No Ohio Technical Center shall receive performance 93787
funding calculated under division (A) of this section, excluding 93788
funding for third party credentials calculated under division 93789
(A)(5) of this section, that is less than 96 per cent of the 93790
average allocation the Center received, excluding funding for 93791
third party credentials, in the three prior fiscal years. 93792

(2) In order to ensure that no Center receives less than 96 93793
per cent of the prior three-year average allocation in accordance 93794
with division (D)(1) of this section, funds shall be made 93795
available to support the phase-in allocation by proportionally 93796
reducing formula earnings from each Center not receiving phase-in 93797
funding. 93798

Section 369.110. AREA HEALTH EDUCATION CENTERS 93799

The foregoing appropriation item 235474, Area Health 93800
Education Centers Program Support, shall be used by the Director 93801
of Higher Education to support the medical school regional area 93802
health education centers' educational programs for the continued 93803
support of medical and other health professions education and for 93804
support of the Area Health Education Center Program. 93805

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 93806
DEVELOPMENT** 93807

The foregoing appropriation item 235483, Technology 93808
Integration and Professional Development, shall be used by the 93809

Director of Higher Education for the provision of staff 93810
development, hardware, software, telecommunications services, and 93811
information resources to support educational uses of technology in 93812
the classroom and at a distance and for professional development 93813
for teachers, administrators, and technology staff on the use of 93814
educational technology in qualifying public schools, including the 93815
State School for the Blind, the School for the Deaf, and the 93816
Department of Youth Services. 93817

Section 369.130. HIGHER EDUCATION INNOVATION GRANTS 93818

The foregoing appropriation item 235488, Higher Education 93819
Innovation Grants, shall be used by the Director of Higher 93820
Education to provide grants to state institutions of higher 93821
education as defined in section 3345.011 of the Revised Code for 93822
innovative administration redesign proposals, which result in cost 93823
savings to students, including, but not limited to, project-based 93824
approaches and reduction or reorganization of departments. The 93825
grants shall provide matching funds to institutions for 93826
efficiencies that result in sustainable, long-term cost savings 93827
for students. 93828

Section 369.140. CAMPUS SAFETY AND TRAINING 93829

The foregoing appropriation item 235492, Campus Safety and 93830
Training, shall be used by the Director of Higher Education for 93831
the purpose of developing model best practices for preventing and 93832
responding to sexual assault on campus. By September 1, 2015, the 93833
Director of Higher Education, in consultation with state 93834
institutions of higher education as defined in section 3345.011 of 93835
the Revised Code, shall develop model best practices for 93836
preventing and responding to sexual assault and protecting 93837
students and staff who are victims of sexual assault on campus. 93838
The Director shall convene state institutions of higher education 93839

in the training and implementation of best practices regarding 93840
campus sexual assault. 93841

Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS 93842

The Director of Higher Education shall establish procedures 93843
to allocate the foregoing appropriation item 235501, State Share 93844
of Instruction, based on the formulas detailed in this section 93845
that utilize the enrollment, course completion, degree attainment, 93846
and student achievement factors reported annually by each state 93847
institution of higher education participating in the Higher 93848
Education Information (HEI) system. 93849

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 93850
COMPLETIONS 93851

(1) As soon as possible during each fiscal year of the 93852
biennium ending June 30, 2017, in accordance with instructions of 93853
the Department of Higher Education, each state institution of 93854
higher education shall report its actual data, consistent with the 93855
definitions in the Higher Education Information (HEI) system's 93856
enrollment files, to the Director of Higher Education. 93857

(2) In defining the number of full-time equivalent students 93858
for state subsidy instructional cost purposes, the Director of 93859
Higher Education shall exclude all undergraduate students who are 93860
not residents of Ohio, except those charged in-state fees in 93861
accordance with reciprocity agreements made under section 3333.17 93862
of the Revised Code or employer contracts entered into under 93863
section 3333.32 of the Revised Code. 93864

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 93865

For purposes of calculating state share of instruction 93866
allocations, the total instructional costs per full-time 93867
equivalent student shall be: 93868

Model Fiscal Year 2016 Fiscal Year 2017 93869

ARTS AND HUMANITIES 1	\$7,773	\$7,920	93870
ARTS AND HUMANITIES 2	\$11,093	\$11,302	93871
ARTS AND HUMANITIES 3	\$14,209	\$14,477	93872
ARTS AND HUMANITIES 4	\$21,021	\$21,417	93873
ARTS AND HUMANITIES 5	\$35,834	\$36,509	93874
ARTS AND HUMANITIES 6	\$38,135	\$38,854	93875
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	93876
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	93877
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	93878
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	93879
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	93880
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	93881
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	93882
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	93883
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	93884
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,841	\$12,064	93885
SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	93886

ENGINEERING, MATHEMATICS, MEDICINE			
4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$19,290	\$19,654	93887
5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$20,814	\$21,206	93888
6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$23,462	\$23,905	93889
7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$36,983	\$37,680	93890
8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE	\$49,923	\$50,864	93891
9			
Doctoral I and Doctoral II models shall be allocated in			93892
accordance with division (D)(2) of this section.			93893
Medical I and Medical II models shall be allocated in			93894
accordance with divisions (D)(3) and (D)(4) of this section.			93895
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			93896 93897
For the purpose of implementing the recommendations of the			93898
2006 State Share of Instruction Consultation and the Higher			93899
Education Funding Study Council that priority be given to			93900

maintaining state support for science, technology, engineering, 93901
 mathematics, medicine, and graduate programs, the costs in 93902
 division (B) of this section shall be weighted by the amounts 93903
 provided below: 93904

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	93905
ARTS AND HUMANITIES 2	1.0000	1.0000	93906
ARTS AND HUMANITIES 3	1.0000	1.0000	93907
ARTS AND HUMANITIES 4	1.0000	1.0000	93908
ARTS AND HUMANITIES 5	1.0425	1.0425	93909
ARTS AND HUMANITIES 6	1.0425	1.0425	93910
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	93911
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	93912
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	93913
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	93914
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	93915
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	93916
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	93917
BUSINESS, EDUCATION & SOCIAL SCIENCES 8	1.0425	1.0425	93918
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	93919
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	93920

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	93921
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	93922
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	93923
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	93924
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	93925
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	93926
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	93927
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			93928
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			93929
(1) Of the foregoing appropriation item 235501, State Share			93930
of Instruction, 50 per cent of the appropriation for universities,			93931
as established in division (A)(2) of the section of this act			93932

entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Director of Higher Education shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their

studies, as reported through the Higher Education Information 93964
(HEI) system student enrollment file, shall be weighted by a 93965
factor of 1. 93966

(ii) The subsidy eligible degrees conferred to students 93967
identified as out-of-state residents during all terms of their 93968
studies, as reported through the Higher Education Information 93969
(HEI) system student enrollment file, who remain in the state of 93970
Ohio at least one year after graduation, as calculated based on 93971
the three-year average in-state residency rate for out-of-state 93972
graduates at each institution, shall be weighted by a factor of 50 93973
per cent. 93974

(iii) Subsidy eligible associate degrees are defined as those 93975
earned by students attending any state-supported university main 93976
or regional campus. 93977

(b) In calculating each campus's count of degrees, the 93978
Director of Higher Education shall use the three-year average 93979
associate, baccalaureate, master's, and professional degrees 93980
awarded for the three-year period ending in the prior year. 93981

(i) If a student is awarded an associate degree and, 93982
subsequently, is awarded a baccalaureate degree, the amount funded 93983
for the baccalaureate degree shall be limited to either the 93984
difference in cost between the cost of the baccalaureate degree 93985
and the cost of the associate degree paid previously, or if the 93986
associate degree has a higher cost than the baccalaureate degree, 93987
the cost of the credits earned by the student after the associate 93988
degree was awarded. 93989

(ii) If a student earns an associate degree then, 93990
subsequently, earns a baccalaureate degree, the associate degree 93991
granting institution shall only receive the prorated share of the 93992
baccalaureate degree funding for the credits earned at that 93993
institution after the associate degree is awarded. 93994

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, or financial status, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 and 2017," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2016, NEOMED shall receive \$150,000 and in fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 47.50 per cent of the remaining doctoral set-aside in fiscal year 2016 and 40 per cent of the remaining doctoral set-aside in fiscal year 2017 shall be allocated to universities in proportion to their share of the statewide total of each state

institution's three-year average Doctoral I equivalent FTEs as 94026
calculated on an institutional basis using historical FTEs for the 94027
period fiscal year 1994 through fiscal year 1998 with annualized 94028
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 94029
fiscal year 1998 as adjusted to reflect the effects of doctoral 94030
review and subsequent changes in Doctoral I equivalent 94031
enrollments. For the purposes of this calculation, Doctoral I 94032
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 94033
times the sum of Doctoral II FTEs. 94034

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 94035
and 40 per cent of the doctoral set-aside in fiscal year 2017 94036
shall be allocated to universities in proportion to each campus's 94037
share of the total statewide doctoral degrees, weighted by the 94038
cost of the doctoral discipline. In calculating each campus's 94039
doctoral degrees the Director of Higher Education shall use the 94040
three-year average doctoral degrees awarded for the three-year 94041
period ending in the prior year. 94042

(c) 17.5 per cent of the doctoral set-aside in fiscal year 94043
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 94044
shall be allocated to universities in proportion to their share of 94045
research grant activity. Funding for this component shall be 94046
allocated to eligible universities in proportion to their share of 94047
research grant activity published by the National Science 94048
Foundation. Grant awards from the Department of Health and Human 94049
Services shall be weighted at 50 per cent. 94050

(3) Of the foregoing appropriation item 235501, State Share 94051
of Instruction, 6.41 per cent of the appropriation for 94052
universities, as established in division (A)(2) of the section of 94053
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 94054
2016 AND 2017," in each fiscal year shall be reserved for support 94055
of Medical II FTEs. The amount so reserved shall be referred to as 94056
the medical II set-aside. 94057

The medical II set-aside shall be allocated to universities 94058
in proportion to their share of the statewide total of each state 94059
institution's three-year average Medical II FTEs as calculated in 94060
division (A) of this section. 94061

In calculating the core subsidy entitlements for Medical II 94062
models only, students repeating terms may be no more than five per 94063
cent of current year enrollment. 94064

(4) Of the foregoing appropriation item 235501, State Share 94065
of Instruction, 1.48 per cent of the appropriation for 94066
universities, as established in division (A)(2) of the section of 94067
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 94068
2016 AND 2017," in each fiscal year shall be reserved for support 94069
of Medical I FTEs. The amount so reserved shall be referred to as 94070
the medical I set-aside. 94071

The medical I set-aside shall be allocated to universities in 94072
proportion to their share of the statewide total of each state 94073
institution's three-year average Medical I FTEs as calculated in 94074
division (A) of this section. 94075

(5) In calculating the course completion funding for 94076
universities, the Director of Higher Education shall use the 94077
following count of FTE students: 94078

(a) The subsidy eligible enrollments by model shall equal 94079
only those FTE students who successfully complete the course as 94080
defined and reported through the Higher Education Information 94081
(HEI) system course enrollment file; 94082

(b) Those undergraduate FTE students with successful course 94083
completions, identified in division (D)(5)(a) of this section, 94084
that had an expected family contribution less than 2190 or were 94085
determined to have been academically underprepared shall be 94086
defined as at-risk students and shall have their eligible 94087
completions weighted by the following: 94088

(i) Campus-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2012 - 2014 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Director of Higher Education shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) of that section, less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(6) In addition to the Access Challenge funding as described in divisions (B)(1) and (B)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," doctoral set-aside, medical I set-aside, medical II set-aside, and the degree attainment allocation determined in division (D)(1) of this section and the course completion earnings calculated in division (D)(5) of this section, an allocation based on a facility-based plant operations and maintenance (POM) subsidy

shall be made. 94121

(a) In fiscal year 2016, for each eligible university, the 94122
amount of the POM allocation shall be two-thirds of the POM 94123
distributed in fiscal year 2015 based on what each campus received 94124
in the fiscal year 2009 POM allocation. 94125

(b) In fiscal year 2017, for each eligible university, the 94126
amount of the POM allocation shall be one-third of the POM 94127
distributed in fiscal year 2015 based on what each campus received 94128
in the fiscal year 2009 POM allocation. 94129

(c) Any POM allocations required by this division shall be 94130
funded by proportionately reducing formula earnings, including the 94131
POM allocations, for all universities. 94132

(d) POM allocations shall expire on June 30, 2017. 94133

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 94134
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 94135

(1) Of the foregoing appropriation item 235501, State Share 94136
of Instruction, 50 per cent of the appropriation for 94137
state-supported community colleges, state community colleges, and 94138
technical colleges as established in division (A)(1) of the 94139
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 94140
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 94141
course completion FTEs as aggregated by the subsidy models defined 94142
in division (B) of this section. 94143

The course completion funding shall be allocated to campuses 94144
in proportion to each campus's share of the total sector's course 94145
completions, weighted by the instructional cost of the subsidy 94146
models. 94147

To calculate the subsidy entitlements for course completions 94148
at community colleges, state community colleges, and technical 94149
colleges, the Director of Higher Education shall use the following 94150

calculations: 94151

(a) In calculating each campus's count of FTE course 94152
completions, the Director of Higher Education shall use a 94153
three-year average for course completions for the three year 94154
period ending in the prior year. 94155

(b) The subsidy eligible enrollments by model shall equal 94156
only those FTE students who successfully complete the course as 94157
defined and reported through the Higher Education Information 94158
(HEI) system course enrollment file. 94159

(c) Those students with successful course completions, that 94160
are or have been Pell eligible at any time while enrolled at a 94161
state institution of higher education, meet the definition of 94162
minority status, are enrolled at a given institution after age 24, 94163
or are academically underprepared shall be defined as access 94164
students and shall have their eligible course completions weighted 94165
by a statewide access weight. The weight given to any student that 94166
meets any access factor shall be 15 per cent for all course 94167
completions. 94168

(d) The model costs as used in the calculation shall be 94169
augmented by the model weights for science, technology, 94170
engineering, mathematics, and medicine models as established in 94171
division (C) of this section. 94172

(2) Of the foregoing appropriation item 235501, State Share 94173
of Instruction, 25 per cent of the appropriation for 94174
state-supported community colleges, state community colleges, and 94175
technical colleges as established in division (A)(1) of the 94176
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 94177
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 94178
for colleges in proportion to their share of college student 94179
success factors as recommended in formal communication from 94180
community college presidents to the Director of Higher Education 94181

dated December 31, 2013, using a three year average. 94182

(3) Of the foregoing appropriation item 235501, State Share 94183
of Instruction, 25 per cent of the appropriation for 94184
state-supported community colleges, state community colleges, and 94185
technical colleges shall be reserved for completion milestones as 94186
identified in formal communication from community college 94187
presidents to the Director of Higher Education dated December 31, 94188
2013. 94189

Completion milestones shall include associate degrees, 94190
certificates over 30 credit hours approved by the Department of 94191
Higher Education, and students transferring to any four-year 94192
institution with at least 12 credit hours earned at that community 94193
college, state community college, or technical college. 94194

The completion milestone funding shall be allocated to 94195
colleges in proportion to each institution's share of the sector's 94196
total completion milestones, weighted by the instructional cost of 94197
the associate degree, certificate, or transfer models. Costs for 94198
certificates over 30 hours shall be weighted one-half of the 94199
associate degree model costs and transfers with at least 12 credit 94200
hours shall be weighted one-fourth of the average cost for all 94201
associate degree model costs. 94202

(4) To calculate the subsidy entitlements for completions at 94203
community colleges, state community colleges, and technical 94204
colleges, the Director of Higher Education shall use the following 94205
calculations: 94206

(a) In calculating each campus's count of completions, the 94207
Director of Higher Education shall use a three-year average for 94208
completion metrics. 94209

(b) The subsidy eligible completions by model shall equal 94210
only those students who successfully complete an associate degree 94211
or certificate over 30 credit hours, or transfer to any four-year 94212

institution with at least 12 credit hours as defined and reported 94213
in the Higher Education Information (HEI) system. 94214

(c) Those students with successful completions for associate 94215
degrees, certificates over 30 credit hours, or transfer to any 94216
four-year institution with at least 12 credit hours, identified in 94217
division (E)(3) of this section, that are or have been Pell 94218
eligible at any time while enrolled at a state institution of 94219
higher education, meet the definition of minority status, first 94220
enrolled at a given institution after age 24, or are academically 94221
underprepared, shall be defined as access students and shall have 94222
their eligible completions weighted by a statewide access weight. 94223
The weight shall be 25 per cent for students with one access 94224
factor, 66 per cent for students with two access factors, 150 per 94225
cent for students with three access factors, and 200 per cent for 94226
students with four access factors. 94227

(d) For those students who complete more than one completion 94228
metric, funding for each additional associate degree or 94229
certificate over 30 credit hours approved by the Department of 94230
Higher Education shall be funded at 50 per cent of the model costs 94231
as defined in division (3) of this section. 94232

(F) CAPITAL COMPONENT DEDUCTION 94233

After all other adjustments have been made, state share of 94234
instruction earnings shall be reduced for each campus by the 94235
amount, if any, by which debt service charged in Am. H.B. 748 of 94236
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 94237
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 94238
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 94239
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 94240
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 94241
562 of the 127th General Assembly for that campus exceeds that 94242
campus's capital component earnings. The sum of the amounts 94243
deducted shall be transferred to appropriation item 235552, 94244

Capital Component, in each fiscal year.	94245
(G) EXCEPTIONAL CIRCUMSTANCES	94246
Adjustments may be made to the state share of instruction	94247
payments and other subsidies distributed by the Director of Higher	94248
Education to state colleges and universities for exceptional	94249
circumstances. No adjustments for exceptional circumstances may be	94250
made without the recommendation of the Director and the approval	94251
of the Controlling Board.	94252
(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	94253
INSTRUCTION	94254
The standard provisions of the state share of instruction	94255
calculation as described in the preceding sections of temporary	94256
law shall apply to any reductions made to appropriation item	94257
235501, State Share of Instruction, before the Director of Higher	94258
Education has formally approved the final allocation of the state	94259
share of instruction funds for any fiscal year.	94260
Any reductions made to appropriation item 235501, State Share	94261
of Instruction, after the Director of Higher Education has	94262
formally approved the final allocation of the state share of	94263
instruction funds for any fiscal year, shall be uniformly applied	94264
to each campus in proportion to its share of the final allocation.	94265
(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	94266
The state share of instruction payments to the institutions	94267
shall be in substantially equal monthly amounts during the fiscal	94268
year, unless otherwise determined by the Director of Budget and	94269
Management pursuant to section 126.09 of the Revised Code.	94270
Payments during the first six months of the fiscal year shall be	94271
based upon the state share of instruction appropriation estimates	94272
made for the various institutions of higher education and payments	94273
during the last six months of the fiscal year shall be based on	94274
the final data from the Director of Higher Education.	94275

Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS	94276
2016 AND 2017	94277
(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."	94278 94279 94280
(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$428,205,070 in fiscal year 2016 and \$436,769,171 in fiscal year 2017 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.	94281 94282 94283 94284 94285
(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,429,546,937 in fiscal year 2016 and \$1,458,137,876 in fiscal year 2017 shall be distributed to state-supported university main and regional campuses.	94286 94287 94288 94289
(B) Of the amounts earmarked in division (A)(2) of this section:	94290 94291
(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009.	94292 94293 94294 94295
(2) In fiscal year 2017, one-third of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009.	94296 94297 94298 94299
Section 369.170. RESTRICTION ON FEE INCREASES	94300
(A) In fiscal year 2016, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. Each state university and the Northeast Ohio Medical University shall not	94301 94302 94303 94304

increase its in-state undergraduate instructional and general fees 94305
by more than 2.0 per cent or \$200, whichever is higher, over what 94306
the institution charged for the preceding academic year. 94307

Each university regional campus shall not increase its 94308
in-state undergraduate instructional and general fees by more than 94309
2.0 per cent or \$100, whichever is higher, over what the 94310
institution charged for the preceding academic year. 94311

Each community college, state community college, and 94312
technical college shall not increase its in-state undergraduate 94313
instructional and general fees by more than 2.0 per cent or \$100, 94314
whichever is higher, over what the institution charged for the 94315
preceding academic year. 94316

(B) In fiscal year 2017, the boards of trustees of state 94317
institutions of higher education shall restrain increases in 94318
in-state undergraduate instructional and general fees. For the 94319
2016-2017 academic year, each state institution of higher 94320
education shall not increase its in-state undergraduate 94321
instructional and general fees over what the institution charged 94322
for the 2015-2016 academic year. 94323

These limitations shall not apply to increases required to 94324
comply with institutional covenants related to their obligations 94325
or to meet unfunded legal mandates or legally binding obligations 94326
incurred or commitments made prior to the effective date of this 94327
section with respect to which the institution had identified such 94328
fee increases as the source of funds. Any increase required by 94329
such covenants and any such mandates, obligations, or commitments 94330
shall be reported by the Director of Higher Education to the 94331
Controlling Board. These limitations may also be modified by the 94332
Director of Higher Education, with the approval of the Controlling 94333
Board, to respond to exceptional circumstances as identified by 94334
the Director of Higher Education. 94335

These limitations shall not apply to institutions 94336
participating in an undergraduate tuition guarantee program 94337
pursuant to section 3345.48 of the Revised Code. 94338

Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES 94339

(A) Funds appropriated for instructional subsidies at 94340
colleges and universities may be used to provide such branch or 94341
other off-campus undergraduate courses of study and such master's 94342
degree courses of study as may be approved by the Director of 94343
Higher Education. 94344

(B) In providing instructional and other services to 94345
students, boards of trustees of state institutions of higher 94346
education shall supplement state subsidies with income from 94347
charges to students. Except as otherwise provided in this act, 94348
each board shall establish the fees to be charged to all students, 94349
including an instructional fee for educational and associated 94350
operational support of the institution and a general fee for 94351
noninstructional services, including locally financed student 94352
services facilities used for the benefit of enrolled students. The 94353
instructional fee and the general fee shall encompass all charges 94354
for services assessed uniformly to all enrolled students. Each 94355
board may also establish special purpose fees, service charges, 94356
and fines as required; such special purpose fees and service 94357
charges shall be for services or benefits furnished individual 94358
students or specific categories of students and shall not be 94359
applied uniformly to all enrolled students. A tuition surcharge 94360
shall be paid by all students who are not residents of Ohio. 94361

The board of trustees of a state institution of higher 94362
education shall not authorize a waiver or nonpayment of 94363
instructional fees or general fees for any particular student or 94364
any class of students other than waivers specifically authorized 94365
by law or approved by the Director. This prohibition is not 94366

intended to limit the authority of boards of trustees to provide 94367
for payments to students for services rendered the institution, 94368
nor to prohibit the budgeting of income for staff benefits or for 94369
student assistance in the form of payment of such instructional 94370
and general fees. 94371

Each state institution of higher education in its statement 94372
of charges to students shall separately identify the instructional 94373
fee, the general fee, the tuition charge, and the tuition 94374
surcharge. Fee charges to students for instruction shall not be 94375
considered to be a price of service but shall be considered to be 94376
an integral part of the state government financing program in 94377
support of higher educational opportunity for students. 94378

(C) The boards of trustees of state institutions of higher 94379
education shall ensure that faculty members devote a proper and 94380
judicious part of their work week to the actual instruction of 94381
students. Total class credit hours of production per academic term 94382
per full-time faculty member is expected to meet the standards set 94383
forth in the budget data submitted by the Director of Higher 94384
Education. 94385

(D) The authority of government vested by law in the boards 94386
of trustees of state institutions of higher education shall in 94387
fact be exercised by those boards. Boards of trustees may consult 94388
extensively with appropriate student and faculty groups. 94389
Administrative decisions about the utilization of available 94390
resources, about organizational structure, about disciplinary 94391
procedure, about the operation and staffing of all auxiliary 94392
facilities, and about administrative personnel shall be the 94393
exclusive prerogative of boards of trustees. Any delegation of 94394
authority by a board of trustees in other areas of responsibility 94395
shall be accompanied by appropriate standards of guidance 94396
concerning expected objectives in the exercise of such delegated 94397
authority and shall be accompanied by periodic review of the 94398

exercise of this delegated authority to the end that the public 94399
interest, in contrast to any institutional or special interest, 94400
shall be served. 94401

Section 369.190. STUDENT SUPPORT SERVICES 94402

The foregoing appropriation item 235502, Student Support 94403
Services, shall be distributed by the Director of Higher Education 94404
to Ohio's state colleges and universities that incur 94405
disproportionate costs in the provision of support services to 94406
disabled students. 94407

Section 369.200. WAR ORPHANS SCHOLARSHIPS 94408

The foregoing appropriation item 235504, War Orphans 94409
Scholarships, shall be used to reimburse state institutions of 94410
higher education for waivers of instructional fees and general 94411
fees provided by them, to provide grants to institutions that have 94412
received a certificate of authorization from the Director of 94413
Higher Education under Chapter 1713. of the Revised Code, in 94414
accordance with the provisions of section 5910.04 of the Revised 94415
Code, and to fund additional scholarship benefits provided by 94416
section 5910.032 of the Revised Code. 94417

Section 369.210. OHIOLINK 94418

The foregoing appropriation item 235507, OhioLINK, shall be 94419
used by the Director of Higher Education to support OhioLINK, a 94420
consortium organized under division (T) of section 3333.04 of the 94421
Revised Code to serve as the state's electronic library 94422
information and retrieval system, which provides access statewide 94423
to an extensive set of electronic databases and resources, the 94424
library holdings of Ohio's public and participating private 94425
nonprofit colleges and universities, and the State Library of 94426
Ohio. 94427

Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 94428

The foregoing appropriation item 235508, Air Force Institute 94429
of Technology, shall be used to: (A) strengthen the research and 94430
educational linkages between the Wright Patterson Air Force Base 94431
and institutions of higher education in Ohio; and (B) support the 94432
Dayton Area Graduate Studies Institute, an engineering graduate 94433
consortium of Wright State University, the University of Dayton, 94434
and the Air Force Institute of Technology, with the participation 94435
of the University of Cincinnati and The Ohio State University. 94436

Section 369.230. OHIO SUPERCOMPUTER CENTER 94437

The foregoing appropriation item 235510, Ohio Supercomputer 94438
Center, shall be used by the Director of Higher Education to 94439
support the operation of the Ohio Supercomputer Center, a 94440
consortium organized under division (T) of section 3333.04 of the 94441
Revised Code, located at The Ohio State University. The Ohio 94442
Supercomputer Center is a statewide resource available to Ohio 94443
research universities both public and private. It is also intended 94444
that the center be made accessible to private industry as 94445
appropriate. 94446

Funds shall be used, in part, to support the Ohio 94447
Supercomputer Center's Computational Science Initiative, which 94448
includes its industrial outreach program, Blue Collar Computing, 94449
and its School of Computational Science. These collaborations 94450
between the Ohio Supercomputer Center and Ohio's colleges and 94451
universities shall be aimed at making Ohio a leader in using 94452
computer modeling to promote economic development. 94453

Section 369.240. COOPERATIVE EXTENSION SERVICE 94454

The foregoing appropriation item 235511, Cooperative 94455
Extension Service, shall be disbursed through the Director of 94456

Higher Education to The Ohio State University in monthly payments, 94457
unless otherwise determined by the Director of Budget and 94458
Management under section 126.09 of the Revised Code. 94459

Of the foregoing appropriation item 235511, Cooperative 94460
Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in 94461
fiscal year 2017 shall be used to support salaries and benefits 94462
for one after-school 4-H Club at an elementary school in Cleveland 94463
and one after-school 4-H Club at an elementary school in 94464
Cincinnati. 94465

Of the foregoing appropriation item 235511, Cooperative 94466
Extension Service, \$7,000 in each fiscal year shall be used to 94467
support mileage, telephone, supplies, and classroom activities 94468
costs at after-school 4-H Clubs in Cleveland and Cincinnati. 94469
Seventy per cent of this amount shall be spent directly in 94470
relation to student involvement in 4-H. 94471

Section 369.250. CENTRAL STATE SUPPLEMENT 94472

The foregoing appropriation item 235514, Central State 94473
Supplement, shall be disbursed by the Director of Higher Education 94474
to Central State University in accordance with the plan developed 94475
by the Director and submitted to the Governor and the General 94476
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 94477
Assembly. Funds shall be used in a manner consistent with the 94478
goals of increasing enrollment, improving course completion, and 94479
increasing the number of degrees conferred. 94480

The Director shall monitor the implementation of the plan and 94481
the use of funds. Central State University shall provide any 94482
information requested by the Director related to the 94483
implementation of the plan. If the Director determines that 94484
Central State University's use of supplemental funds is not in 94485
accordance with the plan or if the plan is not having the desired 94486
effect, the Director may notify Central State University that the 94487

plan is suspended. Upon receiving such notice, Central State 94488
University shall avoid all unnecessary expenditures under the 94489
plan. The Director shall notify the Controlling Board of the 94490
suspension of the plan and within sixty days prepare a new plan 94491
for the use of any remaining funds. 94492

Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 94493
MEDICINE 94494

The foregoing appropriation item 235515, Case Western Reserve 94495
University School of Medicine, shall be disbursed to Case Western 94496
Reserve University through the Director of Higher Education in 94497
accordance with agreements entered into under section 3333.10 of 94498
the Revised Code, provided that the state support per full-time 94499
medical student shall not exceed that provided to full-time 94500
medical students at state universities. 94501

Section 369.270. FAMILY PRACTICE 94502

The Director of Higher Education shall develop plans 94503
consistent with existing criteria and guidelines as may be 94504
required for the distribution of appropriation item 235519, Family 94505
Practice. 94506

Section 369.280. SHAWNEE STATE SUPPLEMENT 94507

The foregoing appropriation item 235520, Shawnee State 94508
Supplement, shall be disbursed by the Director of Higher Education 94509
to Shawnee State University in accordance with the plan developed 94510
by the Director and submitted to the Governor and the General 94511
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 94512
Assembly. Funds shall be used in a manner consistent with the 94513
goals of improving course completion, increasing the number of 94514
degrees conferred, and furthering the university's mission of 94515
service to the Appalachian region. 94516

The Director shall monitor the implementation of the plan and 94517
the use of funds. Shawnee State University shall provide any 94518
information requested by the Director related to the 94519
implementation of the plan. If the Director determines that 94520
Shawnee State University's use of supplemental funds is not in 94521
accordance with the plan or if the plan is not having the desired 94522
effect, the Director may notify Shawnee State University that the 94523
plan is suspended. Upon receiving such notice, Shawnee State 94524
University shall avoid all unnecessary expenditures under the 94525
plan. The Director shall notify the Controlling Board of the 94526
suspension of the plan and within sixty days prepare a new plan 94527
for the use of any remaining funds. 94528

Section 369.290. POLICE AND FIRE PROTECTION 94529

The foregoing appropriation item 235524, Police and Fire 94530
Protection, shall be used for police and fire services in the 94531
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 94532
Portsmouth, Xenia Township (Greene County), Rootstown Township, 94533
and the City of Nelsonville that may be used to assist these local 94534
governments in providing police and fire protection for the 94535
central campus of the state-affiliated university located therein. 94536

Section 369.300. GERIATRIC MEDICINE 94537

The Director of Higher Education shall develop plans 94538
consistent with existing criteria and guidelines as may be 94539
required for the distribution of appropriation item 235525, 94540
Geriatric Medicine. 94541

Section 369.310. PRIMARY CARE RESIDENCIES 94542

The Director of Higher Education shall develop plans 94543
consistent with existing criteria and guidelines as may be 94544
required for the distribution of appropriation item 235526, 94545

Primary Care Residencies. 94546

The foregoing appropriation item 235526, Primary Care 94547
Residencies, shall be distributed in each fiscal year of the 94548
biennium, based on whether or not the institution has submitted 94549
and gained approval for a plan. If the institution does not have 94550
an approved plan, it shall receive five per cent less funding per 94551
student than it would have received from its annual allocation. 94552
The remaining funding shall be distributed among those 94553
institutions that meet or exceed their targets. 94554

Section 369.313. HIGHER EDUCATION PROGRAM SUPPORT 94555

Of the foregoing appropriation item 235533, Higher Education 94556
Program Support, \$2,500,000 in each fiscal year shall be used by 94557
Wright State University to support the development of the Global 94558
Engineering and Management (GEMS) program. 94559

Of the foregoing appropriation item 235533, Higher Education 94560
Program Support, \$75,000 in each fiscal year shall be distributed 94561
to the Ohio University Leadership Project. 94562

Of the foregoing appropriation item 235533, Higher Education 94563
Program Support, \$750,000 in fiscal year 2016 shall be used to 94564
support the Ohio State University Agricultural Technical 94565
Institute. The Institute shall use these funds to obtain and 94566
upgrade the infrastructure and equipment necessary to offer 94567
distance education courses in agricultural science through the 94568
College Credit Plus Program as established in section 3365.02 of 94569
the Revised Code. 94570

Of the foregoing appropriation item 235533, Higher Education 94571
Program Support, \$2,000,000 in each fiscal year shall be used to 94572
support the National Center of Education Research on Corrosion and 94573
Materials Performance at the University of Akron for development 94574
and validation of an FAA-certified process for the dimensional 94575

restoration of parts for commercial aircraft using Supersonic
Particle Deposition. 94576
94577

Of the foregoing appropriation item 235533, Higher Education
Program Support, \$75,000 in each fiscal year shall be used to 94578
94579
establish the Customized Employee Recruitment Workforce Program at 94580
Sinclair Community College. 94581

Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 94582
CENTER 94583

The foregoing appropriation item 235535, Ohio Agricultural
Research and Development Center, shall be disbursed through the 94584
94585
Director of Higher Education to The Ohio State University in 94586
monthly payments, unless otherwise determined by the Director of 94587
Budget and Management under section 126.09 of the Revised Code. 94588
The Ohio Agricultural Research and Development Center shall not be 94589
required to remit payment to The Ohio State University during the 94590
biennium ending June 30, 2017, for cost reallocation assessments. 94591
The cost reallocation assessments include, but are not limited to, 94592
any assessment on state appropriations to the Center. 94593

The Ohio Agricultural Research and Development Center, an 94594
entity of the College of Food, Agricultural, and Environmental 94595
Sciences of The Ohio State University, shall further its mission 94596
of enhancing Ohio's economic development and job creation by 94597
continuing to internally allocate on a competitive basis 94598
appropriated funding of programs based on demonstrated 94599
performance. Academic units, faculty, and faculty-driven programs 94600
shall be evaluated and rewarded consistent with agreed-upon 94601
performance expectations as called for in the College's 94602
Expectations and Criteria for Performance Assessment. 94603

Section 369.330. STATE UNIVERSITY CLINICAL TEACHING 94604

The foregoing appropriation items 235536, The Ohio State 94605

University Clinical Teaching; 235537, University of Cincinnati 94606
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 94607
235539, Wright State University Clinical Teaching; 235540, Ohio 94608
University Clinical Teaching; and 235541, Northeast Ohio Medical 94609
University Clinical Teaching, shall be distributed through the 94610
Director of Higher Education. 94611

Section 369.333. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 94612
INITIATIVE 94613

The foregoing appropriation item 235542, Defense/Aerospace 94614
Workforce Development Initiative, shall be used by the Applied 94615
Research Corporation to collaborate with the aviation, aerospace, 94616
and defense industries, to strengthen job training programs, equip 94617
Ohio's workforce with needed skills, and strengthen and grow 94618
research and educational linkages among Ohio's defense and 94619
aerospace aviation industry, federal agencies, state-assisted Ohio 94620
universities, and the University System of Ohio. A portion of the 94621
foregoing appropriation item 235542, Defense/Aerospace Workforce 94622
Development Initiative, shall be allocated to develop a strategic 94623
plan to align the University System of Ohio's research and 94624
workforce development assets with the workforce needs of public 94625
and private sector employers. A portion of these funds shall be 94626
used to support the Aerospace Professional Development Center to 94627
establish processes necessary to link underemployed or unemployed 94628
persons to job openings in these industries. The funds 94629
appropriated in this appropriation item shall be matched by 94630
private industry or educational partners or federal agencies in 94631
the aggregate amount of \$4,000,000 over the FY 2016-FY 2017 94632
biennium. 94633

Section 369.335. SOUTHERN GATEWAY INNOVATION CENTER 94634

The foregoing appropriation item 235545, Southern Gateway 94635

Innovation Center, shall be used by Southern State Community 94636
College to foster meaningful small business development 94637
assistance, to provide various types of training in an effort to 94638
promote sustainable economic growth, and to create high-quality 94639
jobs through the Southern Gateway Innovation Center located in 94640
Circleville. 94641

Section 369.340. CAPITAL COMPONENT 94642

The foregoing appropriation item 235552, Capital Component, 94643
shall be used by the Director of Higher Education to provide 94644
funding for prior commitments made pursuant to the state's former 94645
capital funding policy for state colleges and universities that 94646
was originally established in Am. H.B. 748 of the 121st General 94647
Assembly. Appropriations from this item shall be distributed to 94648
all campuses for which the estimated campus debt service 94649
attributable to qualifying capital projects was less than the 94650
campus's formula-determined capital component allocation. Campus 94651
allocations shall be determined by subtracting the estimated 94652
campus debt service attributable to qualifying capital projects 94653
from the campus's formula-determined capital component allocation. 94654
Moneys distributed from this appropriation item shall be 94655
restricted to capital-related purposes. 94656

Any campus for which the estimated campus debt service 94657
attributable to qualifying capital projects is greater than the 94658
campus's formula-determined capital component allocation shall 94659
have the difference subtracted from its State Share of Instruction 94660
allocation in each fiscal year. Appropriation equal to the sum of 94661
all such amounts except that of the Ohio Agricultural Research and 94662
Development Center shall be transferred from appropriation item 94663
235501, State Share of Instruction, to appropriation item 235552, 94664
Capital Component. Appropriation equal to any estimated Ohio 94665
Agricultural Research and Development Center debt service 94666

attributable to qualifying capital projects that is greater than 94667
the Center's formula-determined capital component allocation shall 94668
be transferred from appropriation item 235535, Ohio Agricultural 94669
Research and Development Center, to appropriation item 235552, 94670
Capital Component. 94671

Section 369.350. LIBRARY DEPOSITORIES 94672

The foregoing appropriation item 235555, Library 94673
Depositories, shall be distributed to the state's five regional 94674
depository libraries for the cost-effective storage of and access 94675
to lesser-used materials in university library collections. The 94676
depositories shall be administrated by the Director of Higher 94677
Education, or by OhioLINK at the discretion of the Director. 94678

Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 94679

The foregoing appropriation item 235556, Ohio Academic 94680
Resources Network, shall be used by the Director of Higher 94681
Education to support the operations of the Ohio Academic Resources 94682
Network, a consortium organized under division (T) of section 94683
3333.04 of the Revised Code, which shall include support for 94684
Ohio's colleges and universities in maintaining and enhancing 94685
network connections, using new network technologies to improve 94686
research, education, and economic development programs, and 94687
sharing information technology services. To the extent network 94688
capacity is available, OARnet shall support allocating bandwidth 94689
to eligible programs directly supporting Ohio's economic 94690
development. 94691

Section 369.370. LONG-TERM CARE RESEARCH 94692

The foregoing appropriation item 235558, Long-term Care 94693
Research, shall be disbursed to Miami University for long-term 94694
care research. 94695

Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT	94696
(A) Except as provided in division (C) of this section:	94697
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$42,500,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible public institutions of higher education, excluding early college high school and post-secondary enrollment option participants.	94698 94699 94700 94701 94702 94703
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$44,500,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.	94704 94705 94706 94707 94708 94709 94710
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$8,000,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible for-profit career colleges and schools.	94711 94712 94713 94714 94715
The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Director of Higher Education to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.	94716 94717 94718 94719 94720
(B)(1) As used in this section:	94721
(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.	94722 94723 94724
(b) The three "sectors" of institutions of higher education	94725

consist of the following: 94726

(i) State colleges and universities, community colleges, 94727
state community colleges, university branches, and technical 94728
colleges; 94729

(ii) Eligible private nonprofit institutions of higher 94730
education; 94731

(iii) Eligible private for-profit career colleges and 94732
schools. 94733

(2) Awards for students attending eligible nonprofit 94734
institutions of higher education shall be determined at twice the 94735
rate of the awards for students attending eligible public 94736
institutions of higher education. 94737

(3) For students attending an eligible institution 94738
year-round, awards may be distributed on an annual basis, once 94739
Pell grants have been exhausted. 94740

(4) If the Director determines that the amounts appropriated 94741
for support of the Ohio College Opportunity Grant program are 94742
inadequate to provide grants to all eligible students as 94743
calculated under division (D) of section 3333.122 of the Revised 94744
Code, the Director may create a distribution formula for fiscal 94745
year 2016 and fiscal year 2017 based on the formula used in fiscal 94746
year 2015, or may follow methods established in division (C)(1)(a) 94747
or (b) of section 3333.122 of the Revised Code. The Director shall 94748
give priority to students who have the greatest financial need. 94749
The Director shall notify the Controlling Board of the 94750
distribution method. Any formula calculated under this division 94751
shall be complete and established to coincide with the start of 94752
the 2015-2016 academic year. 94753

(C) Prior to determining the amount of funds available to 94754
award under this section and section 3333.122 of the Revised Code, 94755
the Director shall use the foregoing appropriation item 235563, 94756

Ohio College Opportunity Grant, to pay for renewals or partial 94757
renewals of scholarships students receive under the Ohio Academic 94758
Scholarship Program under sections 3333.21 and 3333.22 of the 94759
Revised Code. In paying for scholarships under this division, the 94760
Director shall deduct funds from the allocations made under 94761
division (A) of this section. Deductions shall be proportionate to 94762
the amounts allocated to each sector from the total amounts 94763
appropriated for each sector under the foregoing appropriation 94764
item 235563, Ohio College Opportunity Grant. 94765

In each fiscal year, with the exception of sections 3333.121 94766
and 3333.124 of the Revised Code and Section 363.530 of this act, 94767
the Director shall not distribute or obligate or commit to be 94768
distributed an amount greater than what is appropriated under the 94769
foregoing appropriation item 235563, Ohio College Opportunity 94770
Grant. 94771

(D) The Director shall establish, and post on the Department 94772
of Higher Education's web site, award tables based on any formulas 94773
created under division (B) of this section. The Director shall 94774
notify students and institutions of any reductions in awards under 94775
this section. 94776

On or before August 31, 2015, the Director of Higher 94777
Education shall submit award tables to the Controlling Board for 94778
the 2015-2016 academic year and allocations of Ohio College 94779
Opportunity Grant awards not already specified in section 3333.122 94780
of the Revised Code. 94781

(E) Notwithstanding section 3333.122 of the Revised Code, no 94782
student shall be eligible to receive an Ohio College Opportunity 94783
Grant for more than ten semesters, fifteen quarters, or the 94784
equivalent of five academic years, less the number of semesters or 94785
quarters in which the student received an Ohio Instructional 94786
Grant. 94787

Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 94788

The foregoing appropriation item 235572, The Ohio State 94789
University Clinic Support, shall be distributed through the 94790
Director of Higher Education to The Ohio State University for 94791
support of dental and veterinary medicine clinics. 94792

Section 369.393. CO-OP INTERNSHIP PROGRAM 94793

Of the foregoing appropriation item 235591, Co-op Internship 94794
Program, \$75,000 in each fiscal year shall be used to support the 94795
operations of Ohio University's Voinovich School of Leadership and 94796
Public Affairs. 94797

Of the foregoing appropriation item 235591, Co-op Internship 94798
Program, \$75,000 in each fiscal year, shall be used to support the 94799
operations of The Ohio State University's John Glenn College of 94800
Public Affairs. 94801

Of the foregoing appropriation item 235591, Co-op Internship 94802
Program, \$75,000 in each fiscal year shall be used to support the 94803
Bliss Institute of Applied Politics at the University of Akron. 94804

Of the foregoing appropriation item 235591, Co-op Internship 94805
Program, \$75,000 in each fiscal year shall be used to support the 94806
Center for Public Management and Regional Affairs at Miami 94807
University. 94808

Of the foregoing appropriation item 235591, Co-op Internship 94809
Program, \$150,000 in each fiscal year shall be used to support 94810
students who attend institutions of higher education in Ohio and 94811
are participating in the Washington Center Internship Program. 94812

Of the foregoing appropriation item 235591, Co-op Internship 94813
Program, \$75,000 in each fiscal year shall be used to support the 94814
Ohio Center for the Advancement of Women in Public Service at the 94815
Maxine Goodman Levin College of Urban Affairs at Cleveland State 94816

University. 94817

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 94818
94819
94820

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 94821
94822
94823
94824

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 94825
94826
94827
94828

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 94829
94830
94831

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 94832
94833
94834

Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute. 94835
94836
94837
94838

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University. 94839
94840
94841
94842

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. 94843
94844
94845
94846

The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and country while preparing to enter public service or for in-demand jobs in Ohio. The Workforce Immersion Program shall provide an intensive learning and pre-professional experience in four tracks: local government, state government, federal government, and in-demand jobs as identified by OhioMeansJobs. It shall increase the number of students pursuing careers in public services and in-demand occupations and encourage them to remain in Ohio for their employment.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$1,000,000 in each fiscal year shall be used for grants for the STEM Public-Private Partnership Program established in Section 733.20 of H.B. 64 of the 131st General Assembly.

Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 94863

The Director of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Director of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

Section 369.410. PLEDGE OF FEES 94874

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2017, to secure bonds

or notes of a state institution of higher education for a project 94877
for which bonds or notes were not outstanding on the effective 94878
date of this section shall be effective only after approval by the 94879
Director of Higher Education, unless approved in a previous 94880
biennium. 94881

Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 94882
DEBT SERVICE 94883

The foregoing appropriation item 235909, Higher Education 94884
General Obligation Bond Debt Service, shall be used to pay all 94885
debt service and related financing costs during the period from 94886
July 1, 2015, through June 30, 2017, for obligations issued under 94887
sections 151.01 and 151.04 of the Revised Code. 94888

Section 369.430. SALES AND SERVICES 94889

The Director of Higher Education is authorized to charge and 94890
accept payment for the provision of goods and services. Such 94891
charges shall be reasonably related to the cost of producing the 94892
goods and services. Except as otherwise provided by law, no 94893
charges may be levied for goods or services that are produced as 94894
part of the routine responsibilities or duties of the Director. 94895
All revenues received by the Director of Higher Education shall be 94896
deposited into Fund 4560, and may be used by the Director of 94897
Higher Education to pay for the costs of producing the goods and 94898
services. 94899

Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 94900
ADMINISTRATION 94901

The foregoing appropriation item 235602, Higher Educational 94902
Facility Commission Administration, shall be used by the Director 94903
of Higher Education for operating expenses related to the Director 94904
of Higher Education's support of the activities of the Ohio Higher 94905

Educational Facility Commission. Upon the request of the Director 94906
of Higher Education, the Director of Budget and Management may 94907
transfer up to \$29,100 cash in each fiscal year from the HEFC 94908
Operating Expenses Fund (Fund 4610) to the HEFC Administration 94909
Fund (Fund 4E80). 94910

Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 94911

Of the foregoing appropriation item 235674, Telecommunity and 94912
Distance Learning, up to \$25,000 in each fiscal year shall be 94913
distributed by the Director of Higher Education on a grant basis 94914
to eligible school districts to establish "distance learning" 94915
through interactive video technologies in the school district. Per 94916
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 94917
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 94918
Cincinnati Bell Telephone Company, Orwell Telephone Company, 94919
Sprint North Central Telephone, VERIZON, and Western Reserve 94920
Telephone Company, school districts are eligible for funds if they 94921
are within one of the listed telephone company service areas. 94922
Funds to administer the program shall be expended by the Director 94923
of Higher Education up to the amount specified in the agreements 94924
with the listed telephone companies. 94925

Within thirty days after the effective date of this section, 94926
the Director of Budget and Management shall transfer to Fund 4X10 94927
in the Dedicated Purpose Fund Group any investment earnings from 94928
moneys paid by any telephone company as part of any settlement 94929
agreement between the listed companies and the Public Utilities 94930
Commission in fiscal years 1996 and beyond. 94931

Of the foregoing appropriation item 235674, Telecommunity and 94932
Distance Learning, up to \$24,150 in each fiscal year shall be 94933
distributed by the Director of Higher Education on a grant basis 94934
to eligible school districts to establish "distance learning" in 94935
the school district. Per an agreement with Ameritech, school 94936

districts are eligible for funds if they are within an Ameritech 94937
service area. Funds to administer the program shall be expended by 94938
the Director of Higher Education up to the amount specified in the 94939
agreement with Ameritech. 94940

Within thirty days after the effective date of this section, 94941
the Director of Budget and Management shall transfer to Fund 4X10 94942
in the Dedicated Purpose Fund Group any investment earnings from 94943
moneys paid by any telephone company as part of a settlement 94944
agreement between the company and the Public Utilities Commission 94945
in fiscal year 1995. 94946

Section 369.460. COMPETENCY BASED PILOT PROJECT 94947

The foregoing appropriation item 235694, Competency Based 94948
Pilot Project, shall be used by the Director of Higher Education 94949
to work with state institutions of higher education as defined in 94950
section 3345.011 of the Revised Code to develop competency based 94951
education programs. Competency based education programs shall 94952
measure student success based on competencies instead of credit 94953
hours earned. Any state institutions of higher education that 94954
choose to offer competency based education programs may submit 94955
plans for how the institution would design, develop, structure and 94956
implement such programs to the Department of Higher Education by 94957
July 1, 2016. State institutions of higher education that choose 94958
to develop and submit such a plan shall be granted a reasonable 94959
period of time to implement the plan, including the time it takes 94960
to seek and receive the necessary approvals, accreditations, and 94961
any other conditions that must be met in order to set up, operate, 94962
and administer such a program. 94963

Of the foregoing appropriation item 235694, Competency Based 94964
Pilot Project, \$250,000 in each fiscal year shall be used for 94965
competency based certificates. 94966

Any unexpended and unencumbered portion of the foregoing 94967

appropriation item 235694, Competency Based Pilot Project, at the 94968
end of fiscal year 2016 is hereby reappropriated for the same 94969
purpose in fiscal year 2017. 94970

Section 369.470. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 94971
REVOLVING LOAN PROGRAM 94972

The foregoing appropriation item 235684, OhioMeansJobs 94973
Workforce Development Revolving Loan Program, shall be used for 94974
the OhioMeansJobs Workforce Development Revolving Loan Program to 94975
provide loans to individuals for workforce training. 94976

Of the foregoing appropriation item 235684, OhioMeansJobs 94977
Workforce Development Revolving Loan Program, up to \$250,000 in 94978
fiscal year 2016 may be used by the Director of Higher Education 94979
to administer the program, and up to \$250,000 in fiscal year 2016 94980
may be used by the Treasurer of State to administer the program. 94981

Any unexpended and unencumbered portion of the foregoing 94982
appropriation item 235684, OhioMeansJobs Workforce Development 94983
Revolving Loan Program, at the end of fiscal year 2016 is hereby 94984
reappropriated for the same purpose in fiscal year 2017. To the 94985
extent that reappropriated funds are available, of the foregoing 94986
appropriation item 235684, OhioMeansJobs Workforce Development 94987
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 94988
used by the Director of Higher Education to administer the 94989
program, and up to \$250,000 in fiscal year 2017 may be used by the 94990
Treasurer of State to administer the program. 94991

Section 369.480. STUDENT DEBT REDUCTION PROGRAM 94992

The foregoing appropriation item 235695, Student Debt 94993
Reduction Program, shall be used by the Director of Higher 94994
Education for the purpose of reducing debt and financial burdens 94995
on students attending state institutions of higher education as 94996
defined in section 3345.011 of the Revised Code and private 94997

nonprofit institutions of higher education holding certificates of 94998
authorization under Chapter 1713. of the Revised Code. By 94999
September 30, 2015, the Director shall develop a plan to award up 95000
to \$7,500,000 in each fiscal year. The plan shall consider, at 95001
least, need based students, in-demand jobs, and the requirement 95002
for participating students to stay in Ohio for five years after 95003
graduation. 95004

Any unexpended and unencumbered portion of the foregoing 95005
appropriation item 235695, Student Debt Reduction Program, at the 95006
end of fiscal year 2016 is hereby reappropriated for the same 95007
purpose in fiscal year 2017. 95008

Section 369.483. WORKFORCE GRANTS 95009

Of the foregoing appropriation item 235616, Workforce Grants, 95010
up to \$500,000 in each fiscal year shall be used by the Director 95011
of Higher Education to coordinate a statewide effort to promote 95012
workforce grant programs. 95013

The remainder of appropriation item 235616, Workforce Grants, 95014
shall be used by the Director to distribute the grant awards. 95015

Section 369.490. STATE NEED-BASED FINANCIAL AID 95016
RECONCILIATION 95017

By the first day of August in each fiscal year, or as soon as 95018
possible thereafter, the Director of Higher Education shall 95019
certify to the Director of Budget and Management the amount 95020
necessary to pay any outstanding prior year obligations to higher 95021
education institutions for the state's need-based financial aid 95022
programs. The amounts certified are hereby appropriated to 95023
appropriation item 235618, State Need-based Financial Aid 95024
Reconciliation, from revenues received in the State Need-based 95025
Financial Aid Reconciliation Fund (Fund 5Y50). 95026

Section 369.500. NURSING LOAN PROGRAM 95027

The foregoing appropriation item 235606, Nursing Loan 95028
Program, shall be used to administer the nurse education 95029
assistance program. Up to \$50,000 in each fiscal year may be used 95030
for operating expenses associated with the program. Any additional 95031
funds needed for the administration of the program are subject to 95032
Controlling Board approval. 95033

Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 95034

The foregoing appropriation item 235634, Research Incentive 95035
Third Frontier Fund, shall be used by the Director of Higher 95036
Education to advance collaborative research at institutions of 95037
higher education. Of the foregoing appropriation item 235634, 95038
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 95039
fiscal year may be allocated toward research regarding the 95040
improvement of water quality. Of the foregoing appropriation item 95041
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 95042
in each fiscal year may be allocated toward research regarding the 95043
reduction of infant mortality. 95044

Section 369.520. VETERANS PREFERENCES 95045

The Director of Higher Education shall work with the 95046
Department of Veterans Services to develop specific veterans 95047
preference guidelines for higher education institutions. These 95048
guidelines shall ensure that the institutions' hiring practices 95049
are in accordance with the intent of Ohio's veterans preference 95050
laws. 95051

Section 369.530. (A) As used in this section: 95052

(1) "Board of trustees" includes the managing authority of a 95053
university branch district. 95054

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 369.540. EFFICIENCY ADVISORY COMMITTEE

The Director of Higher Education shall maintain an efficiency advisory committee for the purpose of generating optimal efficiency plans for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the Director or the Director's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By December 31 of each year, the Director of Higher Education shall provide a report to the Office of Budget and Management, the Governor, and the General Assembly compiling efficiency reports from all public institutions of higher education and benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating

savings or cost avoidance to students. The report shall also be 95086
made available to the public on the Department of Higher 95087
Education's web site. 95088

Section 369.550. AGENCY AND DIRECTOR NAME CHANGE 95089

On the effective date of this section, the office of the 95090
Chancellor of the Board of Regents is renamed the Department of 95091
Higher Education. The office of the Chancellor of the Board of 95092
Regents' functions, and its assets and liabilities, are 95093
transferred to the Department of Higher Education. The Department 95094
of Higher Education is successor to, assumes the obligations and 95095
authority of, and otherwise continues the office of the Chancellor 95096
of the Board of Regents. No right, privilege, or remedy, and no 95097
duty, liability, or obligation, accrued under the office of the 95098
Chancellor of the Board of Regents is impaired or lost by reason 95099
of the renaming and shall be recognized, administered, performed, 95100
or enforced by the Department of Higher Education. 95101

Business commenced but not completed by the office of the 95102
Chancellor of the Board of Regents or by the Chancellor shall be 95103
completed by the Department of Higher Education or the Director of 95104
Higher Education in the same manner, and with the same effect, as 95105
if completed by the office of the Chancellor of the Board of 95106
Regents or the Chancellor. 95107

All of the office of the Chancellor of the Board of Regents' 95108
rules, orders, and determinations continue in effect as rules, 95109
orders, and determinations of the Department of Higher Education 95110
until modified or rescinded by the Department of Higher Education. 95111

All employees of the office of the Chancellor of the Board of 95112
Regents continue with the Department of Higher Education and 95113
retain their positions and all benefits accruing thereto. 95114

Except as otherwise noted in law, whenever the Board of 95115

Regents or the Chancellor of the Board of Regents is referred to 95116
in a statute, contract, or other instrument, the reference is 95117
deemed to refer to the Department of Higher Education or to the 95118
Director of Higher Education, whichever is appropriate in context. 95119

No pending action or proceeding being prosecuted or defended 95120
in court or before an agency by the office of the Chancellor of 95121
the Board of Regents or by the Chancellor of the Board of Regents 95122
is affected by the renaming and shall be prosecuted or defended in 95123
the name of the Department of Higher Education or the Director of 95124
Higher Education, whichever is appropriate. Upon application to 95125
the court or agency, the Department of Higher Education or the 95126
Director of Higher Education shall be substituted. 95127

Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 95128
EFFICIENCY IN HIGHER EDUCATION REPORT 95129

Upon submission of the Ohio task force on affordability and 95130
efficiency in higher education report as established by governor's 95131
executive order, all boards of trustees for state institutions of 95132
higher education as defined in section 3345.011 of the Revised 95133
Code, shall complete, by July 1, 2016, an efficiency review based 95134
on the report and recommendations of the task force, and provide a 95135
report to the Director of Higher Education within 30 days of the 95136
completion of the efficiency review that includes how each 95137
institution will implement the recommendations and any other cost 95138
savings measures. 95139

Section 369.570. WORK EXPERIENCE STRATEGIES 95140

By December 31, 2015, the Director of Higher Education, in 95141
consultation with state institutions of higher education as 95142
defined in section 3345.011 of the Revised Code and nonprofit 95143
institutions of higher education that have certificates of 95144
authorization under Chapter 1713. of the Revised Code, shall 95145

develop implementation strategies to embed work experiences, 95146
including but not limited to internships and cooperatives, into 95147
the curriculum of degree programs starting in the 2016-2017 95148
academic year, to explore ways to increase student participation 95149
in in-demand occupations, including computer sciences, and to 95150
create industry clusters to develop curriculum that can be used 95151
for competency based tests. These implementation strategies shall 95152
also include the use of OhioMeansJobs.com as a central location 95153
for higher education students to access information on work 95154
experiences and career opportunities. By December 31, 2015, each 95155
state institution of higher education as defined in section 95156
3345.011 of the Revised Code and each nonprofit institution of 95157
higher education that has a certificate of authorization under 95158
Chapter 1713. of the Revised Code shall display a link to 95159
OhioMeansJobs.com in a prominent location on the institution's web 95160
site. 95161

The Director shall work with state institutions of higher 95162
education and nonprofit institutions of higher education to have a 95163
career counseling program in place by December 31, 2015. 95164

Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION 95165
RECOMMENDATIONS 95166

By July 1, 2016, the Director of Higher Education shall study 95167
and make recommendations regarding ways to improve technology 95168
transfer and commercialization, including the potential for 95169
intellectual property auctions after a set number of years. 95170

Section 369.590. No recommendation of the Ohio Task Force on 95171
Affordability and Efficiency in Higher Education established on 95172
February 10, 2015, by Executive Order 2015-01K of the Governor 95173
shall be implemented without the approval of the General Assembly 95174
or, if a change to Ohio law is necessary for the recommendation to 95175

take effect, without the enactment of the required changes in Ohio law by the General Assembly. 95176
95177

Section 371.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 95178
95179

General Revenue Fund 95180

GRF 501321 Institutional Operations \$ 952,547,588 \$ 979,773,825 95181

GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 95182

GRF 501406 Adult Correctional Facilities Lease Rental Bond Payments \$ 82,595,700 \$ 79,702,800 95183

GRF 501407 Community Nonresidential Programs \$ 53,577,390 \$ 56,365,890 95184

GRF 501408 Community Misdemeanor Programs \$ 14,356,800 \$ 14,356,800 95185

GRF 501501 Community Residential Programs - CBCF \$ 72,391,705 \$ 75,329,955 95186

GRF 503321 Parole and Community Operations \$ 73,346,119 \$ 75,149,295 95187

GRF 504321 Administrative Operations \$ 21,475,332 \$ 21,999,343 95188

GRF 505321 Institution Medical Services \$ 239,000,000 \$ 248,000,000 95189

GRF 506321 Institution Education Services \$ 24,586,681 \$ 30,454,204 95190

TOTAL GRF General Revenue Fund \$ 1,588,247,002 \$ 1,637,673,549 95191

Dedicated Purpose Fund Group 95192

4B00 501601 Sewer Treatment Services \$ 2,393,506 \$ 2,420,848 95193

4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	95194
4L40	501604	Transitional Control	\$	700,000	\$	700,000	95195
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	95196
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000	95197
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	95198
TOTAL DPF Dedicated Purpose Fund Group			\$	16,015,670	\$	11,111,319	95199
Internal Service Activity Fund Group							95200
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	95201
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	95202
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540	95203
5710	501606	Corrections Training Maintenance & Operating	\$	500,000	\$	500,000	95204
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	95205
TOTAL ISA Internal Activity Fund Group							95206
			\$	59,099,540	\$	59,534,558	95207
Federal Fund Group							95208
3230	501619	Federal Grants	\$	4,200,000	\$	4,200,000	95209
3CW0	501622	Federal Equitable Sharing	\$	400,000	\$	400,000	95210
TOTAL FED Federal Fund Group							95211
			\$	4,600,000	\$	4,600,000	95212
TOTAL ALL BUDGET FUND GROUPS			\$	1,667,962,212	\$	1,712,919,426	95213
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							95214
The foregoing appropriation item 501406, Adult Correctional							95215

Facilities Lease Rental Bond Payments, shall be used to meet all 95216
 payments during the period from July 1, 2015, through June 30, 95217
 2017, by the Department of Rehabilitation and Correction under the 95218
 primary leases and agreements for those buildings made under 95219
 Chapters 152. and 154. of the Revised Code. These appropriations 95220
 are the source of funds pledged for bond service charges on 95221
 related obligations issued under Chapters 152. and 154. of the 95222
 Revised Code. 95223

OSU MEDICAL CHARGES 95224

Notwithstanding section 341.192 of the Revised Code, at the 95225
 request of the Department of Rehabilitation and Correction, The 95226
 Ohio State University Medical Center, including the Arthur G. 95227
 James Cancer Hospital and Richard J. Solove Research Institute and 95228
 the Richard M. Ross Heart Hospital, shall provide necessary care 95229
 to persons who are confined in state adult correctional 95230
 facilities. The provision of necessary inpatient care shall be 95231
 billed to the Department or the Department of Medicaid at a rate 95232
 not to exceed the authorized reimbursement rate for the same 95233
 service established by the Department of Medicaid under the 95234
 Medicaid Program. 95235

Section 373.10. RCB RESPIRATORY CARE BOARD 95236

Dedicated Purpose Fund Group				95237
4K90 872609 Operating Expenses	\$	572,005	\$ 570,123	95238
TOTAL DPF Dedicated Purpose				95239
Fund Group	\$	572,005	\$ 570,123	95240
TOTAL ALL BUDGET FUND GROUPS	\$	572,005	\$ 570,123	95241

Section 375.10. RDF STATE REVENUE DISTRIBUTIONS 95243

General Revenue Fund Group				95244
GRF 110908 Property Tax	\$	664,740,000	\$ 675,760,000	95245
Reimbursement - Local				

		Government			
GRF	200903	Property Tax	\$ 1,181,760,000	\$ 1,201,340,000	95246
		Reimbursement -			
		Education			
TOTAL GRF		General Revenue Fund	\$ 1,846,500,000	\$ 1,877,100,000	95247
Group					
Revenue Distribution Fund Group					95248
5JG0	110633	Gross Casino Revenue	\$ 123,500,000	\$ 114,100,000	95249
		County Distribution			
5JH0	110634	Gross Casino Revenue	\$ 82,300,000	\$ 76,100,000	95250
		County Student			
		Distribution			
5JJ0	110636	Gross Casino Revenue	\$ 12,100,000	\$ 11,100,000	95251
		Host City			
		Distribution			
7047	200902	Property Tax	\$ 361,773,101	\$ 251,560,497	95252
		Replacement Phase			
		Out-Education			
7049	336900	Indigent Drivers	\$ 2,250,000	\$ 2,250,000	95253
		Alcohol Treatment			
7050	762900	International	\$ 20,000,000	\$ 20,000,000	95254
		Registration Plan			
		Distribution			
7051	762901	Auto Registration	\$ 345,000,000	\$ 345,000,000	95255
		Distribution			
7060	110960	Gasoline Excise Tax	\$ 395,000,000	\$ 395,000,000	95256
		Fund			
7065	110965	Public Library Fund	\$ 389,520,000	\$ 404,310,000	95257
7066	800966	Undivided Liquor	\$ 14,100,000	\$ 14,100,000	95258
		Permits			
7068	110968	State and Local	\$ 196,000,000	\$ 196,000,000	95259
		Government Highway			
		Distributions			

7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000	95260
7081	110907	Property Tax	\$	66,070,450	\$	40,444,766	95261
		Replacement Phase					
		Out-Local Government					
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000	95262
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000	95263
TOTAL RDF Revenue Distribution							95264
Fund Group			\$	2,392,433,551	\$	2,270,575,263	95265
Fiduciary Fund Group							95266
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	95267
		Improvement Fund					
6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000	95268
7001	110996	Horse-Racing Tax	\$	125,000	\$	125,000	95269
		Municipality Fund					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	95270
		Tax Distribution					
7063	110963	Permissive Tax	\$	2,356,000,000	\$	2,475,000,000	95271
		Distribution					
7067	110967	School District	\$	430,000,000	\$	453,000,000	95272
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	95273
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000	95274
7094	110641	Wireless 9-1-1	\$	28,200,000	\$	28,200,000	95275
		Government Assistance					
7099	762902	Permissive Tax	\$	184,000,000	\$	184,000,000	95276
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group			\$	3,105,525,000	\$	3,267,525,000	95277
Holding Account Fund Group							95278
R045	110617	International Fuel	\$	40,000,000	\$	40,000,000	95279

Reimbursement - Education, is appropriated to pay for the state's 95309
costs incurred because of the homestead exemption, the property 95310
tax rollback, and payments required under division (C) of section 95311
5705.2110 of the Revised Code. In cooperation with the Department 95312
of Taxation, the Department of Education shall distribute these 95313
funds directly to the appropriate school districts of the state, 95314
notwithstanding sections 321.24 and 323.156 of the Revised Code, 95315
which provide for payment of the homestead exemption and property 95316
tax rollback by the Tax Commissioner to the appropriate county 95317
treasurer and the subsequent redistribution of these funds to the 95318
appropriate local taxing districts by the county auditor. 95319

Upon receipt of these amounts, each school district shall 95320
distribute the amount among the proper funds as if it had been 95321
paid as real or tangible personal property taxes. Payments for the 95322
costs of administration shall continue to be paid to the county 95323
treasurer and county auditor as provided for in sections 319.54, 95324
321.26, and 323.156 of the Revised Code. 95325

Any sums, in addition to the amount specifically appropriated 95326
in appropriation item 200903, Property Tax Reimbursement - 95327
Education, for the homestead exemption and the property tax 95328
rollback payments, and payments required under division (C) of 95329
section 5705.2110 of the Revised Code, which are determined to be 95330
necessary for these purposes, are hereby appropriated. 95331

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 95332

The foregoing appropriation item 110908, Property Tax 95333
Reimbursement-Local Government, is hereby appropriated to pay for 95334
the state's costs incurred due to the Homestead Exemption, the 95335
Manufactured Home Property Tax Rollback, and the Property Tax 95336
Rollback. The Tax Commissioner shall distribute these funds 95337
directly to the appropriate local taxing districts, except for 95338
school districts, notwithstanding the provisions in sections 95339
321.24 and 323.156 of the Revised Code, which provide for payment 95340

of the Homestead Exemption, the Manufactured Home Property Tax 95341
Rollback, and Property Tax Rollback by the Tax Commissioner to the 95342
appropriate county treasurer and the subsequent redistribution of 95343
these funds to the appropriate local taxing districts by the 95344
county auditor. 95345

Upon receipt of these amounts, each local taxing district 95346
shall distribute the amount among the proper funds as if it had 95347
been paid as real property taxes. Payments for the costs of 95348
administration shall continue to be paid to the county treasurer 95349
and county auditor as provided for in sections 319.54, 321.26, and 95350
323.156 of the Revised Code. 95351

Any sums, in addition to the amounts specifically 95352
appropriated in appropriation item 110908, Property Tax Allocation 95353
- Local Government, for the Homestead Exemption, the Manufactured 95354
Home Property Tax Rollback, and the Property Tax Rollback 95355
payments, which are determined to be necessary for these purposes, 95356
are hereby appropriated. 95357

PUBLIC LIBRARY FUND 95358

Notwithstanding the requirement in division (C) of section 95359
131.51 of the Revised Code that the Director of Budget and 95360
Management use the percentage calculated in division (A)(2) of 95361
section 131.51 of the Revised Code for calculating the credit each 95362
month to the Public Library Fund, the Director of Budget and 95363
Management shall instead calculate these amounts during fiscal 95364
year 2016 and fiscal year 2017 using 1.70 per cent as the 95365
percentage. 95366

Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION 95367

Dedicated Purpose Fund Group 95368
4K90 893609 Operating Expenses \$ 158,250 \$ 153,650 95369
TOTAL DPF Dedicated Purpose 95370

Fund Group	\$	158,250	\$	153,650	95371
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$	153,650	95372

Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND 95374

General Revenue Fund 95375

GRF 226321 Operations	\$	8,000,000	\$	8,000,000	95376
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TOTAL GRF General Revenue Fund	\$	8,000,000	\$	8,000,000	95377
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Dedicated Purpose Fund Group 95378

4H80 226602 Education Reform	\$	27,000	\$	27,000	95379
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Grants

4M50 226601 Work Study and	\$	461,521	\$	461,521	95380
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Technology Investment

5NJ0 226622 Food Service Program	\$	9,000	\$	9,000	95381
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TOTAL DPF Dedicated Purpose					95382
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Fund Group	\$	497,521	\$	497,521	95383
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Federal Fund Group 95384

3100 226626 Coordinating Unit	\$	2,527,104	\$	2,527,104	95385
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3DT0 226621 Ohio Transition	\$	650,000	\$	650,000	95386
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Collaborative

3P50 226643 Medicaid Professional	\$	50,000	\$	50,000	95387
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Services

Reimbursement

TOTAL FED Federal Fund Group	\$	3,227,104	\$	3,227,104	95388
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TOTAL ALL BUDGET FUND GROUPS	\$	11,724,625	\$	11,724,625	95389
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Section 381.10. OSD OHIO SCHOOL FOR THE DEAF 95391

General Revenue Fund 95392

GRF 221321 Operations	\$	9,604,435	\$	10,028,878	95393
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TOTAL GRF General Revenue Fund	\$	9,604,435	\$	10,028,878	95394
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Dedicated Purpose Fund Group 95395

4M00 221601 Educational Program	\$	95,000	\$	95,000	95396
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Expenses

4M10	221602	Education Reform	\$	35,000	\$	35,000	95397
		Grants					
5H60	221609	Even Start Fees and	\$	35,000	\$	35,000	95398
		Gifts					
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	95399
TOTAL DPF Dedicated Purpose							95400
Fund Group			\$	174,000	\$	174,000	95401
Federal Fund Group							95402
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	95403
3R00	221684	Medicaid Professional	\$	160,000	\$	160,000	95404
		Services					
		Reimbursement					
TOTAL FED Federal Fund Group			\$	2,313,246	\$	2,313,246	95405
TOTAL ALL BUDGET FUND GROUPS			\$	12,091,681	\$	12,516,124	95406
Section 383.10. SOS SECRETARY OF STATE							95408
General Revenue Fund							95409
GRF	050321	Operating Expenses	\$	2,144,030	\$	2,144,030	95410
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	95411
TOTAL GRF General Revenue Fund			\$	2,378,226	\$	2,378,226	95412
Dedicated Purpose Fund Group							95413
4120	050609	Notary Commission	\$	475,000	\$	475,000	95414
5990	050603	Business Services	\$	14,385,400	\$	14,385,400	95415
		Operating Expenses					
TOTAL DPF Dedicated Purpose Fund			\$	14,860,400	\$	14,860,400	95416
Group							
Internal Service Activity Fund Group							95417
4S80	050610	Board of Voting	\$	7,200	\$	7,200	95418
		Machine Examiners					
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000	95419
		Education					
TOTAL ISA Internal Service Activity			\$	87,200	\$	87,200	95420

HOLDING ACCOUNT FUND GROUP				95447	
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.				95448 95449 95450 95451 95452 95453	
HAVA FUNDS				95454	
At the end of fiscal year 2015, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA) is hereby reappropriated in fiscal year 2016 for the same purpose.				95455 95456 95457 95458	
At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA), is hereby reappropriated in fiscal year 2017 for the same purpose.				95459 95460 95461 95462	
Section 385.10. SEN THE OHIO SENATE				95463	
General Revenue Fund				95464	
GRF 020321 Operating Expenses	\$	12,518,143	\$	12,518,143	95465
TOTAL GRF General Revenue Fund	\$	12,518,143	\$	12,518,143	95466
Internal Service Activity Fund Group				95467	
1020 020602 Senate Reimbursement	\$	425,800	\$	425,800	95468
4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	95469
TOTAL ISA Internal Service Activity Fund Group	\$	460,297	\$	460,297	95470 95471
TOTAL ALL BUDGET FUND GROUPS	\$	12,978,440	\$	12,978,440	95472
OPERATING EXPENSES				95473	
On July 1, 2015, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the				95474 95475 95476	

foregoing appropriation item 020321, Operating Expenses, at the 95477
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 95478
The amount certified is hereby reappropriated to the same 95479
appropriation item for fiscal year 2016. 95480

On July 1, 2016, or as soon as possible thereafter, the Clerk 95481
of the Senate may certify to the Director of Budget and Management 95482
the amount of the unexpended, unencumbered balance of the 95483
foregoing appropriation item 020321, Operating Expenses, at the 95484
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 95485
The amount certified is hereby reappropriated to the same 95486
appropriation item for fiscal year 2017. 95487

Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND 95488

Debt Service Fund Group 95489

7070 155905 Third Frontier \$ 79,091,400 \$ 98,712,000 95490
Research and
Development Bond
Retirement Fund

7072 155902 Highway Capital \$ 119,937,500 \$ 134,101,700 95491
Improvement Bond
Retirement Fund

7073 155903 Natural Resources Bond \$ 27,079,900 \$ 26,074,400 95492
Retirement Fund

7074 155904 Conservation Projects \$ 34,674,900 \$ 39,225,700 95493
Bond Retirement Fund

7076 155906 Coal Research and \$ 5,991,400 \$ 5,038,700 95494
Development Bond
Retirement Fund

7077 155907 State Capital \$ 234,437,400 \$ 235,303,200 95495
Improvement Bond
Retirement Fund

7078 155908 Common Schools Bond \$ 375,706,700 \$ 386,754,800 95496

		Retirement Fund					
7079	155909	Higher Education Bond	\$	254,970,800	\$	261,789,500	95497
		Retirement Fund					
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond	\$	9,083,700	\$	23,343,400	95498
		Retirement Fund					
7090	155912	Job Ready Site Development Bond	\$	19,384,000	\$	15,735,900	95499
		Retirement Fund					
TOTAL DSF		Debt Service Fund Group	\$	1,160,357,700	\$	1,226,079,300	95500
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	95501
		ADDITIONAL APPROPRIATIONS					95502
		Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2015 through June 30, 2017 on bonds or notes of the state issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.					95503 95504 95505 95506 95507 95508
		Section 391.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION					95509 95510
		Dedicated Purpose Fund Group					95511
5M90	945601	Operating Expenses	\$	426,800	\$	426,800	95512
TOTAL DPF		Dedicated Purpose Fund Group	\$	426,800	\$	426,800	95513
TOTAL ALL BUDGET FUND GROUPS			\$	426,800	\$	426,800	95514
		Section 393.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY					95516 95517
		Dedicated Purpose Fund Group					95518
4K90	886609	Operating Expenses	\$	508,660	\$	508,660	95519

TOTAL DPF Dedicated Purpose Fund Group	\$	508,660	\$	508,660	95520
TOTAL ALL BUDGET FUND GROUPS	\$	508,660	\$	508,660	95521

Section 395.10. BTA BOARD OF TAX APPEALS 95523

General Revenue Fund					95524
GRF 116321 Operating Expenses	\$	1,700,000	\$	1,700,000	95525
TOTAL GRF General Revenue Fund	\$	1,700,000	\$	1,700,000	95526
TOTAL ALL BUDGET FUND GROUPS	\$	1,700,000	\$	1,700,000	95527

Section 397.10. TAX DEPARTMENT OF TAXATION 95529

General Revenue Fund					95530
GRF 110321 Operating Expenses	\$	68,905,605	\$	68,905,605	95531
GRF 110404 Tobacco Settlement Enforcement	\$	160,380	\$	160,380	95532
TOTAL GRF General Revenue Fund	\$	69,065,985	\$	69,065,985	95533
Dedicated Purpose Fund Group					95534
2280 110628 CAT Administration	\$	16,100,000	\$	16,100,000	95535
4330 110602 Municipal Data Exchange Administration	\$	175,000	\$	175,000	95536
4350 110607 Local Tax Administration	\$	20,300,000	\$	20,300,000	95537
4360 110608 Motor Vehicle Audit Administration	\$	1,459,609	\$	1,459,609	95538
4370 110606 Income Tax Refund Contribution Administration	\$	38,800	\$	38,800	95539
4380 110609 School District Income Tax Administration	\$	5,402,044	\$	5,402,044	95540
4C60 110616 International	\$	682,415	\$	682,415	95541

		Registration Plan Administration					
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	95542
5BP0	110639	Wireless 9-1-1 Administration	\$	290,000	\$	290,000	95543
5JM0	110637	Casino Tax Administration	\$	75,000	\$	75,000	95544
5MN0	110638	STARS Development and Implementation	\$	3,000,000	\$	3,000,000	95545
5N50	110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	95546
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	95547
5NY0	110643	Petroleum Activity Tax Administration	\$	1,000,000	\$	1,000,000	95548
5V70	110622	Motor Fuel Tax Administration	\$	5,035,374	\$	5,035,374	95549
5V80	110623	Property Tax Administration	\$	11,178,310	\$	11,178,310	95550
5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	95551
6390	110614	Cigarette Tax Enforcement	\$	1,750,000	\$	1,750,000	95552
6880	110615	Local Excise Tax Administration	\$	775,015	\$	775,015	95553
TOTAL	DPF	Dedicated Purpose Fund Group	\$	67,805,260	\$	67,805,260	95554
		Fiduciary Fund Group					95555
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	95556
5CZ0	110631	Vendor's License Application	\$	340,000	\$	340,000	95557
6420	110613	Ohio Political Party	\$	267,500	\$	265,000	95558

Distributions

7095 110995	Municipal Income Tax	\$ 8,100,000	\$ 7,900,000	95559
TOTAL FID	Fiduciary Fund Group	\$ 1,555,507,500	\$ 1,555,305,000	95560
	Holding Account Fund Group			95561
R010 110611	Tax Distributions	\$ 230,000	\$ 230,000	95562
R011 110612	Miscellaneous Income	\$ 50,000	\$ 50,000	95563
	Tax Receipts			
TOTAL HLD	Holding Account Fund Group	\$ 280,000	\$ 280,000	95564
TOTAL ALL BUDGET FUND GROUPS		\$ 1,692,658,745	\$ 1,692,456,245	95565

MUNICIPAL INCOME TAX 95566

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 95567
95568
95569
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95571

TAX REFUNDS 95572

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 95573
95574
95575
95576

VENDOR'S LICENSE PAYMENTS 95577

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 95578
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INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 95583

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 95584
95585

5703.12 of the Revised Code for audits of persons with vehicles 95586
registered under the International Registration Plan. 95587

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 95588

Of the foregoing appropriation item 110607, Local Tax 95589
Administration, the Tax Commissioner may disburse funds, if 95590
available, for the purposes of paying travel expenses incurred by 95591
members of Ohio's delegation to the Streamlined Sales Tax Project, 95592
as appointed under section 5740.02 of the Revised Code. Any travel 95593
expense reimbursement paid for by the Department of Taxation shall 95594
be done in accordance with applicable state laws and guidelines. 95595

TOBACCO SETTLEMENT ENFORCEMENT 95596

The foregoing appropriation item 110404, Tobacco Settlement 95597
Enforcement, shall be used by the Tax Commissioner to pay costs 95598
incurred in the enforcement of divisions (F) and (G) of section 95599
5743.03 of the Revised Code. 95600

STARS DEVELOPMENT AND IMPLEMENTATION FUND 95601

The foregoing appropriation item 110638, STARS Development 95602
and Implementation, shall be used to pay costs incurred in the 95603
development and implementation of the department's State Tax 95604
Accounting and Revenue System. The Director of Budget and 95605
Management, under a plan submitted by the Tax Commissioner, or as 95606
otherwise determined by the Director of Budget and Management, 95607
shall set a schedule to transfer cash from the Revenue Enhancement 95608
Fund, Local Sales Tax Administrative Fund, General School District 95609
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 95610
Property Tax Administration Fund, and the Motor Fuel Tax 95611
Administration Fund to the credit of the STARS Development and 95612
Implementation Fund (Fund 5MN0). The transfers of cash shall not 95613
exceed \$6,000,000 in the biennium. 95614

Section 399.10. DOT DEPARTMENT OF TRANSPORTATION 95615

General Revenue Fund				95616
GRF 775451 Public Transportation	\$	7,300,000	\$ 7,300,000	95617
- State				
GRF 776465 Rail Development	\$	2,000,000	\$ 2,000,000	95618
GRF 777471 Airport Improvements	\$	6,000,000	\$ 6,000,000	95619
- State				
TOTAL GRF General Revenue Fund	\$	15,300,000	\$ 15,300,000	95620
Highway Operating Fund Group				95621
7002 772601 Beachwood Noise Wall	\$	383,000	\$ 0	95622
TOTAL HOF Highway Operating Fund	\$	383,000	\$ 0	95623
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	15,683,000	\$ 15,300,000	95624
BEACHWOOD NOISE WALL				95625
The foregoing appropriation item 772601, Beachwood Noise				95626
Wall, shall be used to construct a noise wall for a section of				95627
Interstate Route 271 in Beachwood stretching from Shaker Boulevard				95628
to Woodland Road.				95629
Section 399.15. AIRPORT IMPROVEMENTS - STATE				95630
(A) The foregoing appropriation item 777471, Airport				95631
Improvements - State, shall be used by the Department of				95632
Transportation for the following purposes:				95633
(1) Providing matching funds for federal grants and funding				95634
under the airport improvement program pursuant to 49 U.S.C. 47101				95635
et seq., or any similar federal program administered by the				95636
Federal Aviation Administration;				95637
(2) Providing loans and grants for airport capital				95638
improvements at Ohio airports or within Ohio airspace. Such				95639
improvements may include infrastructure and safety projects and				95640
development and implementation of the Federal Aviation				95641
Administration's "NextGen" programs and unmanned aerial systems				95642

technologies; 95643

(3) Providing loans and grants for economic development and 95644
job creation projects that may involve cooperation between 95645
airports and the development services agency or a state or 95646
regional nonprofit entity engaged in economic development 95647
activities. 95648

(B)(1) The Director of Transportation shall adopt rules in 95649
accordance with Chapter 119. of the Revised Code for the purpose 95650
of distributing money under this section. Specifically, the 95651
Director shall consult with interested parties to promulgate rules 95652
for the means and methods of accepting applications, scoring, and 95653
awarding grants and loans under this section. 95654

(2) Prior to submitting rules to the Joint Committee on 95655
Agency Rule Review under division (B)(1) of this section, the 95656
Director of Transportation shall seek a vote of approval of the 95657
Director's proposed rules from the Ohio Aerospace and Aviation 95658
Technology Committee. Any rules proposed pursuant to this section 95659
shall be submitted to the Ohio Aerospace and Aviation Technology 95660
Committee by October 1, 2015. 95661

Section 401.10. TOS TREASURER OF STATE 95662

General Revenue Fund 95663

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 95664

GRF 090401 Office of the Sinking Fund \$ 502,304 \$ 502,304 95665

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 95666

GRF 090406 Treasury Management \$ 1,117,400 \$ 1,116,800 95667
System Lease Rental
Payments

GRF 090524 Police and Fire \$ 5,000 \$ 5,000 95668
Disability Pension

	Fund				
GRF 090534	Police and Fire Ad Hoc	\$	55,000	\$	55,000
	Cost of Living				95669
GRF 090554	Police and Fire	\$	443,000	\$	443,000
	Survivor Benefits				95670
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000
	Benefits				95671
TOTAL GRF	General Revenue Fund	\$	30,243,959	\$	30,243,359
					95672
	Dedicated Purpose Fund Group				95673
4E90 090603	Securities Lending	\$	5,200,000	\$	5,200,000
	Income				95674
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000
	Reimbursement				95675
5C50 090602	County Treasurer	\$	170,057	\$	170,057
	Education				95676
6050 090609	Treasurer of State	\$	700,000	\$	700,000
	Administrative Fund				95677
TOTAL DPF	Dedicated Purpose				95678
Fund Group		\$	7,120,057	\$	7,120,057
					95679
	Fiduciary Fund Group				95680
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000
TOTAL FID	Fiduciary Fund Group	\$	6,000,000	\$	6,000,000
					95682
TOTAL ALL BUDGET FUND GROUPS		\$	43,364,016	\$	43,363,416
					95683

Section 401.20. OFFICE OF THE SINKING FUND 95685

The foregoing appropriation item 090401, Office of the 95686
Sinking Fund, shall be used for costs incurred by or on behalf of 95687
the Commissioners of the Sinking Fund and the Ohio Public 95688
Facilities Commission with respect to State of Ohio general 95689
obligation bonds or notes, and the Treasurer of State with respect 95690
to State of Ohio general obligation and special obligation bonds 95691
or notes, including, but not limited to, printing, advertising, 95692

delivery, rating fees and the procurement of ratings, professional 95693
publications, membership in professional organizations, and other 95694
services referred to in division (D) of section 151.01 of the 95695
Revised Code. The General Revenue Fund shall be reimbursed for 95696
such costs relating to the issuance and administration of Highway 95697
Capital Improvement bonds or notes authorized under Ohio 95698
Constitution, Article VIII, Section 2m and Chapter 151. of the 95699
Revised Code. That reimbursement shall be made from appropriation 95700
item 155902, Highway Capital Improvement Bond Retirement Fund, by 95701
intrastate transfer voucher pursuant to a certification by the 95702
Office of the Sinking Fund of the actual amounts used. The amounts 95703
necessary to make such a reimbursement are hereby appropriated 95704
from the Highway Capital Improvement Bond Retirement Fund created 95705
in section 151.06 of the Revised Code. 95706

POLICE AND FIRE DEATH BENEFIT FUND 95707

The foregoing appropriation item 090575, Police and Fire 95708
Death Benefits, shall be disbursed quarterly by the Treasurer of 95709
State at the beginning of each quarter of each fiscal year to the 95710
Board of Trustees of the Ohio Police and Fire Pension Fund. The 95711
Treasurer of State shall certify such amounts quarterly to the 95712
Director of Budget and Management. By the twentieth day of June of 95713
each fiscal year, the Board of Trustees of the Ohio Police and 95714
Fire Pension Fund shall certify to the Treasurer of State the 95715
amount disbursed in the current fiscal year to make the payments 95716
required by section 742.63 of the Revised Code and shall return to 95717
the Treasurer of State moneys received from this appropriation 95718
item but not disbursed. 95719

TAX REFUNDS 95720

The foregoing appropriation item 090635, Tax Refunds, shall 95721
be used to pay refunds under section 5703.052 of the Revised Code. 95722
If the Director of Budget and Management determines that 95723
additional amounts are necessary for this purpose, such amounts 95724

are hereby appropriated. 95725

Section 401.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 95726
PAYMENTS 95727

The foregoing appropriation item 090406, Treasury Management 95728
System Lease Rental Payments, shall be used for payments during 95729
the period from July 1, 2015, through June 30, 2017, pursuant to 95730
leases and agreements entered into under Section 701.20 of Am. 95731
Sub. H.B. 497 of the 130th General Assembly with respect to 95732
financing the costs associated with the acquisition and 95733
implementation of the Treasury Management System. If it is 95734
determined that additional appropriations are necessary for this 95735
purpose, the amounts are hereby appropriated. 95736

	Section 403.10.	VTO VETERANS' ORGANIZATIONS			95737
		General Revenue Fund			95738
		VAP AMERICAN EX-PRISONERS OF WAR			95739
GRF	743501	State Support	\$	28,910	\$ 28,910 95740
		VAN ARMY AND NAVY UNION, USA, INC.			95741
GRF	746501	State Support	\$	63,539	\$ 63,539 95742
		VKW KOREAN WAR VETERANS			95743
GRF	747501	State Support	\$	57,118	\$ 57,118 95744
		VJW JEWISH WAR VETERANS			95745
GRF	748501	State Support	\$	34,321	\$ 34,321 95746
		VCW CATHOLIC WAR VETERANS			95747
GRF	749501	State Support	\$	66,978	\$ 66,978 95748
		VPH MILITARY ORDER OF THE PURPLE HEART			95749
GRF	750501	State Support	\$	65,116	\$ 65,116 95750
		VVV VIETNAM VETERANS OF AMERICA			95751
GRF	751501	State Support	\$	214,776	\$ 214,776 95752
		VAL AMERICAN LEGION OF OHIO			95753
GRF	752501	State Support	\$	349,189	\$ 349,189 95754

		VII AMVETS				95755	
GRF	753501	State Support	\$	332,547	\$	332,547	95756
		VAV DISABLED AMERICAN VETERANS					95757
GRF	754501	State Support	\$	249,836	\$	249,836	95758
		VMC MARINE CORPS LEAGUE					95759
GRF	756501	State Support	\$	133,947	\$	133,947	95760
		V37 37TH DIVISION VETERANS' ASSOCIATION					95761
GRF	757501	State Support	\$	6,868	\$	6,868	95762
		VFW VETERANS OF FOREIGN WARS					95763
GRF	758501	State Support	\$	284,841	\$	284,841	95764
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986	95765
TOTAL ALL		BUDGET FUND GROUPS	\$	1,887,986	\$	1,887,986	95766
		RELEASE OF FUNDS					95767
		The Director of Budget and Management may release the					95768
		foregoing appropriation items 743501, 746501, 747501, 748501,					95769
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					95770
		and 758501, State Support.					95771
		Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES					95772
		General Revenue Fund					95773
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608	95774
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	95775
GRF	900408	Department of	\$	2,567,113	\$	2,567,113	95776
		Veterans Services					
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400	95777
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	38,750,496	\$	53,010,196	95778
		Dedicated Purpose Fund Group					95779
4840	900603	Veterans' Homes	\$	883,523	\$	985,523	95780
		Services					
4E20	900602	Veterans' Homes	\$	12,804,826	\$	13,139,648	95781

		Operating					
5DB0	900643	Military Injury	\$	2,000,000	\$	2,000,000	95782
		Relief Program					
5PH0	900642	Veterans Initiatives	\$	50,000	\$	50,000	95783
TOTAL DPF		Dedicated Purpose Fund	\$	15,738,349	\$	16,175,171	95784
Group							
Debt Service Fund Group							95785
7041	900615	Veteran Bonus Program	\$	359,173	\$	359,173	95786
		- Administration					
7041	900641	Persian Gulf,	\$	2,173,139	\$	942,754	95787
		Afghanistan, and Iraq					
		Compensation					
TOTAL DSF		Debt Service					95788
Fund Group			\$	2,532,312	\$	1,301,927	95789
Federal Fund Group							95790
3680	900614	Veterans Training	\$	730,000	\$	740,000	95791
3740	900606	Troops to Teachers	\$	150,000	\$	150,000	95792
3BX0	900609	Medicare Services	\$	2,475,000	\$	2,846,250	95793
3L20	900601	Veterans' Homes	\$	28,110,159	\$	29,245,411	95794
		Operations - Federal					
TOTAL FED		Federal Fund Group	\$	31,465,159	\$	32,981,661	95795
TOTAL ALL BUDGET FUND GROUPS			\$	88,486,316	\$	103,468,955	95796

TRAUMATIC BRAIN INJURY PROGRAMS 95797

Of the foregoing appropriation item 900408, Department of 95798
Veterans Services, \$25,000 in each fiscal year shall be 95799
distributed directly to the Resurrecting Lives Foundation to fund 95800
the 2015 Employment Initiative, which aids the transition of 95801
traumatic brain injury affected service members into civilian life 95802
and employment. 95803

Of the foregoing appropriation item 900408, Department of 95804
Veterans Services, \$20,375 in each fiscal year shall be 95805
distributed directly to the Resurrecting Lives Foundation to fund 95806

the Community TBI Education Program, which provides education and 95807
awareness for the legal community and lay community about 95808
traumatic brain injury, its effect on the veteran community, and 95809
the resulting challenges veterans face in the criminal justice 95810
system. 95811

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 95812

The foregoing appropriation item 900901, Veterans 95813
Compensation General Obligation Bond Debt Service, shall be used 95814
to pay all debt service and related financing costs during the 95815
period from July 1, 2015, through June 30, 2017, on obligations 95816
issued under sections 151.01 and 151.12 of the Revised Code. 95817

Section 405.20. Effective July 1, 2015, the Director of 95818
Budget and Management shall cancel any existing encumbrances 95819
against appropriation item 600637, Military Injury Relief 95820
Subsidies, and reestablish them against appropriation item 900643, 95821
Military Injury Relief Subsidies. The reestablished encumbrance 95822
amounts are hereby appropriated. Any business commenced but not 95823
completed under appropriation item 600637 by July 1, 2015, shall 95824
be completed under appropriation item 900643 in the same manner 95825
and with the same effect as if it were completed with regard to 95826
appropriation item 600637. 95827

Section 407.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 95828

Dedicated Purpose Fund Group 95829

4K90 888609	Operating Expenses	\$	352,195	\$	358,195	95830
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TOTAL DPF Dedicated Purpose 95831

Fund Group	\$	352,195	\$	358,195	95832
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Internal Service Activity Fund Group 95833

5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	95834
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Loan Program

TOTAL ISA Internal Service Activity 95835

Fund Group			\$	30,000	\$	30,000	95836
TOTAL ALL BUDGET FUND GROUPS			\$	382,195	\$	388,195	95837
Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES							95839
General Revenue Fund							95840
GRF	470401	RECLAIM Ohio	\$	153,087,537	\$	153,087,537	95841
GRF	470412	Juvenile Correctional	\$	25,407,400	\$	21,137,700	95842
Facilities Lease							
Rental Bond Payments							
GRF	470510	Youth Services	\$	16,702,728	\$	16,702,728	95843
GRF	472321	Parole Operations	\$	10,950,100	\$	10,950,100	95844
GRF	477321	Administrative	\$	10,855,389	\$	10,855,389	95845
Operations							
TOTAL GRF General Revenue Fund			\$	217,003,154	\$	212,733,454	95846
Dedicated Purpose Fund Group							95847
1470	470612	Vocational Education	\$	1,700,000	\$	1,700,000	95848
1750	470613	Education	\$	3,600,000	\$	3,600,000	95849
Reimbursement							
4790	470609	Employee Food Service	\$	125,000	\$	125,000	95850
4A20	470602	Child Support	\$	250,000	\$	250,000	95851
4G60	470605	Juvenile Special	\$	115,000	\$	115,000	95852
Revenue - Non-Federal							
5BN0	470629	E-Rate Program	\$	349,000	\$	300,000	95853
TOTAL DPF Dedicated Purpose							95854
Fund Group			\$	6,139,000	\$	6,090,000	95855
Federal Fund Group							95856
3210	470601	Education	\$	1,000,000	\$	1,000,000	95857
3210	470603	Juvenile Justice	\$	300,000	\$	300,000	95858
Prevention							
3210	470606	Nutrition	\$	1,033,947	\$	1,033,947	95859
3210	470614	Title IV-E	\$	3,714,548	\$	3,714,548	95860
Reimbursements							

3CR0	470639	Federal Juvenile Programs FFY 10	\$	22,000	\$	7,000	95861
3FB0	470641	Federal Juvenile Programs FFY 11	\$	50,000	\$	5,000	95862
3FC0	470642	Federal Juvenile Programs FFY 12	\$	50,000	\$	5,000	95863
3GB0	470643	Federal Juvenile Programs FFY 13	\$	324,000	\$	59,000	95864
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	95865
TOTAL FED Federal							95866
Fund Group			\$	8,214,495	\$	7,844,495	95867
TOTAL ALL BUDGET FUND GROUPS			\$	231,356,649	\$	226,667,949	95868

COMMUNITY PROGRAMS 95869

For purposes of implementing juvenile sentencing reforms, and 95870
notwithstanding any provision of law to the contrary, the 95871
Department of Youth Services may use up to forty-five per cent of 95872
the unexpended, unencumbered balance of the portion of 95873
appropriation item 470401, RECLAIM Ohio, that is allocated to 95874
juvenile correctional facilities in each fiscal year to expand 95875
Targeted RECLAIM, the Behavioral Health Juvenile Justice 95876
Initiative, and other evidence-based community programs. 95877

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 95878

The foregoing appropriation item 470412, Juvenile 95879
Correctional Facilities Lease Rental Bond Payments, shall be used 95880
to meet all payments during the period from July 1, 2015, through 95881
June 30, 2017, by the Department of Youth Services under the 95882
leases and agreements for facilities made under Chapters 152. and 95883
154. of the Revised Code. This appropriation is the source of 95884
funds pledged for bond service charges on related obligations 95885
issued under Chapters 152. and 154. of the Revised Code. 95886

EDUCATION REIMBURSEMENT	95887
The foregoing appropriation item 470613, Education Reimbursement, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment. This appropriation item may be used for capital expenses related to the education program.	95888 95889 95890 95891 95892 95893 95894
EMPLOYEE FOOD SERVICE AND EQUIPMENT	95895
Notwithstanding section 125.14 of the Revised Code, the foregoing appropriation item 470609, Employee Food Service, may be used to purchase any food operational items with funds received into the fund from reimbursements for state surplus property.	95896 95897 95898 95899
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	95900
In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of Am. Sub. H.B. 153 of the 129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."	95901 95902 95903 95904 95905 95906 95907 95908
Section 501.10. All items set forth in this section are hereby appropriated for the biennium ending on June 30, 2016, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated.	95909 95910 95911 95912 95913
	Appropriations
FCC OHIO FACILITIES CONSTRUCTION COMMISSION	95914
C230W4 Community School Classroom Facilities \$ 25,000,000	95915

Section 503.10. PERSONAL SERVICE EXPENSES 95948

Unless otherwise prohibited by law, any appropriation from 95949
which personal service expenses are paid shall bear the employer's 95950
share of public employees' retirement, workers' compensation, 95951
disabled workers' relief, and insurance programs; and the costs of 95952
centralized financial services, centralized payroll processing, 95953
and related reports and services; centralized human resources 95954
services, including affirmative action and equal employment 95955
opportunity programs; the Office of Collective Bargaining; 95956
centralized information technology management services; 95957
administering the enterprise resource planning system; and 95958
administering the state employee merit system as required by 95959
section 124.07 of the Revised Code. These costs shall be 95960
determined in conformity with the appropriate sections of law and 95961
paid in accordance with procedures specified by the Office of 95962
Budget and Management. Expenditures from appropriation item 95963
070601, Public Audit Expense - Intra-State, may be exempted from 95964
the requirements of this section. 95965

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 95966
AGAINST THE STATE 95967

Except as otherwise provided in this section, an 95968
appropriation in this act or any other act may be used for the 95969
purpose of satisfying judgments, settlements, or administrative 95970
awards ordered or approved by the Court of Claims or by any other 95971
court of competent jurisdiction in connection with civil actions 95972
against the state. This authorization does not apply to 95973
appropriations to be applied to or used for payment of guarantees 95974
by or on behalf of the state, or for payments under lease 95975
agreements relating to, or debt service on, bonds, notes, or other 95976
obligations of the state. Notwithstanding any other statute to the 95977
contrary, this authorization includes appropriations from funds 95978

into which proceeds of direct obligations of the state are 95979
deposited only to the extent that the judgment, settlement, or 95980
administrative award is for, or represents, capital costs for 95981
which the appropriation may otherwise be used and is consistent 95982
with the purpose for which any related obligations were issued or 95983
entered into. Nothing contained in this section is intended to 95984
subject the state to suit in any forum in which it is not 95985
otherwise subject to suit, and is not intended to waive or 95986
compromise any defense or right available to the state in any suit 95987
against it. 95988

Section 503.30. CAPITAL PROJECT SETTLEMENTS 95989

This section specifies an additional and supplemental 95990
procedure to provide for payments of judgments and settlements if 95991
the Director of Budget and Management determines, pursuant to 95992
division (C)(4) of section 2743.19 of the Revised Code, that 95993
sufficient unencumbered moneys do not exist in the fund to support 95994
a particular appropriation to pay the amount of a final judgment 95995
rendered against the state or a state agency, including the 95996
settlement of a claim approved by a court, in an action upon and 95997
arising out of a contractual obligation for the construction or 95998
improvement of a capital facility if the costs under the contract 95999
were payable in whole or in part from a state capital projects 96000
appropriation. In such a case, the Director may either proceed 96001
pursuant to division (C)(4) of section 2743.19 of the Revised Code 96002
or apply to the Controlling Board to increase an appropriation or 96003
create an appropriation out of any unencumbered moneys in the 96004
state treasury to the credit of the capital projects fund from 96005
which the initial state appropriation was made. The amount of an 96006
increase in appropriation or new appropriation approved by the 96007
Controlling Board is hereby appropriated from the applicable 96008
capital projects fund and made available for the payment of the 96009
judgment or settlement. 96010

If the Director does not make the application authorized by 96011
this section or the Controlling Board disapproves the application, 96012
and the Director does not make application under division (C)(4) 96013
of section 2743.19 of the Revised Code, the Director shall for the 96014
purpose of making that payment make a request to the General 96015
Assembly as provided for in division (C)(5) of that section. 96016

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 96017

In order to provide funds for the reissuance of voided 96018
warrants under section 126.37 of the Revised Code, there is hereby 96019
appropriated, out of moneys in the state treasury from the fund 96020
credited as provided in section 126.37 of the Revised Code, that 96021
amount sufficient to pay such warrants when approved by the Office 96022
of Budget and Management. 96023

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 96024
BALANCES OF OPERATING APPROPRIATIONS 96025

(A) An unexpended balance of an operating appropriation or 96026
reappropriation that a state agency lawfully encumbered prior to 96027
the close of a fiscal year is hereby reappropriated on the first 96028
day of July of the following fiscal year from the fund from which 96029
it was originally appropriated or reappropriated for the following 96030
period and shall remain available only for the purpose of 96031
discharging the encumbrance: 96032

(1) For an encumbrance for personal services, maintenance, 96033
equipment, or items for resale, other than an encumbrance for an 96034
item of special order manufacture not available on term contract 96035
or in the open market or for reclamation of land or oil and gas 96036
wells, for a period of not more than five months from the end of 96037
the fiscal year; 96038

(2) For an encumbrance for an item of special order 96039
manufacture not available on term contract or in the open market, 96040

for a period of not more than five months from the end of the 96041
fiscal year or, with the written approval of the Director of 96042
Budget and Management, for a period of not more than twelve months 96043
from the end of the fiscal year; 96044

(3) For an encumbrance for reclamation of land or oil and gas 96045
wells, for a period ending when the encumbered appropriation is 96046
expended or for a period of two years, whichever is less; 96047

(4) For an encumbrance for any other expense, for such period 96048
as the Director approves, provided such period does not exceed two 96049
years. 96050

(B) Any operating appropriations for which unexpended 96051
balances are reappropriated beyond a five-month period from the 96052
end of the fiscal year by division (A)(2) of this section shall be 96053
reported to the Controlling Board by the Director of Budget and 96054
Management by the thirty-first day of December of each year. The 96055
report on each such item shall include the item, the cost of the 96056
item, and the name of the vendor. The report shall be updated on a 96057
quarterly basis for encumbrances remaining open. 96058

(C) Upon the expiration of the reappropriation period set out 96059
in division (A) of this section, a reappropriation made by this 96060
section lapses, and the Director of Budget and Management shall 96061
cancel the encumbrance of the unexpended reappropriation not later 96062
than the end of the weekend following the expiration of the 96063
reappropriation period. 96064

(D) Notwithstanding division (C) of this section, with the 96065
approval of the Director of Budget and Management, an unexpended 96066
balance of an encumbrance that was reappropriated on the first day 96067
of July by this section for a period specified in division (A)(3) 96068
or (4) of this section and that remains encumbered at the close of 96069
the fiscal biennium is hereby reappropriated on the first day of 96070
July of the following fiscal biennium from the fund from which it 96071

was originally appropriated or reappropriated for the applicable 96072
period specified in division (A)(3) or (4) of this section and 96073
shall remain available only for the purpose of discharging the 96074
encumbrance. 96075

(E) The Director of Budget and Management may correct 96076
accounting errors committed by the staff of the Office of Budget 96077
and Management, such as reestablishing encumbrances or 96078
appropriations cancelled in error, during the cancellation of 96079
operating encumbrances in November and of nonoperating 96080
encumbrances in December. 96081

(F) The Director of Budget and Management may at any time 96082
correct accounting errors committed by the staff of a state agency 96083
or state institution of higher education, as defined in section 96084
3345.011 of the Revised Code, such as reestablishing prior year 96085
nonoperating encumbrances canceled or modified in error. The 96086
reestablished encumbrance amounts are hereby appropriated. 96087

(G) If the Controlling Board approved a purchase, that 96088
approval remains in effect so long as the appropriation used to 96089
make that purchase remains encumbered. 96090

Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 96091
OUTDATED EXPENSE ACCOUNT CODES 96092

On or after January 1, 2015, the Director of Budget and 96093
Management may cancel any existing operating or capital 96094
encumbrances from prior fiscal years that reference outdated 96095
expense account codes and, if needed, reestablish them against the 96096
same appropriation items referencing updated expense account 96097
codes. The reestablished encumbrance amounts are hereby 96098
appropriated. Any business commenced but not completed under the 96099
prior encumbrances by January 1, 2015, shall be completed under 96100
the new encumbrances in the same manner and with the same effect 96101
as if it was completed with regard to the old encumbrances. 96102

Section 503.70. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 96103
RE-ESTABLISHMENT OF ENCUMBRANCES 96104

Any cash transferred by the Director of Budget and Management 96105
under section 126.15 of the Revised Code is hereby appropriated. 96106
Any amounts necessary to re-establish appropriations or 96107
encumbrances under section 126.15 of the Revised Code are hereby 96108
appropriated. 96109

Section 503.80. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 96110

The Director of Budget and Management may transfer 96111
appropriations between the Third Frontier Research and Development 96112
Fund (Fund 7011) and Third Frontier Research and Development 96113
Taxable Bond Fund (Fund 7014) as necessary to maintain the 96114
exclusion from the calculation of gross income for federal income 96115
taxation purposes under the "Internal Revenue Code of 1986," 100 96116
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 96117
issued to fund projects appropriated from the Third Frontier 96118
Research and Development Fund (Fund 7011). 96119

The Director may also create new appropriation items within 96120
the Third Frontier Research and Development Taxable Bond Fund 96121
(Fund 7014) and make transfers of appropriations to them for 96122
projects originally funded from appropriations made from the Third 96123
Frontier Research and Development Fund (Fund 7011). 96124

Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES 96125

There are hereby appropriated out of any moneys in the state 96126
treasury to the credit of the General Revenue Fund, which are not 96127
otherwise appropriated, funds sufficient to make any payment 96128
required by division (B)(2) of section 5747.03 of the Revised 96129
Code. 96130

Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES 96131
APPROVED BY THE CONTROLLING BOARD 96132

Any money that the Controlling Board approves for expenditure 96133
or any increase in appropriation that the Controlling Board 96134
approves under sections 127.14, 131.35, and 131.39 of the Revised 96135
Code or any other provision of law is hereby appropriated for the 96136
period ending June 30, 2017. 96137

Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S 96138
RESIDENCE 96139

If the Governor's Residence Fund (Fund 4H20) receives payment 96140
for use of the residence pursuant to section 107.40 of the Revised 96141
Code, the amounts so received are hereby appropriated to 96142
appropriation item 100604, Governor's Residence Gift. 96143

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 96144

Unless the agency and nuclear electric utility mutually agree 96145
to a higher amount by contract, the maximum amounts that may be 96146
assessed against nuclear electric utilities under division (B)(2) 96147
of section 4937.05 of the Revised Code and deposited into the 96148
specified funds are as follows: 96149

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	96151
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	96152
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	96153

Safety Fund Protection Agency
(Fund 6440)

Emergency Department of \$ 1,200,000 \$ 1,200,000 96154

Response Plan Public Safety
Fund (Fund 6570)

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 96155
INTEREST EARNED 96156

Notwithstanding any provision of law to the contrary, the 96157
Director of Budget and Management, through June 30, 2017, may 96158
transfer interest earned by any state fund to the General Revenue 96159
Fund. This section does not apply to funds whose source of revenue 96160
is restricted or protected by the Ohio Constitution, federal tax 96161
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 96162
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 96163

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 96164
FROM NON-GRF FUNDS 96165

Notwithstanding any provision of law to the contrary, the 96166
Director of Budget and Management may transfer up to \$60,000,000 96167
in each fiscal year in cash from non-General Revenue Funds that 96168
are not constitutionally restricted to the General Revenue Fund in 96169
order to ensure that available General Revenue Fund receipts and 96170
balances are sufficient to support General Revenue Fund 96171
appropriations in each fiscal year. 96172

Section 512.30. FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 96173
BALANCE 96174

Notwithstanding divisions (B) and (C) of section 131.44 of 96175
the Revised Code, the Director of Budget and Management shall 96176
determine the surplus General Revenue Fund revenue that existed on 96177
June 30, 2015, in excess of the amount required under division 96178
(A)(3) of section 131.44 of the Revised Code, and allocate that 96179

amount, to the extent of the amount so determined, as follows: 96180

(A) First, the Director of Budget and Management shall 96181
reserve in the General Revenue Fund a cash amount of up to 96182
\$176,000,000 to support personal income tax reductions; 96183

(B) Second, the Director shall transfer a cash amount of up 96184
to \$375,000,000 to the Budget Stabilization Fund to increase the 96185
balance of that fund to an amount equal to five per cent of 96186
estimated fiscal year 2017 General Revenue Fund revenue; 96187

(C) Third, the Director shall transfer a cash amount of up to 96188
\$100,000,000 to the Straight A Program Fund (Fund 5RB0), which is 96189
hereby created in the state treasury. 96190

(D) Fourth, the Director shall transfer a cash amount of up 96191
to \$15,000,000 to the Student Debt Reduction Fund (Fund 5QF0); 96192

(E) Fifth, the Director shall transfer a cash amount of up to 96193
\$40,000,000 to the Unemployment Compensation Interest Contingency 96194
Fund (Fund 5HC0) for payment to the United States Secretary of the 96195
Treasury of accrued interest costs related to federal unemployment 96196
account borrowing; 96197

(F) Sixth, the Director shall transfer a cash amount of up to 96198
\$20,000,000 to the Disaster Services Fund (Fund 5E20); 96199

(G) Seventh, the Director shall transfer a cash amount of up 96200
to \$9,000,000 to the Systems Transformation Support Fund (Fund 96201
5QM0); 96202

(H) Eighth, the Director shall transfer a cash amount of up 96203
to \$12,000,000 to the Natural Resources Special Purposes Fund 96204
(Fund 5MW0), which is hereby created in the state treasury; 96205

(I) Ninth, the Director shall transfer a cash amount of up to 96206
\$10,000,000 to the Local Government Innovation Fund (Fund 5KN0). 96207

(J) Tenth, the Director shall transfer a cash amount of up to 96208
\$15,000,000 to the Workforce Grant Program Fund (Fund 5RA0). 96209

(K) Eleventh, the Director shall transfer a cash amount of up to \$30,000,000 to the School District TPP Supplement Fund (Fund 5RE0).

Section 512.40. CASINO OPERATOR SETTLEMENT FUND

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$4,701,620 cash from the Casino Operator Settlement Fund (Fund 5KT0) to the State Lottery Fund (Fund 7044).

The Director of Budget and Management, in consultation with the Executive Director of the Casino Control Commission, shall establish a schedule of transfers totaling \$4,701,620 to the Casino Operator Settlement Fund (Fund 5KT0) from the Casino Control Commission Fund (Fund 5HS0).

Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments to the vendor in the prorated share of federal/state participation. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. There shall be no new appropriations from Fund 7002 for the Diesel Emissions Reduction Grant Program in fiscal year 2016. New appropriations from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 2017.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS

(A) On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund

also indicated in the table below. Upon completion of each	96271	
transfer and on the effective date of its repeal by this act,	96272	
where applicable, the fund from which the cash balance was	96273	
transferred is hereby abolished.	96274	
User Transfer from:	Transfer to:	96275
Agency Fund	Fund	96276
Code Code Fund Name	Code Fund Name	96277
AGR 5750 Agricultural Financing	GRF General Revenue Fund	96278
Commission		
Administration		
DAS 5HU0 Construction Reform	1880 Equal Opportunity	96279
Demonstration Compliance	Division - Operating	
DAS 4P30 Departmental MIS	1330 Information Technology	96280
DAS 5LA0 Building Operation	1320 Building Management	96281
DPS 5CM0 Investigative Unit -	3GT0 Investigative Unit -	96282
Treasury Contraband	Treasury Contraband	
DSA 5HJ0 Motion Picture Tax	4510 Business Assistance	96283
Credit Program Operating		
DSA 5S80 Rural Development	7037 Facilities	96284
Initiative Program	Establishment	
DSA 5AR0 Industrial Sites	5M50 Advanced Energy Loan	96285
Improvements Program	Program	
DSA 4Z60 Rural Industrial Park	7037 Facilities	96286
Loan	Establishment	
EPA 4U70 Construction and	4K30 Solid Waste	96287
Demolition Debris		
EPA 6600 Infectious Waste	4K30 Solid Waste	96288
Management		
FCC 4T80 Cultural Facilities	7030 Cultural and Sports	96289
Administration Fund	Facilities Building	
FCC N087 Education Facilities	7021 Public School Building	96290
Trust		
FCC 5E30 Ohio School Facilities	7021 Public School Building	96291

		Commission Fund			
LOT	2310	Charitable Gaming	7044	State Lottery	96292
		Oversight			
MCD	5Q90	Supplemental Inpatient	5GF0	Hospital Assessment	96293
		Hospital		Fund	
MCD	5CR0	Children's Hospital -	GRF	General Revenue Fund	96294
		State			
MCD	5HA0	Health Care Services -	GRF	General Revenue Fund	96295
		Other			
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	96296
MHA	4C50	Revolving Loans for	4P90	Mental Health Trust	96297
		Recovery Homes			
MHA	5BR0	Tobacco Use Prevention	4P90	Mental Health Trust	96298
		and Control			
MHA	5DV0	Criminal Justice	4P90	Mental Health Trust	96299
		Prevention and Treatment			
		Collaborative			
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	96300
MHA	5JW0	Board Match	4P90	Mental Health Trust	96301
		Reimbursement			
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	96302
MHA	3J80	Medicaid Legacy Costs	3B10	Community Medicaid	96303
		Support			
PAY	8140	Cost Savings	8060	Accrued Leave	96304
RAC	5640	Quarter Horse	5620	Thoroughbred Race Fund	96305
		Development			
SOS	4130	Information Systems	5990	Corporate and Uniform	96306
				Commercial Code Filing	

(B) On July 1, 2015, or as soon as possible thereafter, the 96307
Director of Budget and Management shall cancel any existing 96308
encumbrances against each appropriation item as indicated in the 96309
table below and reestablish them against the appropriation item 96310
also indicated in the table below. In addition, if any other 96311

existing encumbrances must be cancelled and reestablished to				96312
properly close out the funds identified in division (A) of this				96313
section, the Director is hereby authorized to carry out those				96314
necessary transactions. These amounts are hereby appropriated.				96315
Cancel existing encumbrances	Reestablish encumbrances			96316
against:	against:			
Fund	Fund			96317
Code Appropriation Item	Code Appropriation Item			96318
5CM0 767691 - Equitable Share	3GT0 767691 - Equitable Share			96319
Account	Account			
5HU0 100655 - Construction	1880 100649 - Equal			96320
Reform Demo Compliance	Opportunity Division -			
	Operating			
4T80 230603 - Community Project	GRF 230458 - State			96321
Administration	Construction Management			
	Services			
4P30 100603 - DAS Information	1330 100607 - IT Services			96322
Services	Delivery			
5LA0 100660 - Building Operation	1320 100631 - DAS Building			96323
	Management			
6600 715629 - Infectious Waste	4K30 715649 - Solid Waste			96324
Management				
4U70 715660 - Construction and	4K30 715649 - Solid Waste			96325
Demolition Debris				
5E30 230644 - Operating Expenses	GRF 230321 - Operating			96326
	Expenses			
4130 050601 - Information	5990 050603 - Business			96327
Systems	Services Operating			
	Expenses			

(C) The following funds, used by the Department of Rehabilitation and Corrections, shall be abolished on the effective date of their repeal by this act: the Laboratory Services Fund (Fund 5930), the Adult Parole/Probation Service Fund

	96328
	96329
	96330
	96331

(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and 96332
the Confinement Cost Reimbursement Fund (Fund 5D50). 96333

(D) The following funds, used by the Department of Public 96334
Safety shall be abolished on the effective date of their repeal by 96335
this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), 96336
the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice 96337
Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance 96338
Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant 96339
Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant 96340
Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund 96341
(Fund 3DH0). 96342

Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE 96343

Notwithstanding any provision of law to the contrary, the 96344
balance of the Medicaid Reserve Fund (Fund 5Y80) in fiscal year 96345
2016 shall be the balance as of June 30, 2015, less \$230,000,000. 96346
On July 1, 2015, or as soon as possible thereafter, the Director 96347
of Budget and Management shall transfer \$88,000,000 cash from Fund 96348
5Y80 to the General Revenue Fund; \$20,000,000 cash from Fund 5Y80 96349
to the Local Government Safety Capital Fund (Fund 5RDO), used by 96350
the Development Services Agency; \$72,000,000 cash from Fund 5Y80 96351
to the School District TPP Supplement Fund (Fund 5REO), used by 96352
the Department of Education; and \$50,000,000 cash from Fund 5Y80 96353
to the Healthier Buckeye Fund (Fund 5RC0), used by the Ohio 96354
Healthier Buckeye Advisory Council. The Director of Budget and 96355
Management shall take any action necessary to effectuate this 96356
section. 96357

Section 515.10. (A) On the effective date of the enactment of 96358
section 3734.49 of the Revised Code by this act, the functions, 96359
together with the assets and liabilities, of the Solid Waste 96360
Management Advisory Council created in section 3734.51 of the 96361

Revised Code, as repealed by this act, and the Recycling and 96362
Litter Prevention Advisory Council created in section 3736.04 of 96363
the Revised Code, as repealed by this act, are transferred to the 96364
Materials Management Advisory Council created in section 3734.49 96365
of the Revised Code, as enacted by this act. 96366

(B) Any business commenced but not completed by the Solid 96367
Waste Management Advisory Council and the Recycling and Litter 96368
Prevention Advisory Council on the effective date of the transfer 96369
shall be completed by the Materials Management Advisory Council. 96370
Any validation, cure, right, privilege, remedy, obligation, or 96371
liability is not lost or impaired solely by reason of the transfer 96372
required by this section and shall be administered by the 96373
Materials Management Advisory Council in accordance with this act. 96374

(C) All of the determinations of the Solid Waste Management 96375
Advisory Council and the Recycling and Litter Prevention Advisory 96376
Council in relation to those Advisory Councils continue in effect 96377
as determinations of the Materials Management Advisory Council 96378
until modified or rescinded by the Materials Management Advisory 96379
Council. 96380

(D) Whenever the Solid Waste Management Advisory Council or 96381
the Recycling and Litter Prevention Advisory Council or the 96382
chairperson of the applicable Advisory Council is referred to in 96383
any law, contract, or other document, the reference shall be 96384
deemed to refer to the Materials Management Advisory Council or to 96385
the chairperson of the Materials Management Advisory Council, 96386
whichever is appropriate in context. 96387

(E) Any action or proceeding pending on the effective date of 96388
the enactment of section 3734.49 of the Revised Code by this act 96389
is not affected by the transfer of the functions of the Solid 96390
Waste Management Advisory Council and the Recycling and Litter 96391
Prevention Advisory Council by this act and shall be prosecuted or 96392

defended in the name of the Materials Management Advisory Council. 96393
In all such actions and proceedings, the Materials Management 96394
Advisory Council, upon application to the court, shall be 96395
substituted as a party. 96396

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 96397

Certain appropriations are in this act for the purpose of 96398
paying debt service and financing costs on general obligation 96399
bonds or notes of the state issued pursuant to the Ohio 96400
Constitution and acts of the General Assembly. If it is determined 96401
that additional appropriations are necessary for this purpose, 96402
such amounts are hereby appropriated. 96403

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 96404

Certain appropriations are in this act for the purpose of 96405
making lease rental payments pursuant to leases and agreements 96406
relating to bonds or notes issued by the Treasurer of State, or 96407
previously by the Ohio Building Authority, pursuant to the Ohio 96408
Constitution and acts of the General Assembly. If it is determined 96409
that additional appropriations are necessary for this purpose, 96410
such amounts are hereby appropriated. 96411

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 96412
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 96413

The Office of Budget and Management shall process payments 96414
from general obligation and lease rental payment appropriation 96415
items during the period from July 1, 2015, through June 30, 2017, 96416
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 96417
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 96418
and Chapters 151., 152., and 154. of the Revised Code. Payments 96419
shall be made upon certification by the Treasurer of State of the 96420
dates and the amounts due on those dates. 96421

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 96422

There is hereby appropriated, from those funds designated by 96423
or pursuant to the applicable proceedings authorizing the issuance 96424
of state obligations, amounts computed at the time to represent 96425
the portion of investment income to be rebated or amounts in lieu 96426
of or in addition to any rebate amount to be paid to the federal 96427
government in order to maintain the exclusion from gross income 96428
for federal income tax purposes of interest on those state 96429
obligations under section 148(f) of the Internal Revenue Code. 96430

Rebate payments shall be approved and vouchered by the Office 96431
of Budget and Management. 96432

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 96433

Whenever the Director of Budget and Management determines 96434
that an appropriation made to a state agency from a fund of the 96435
state is insufficient to provide for the recovery of statewide 96436
indirect costs under section 126.12 of the Revised Code, the 96437
amount required for such purpose is hereby appropriated from the 96438
available receipts of such fund. 96439

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 96440
COST ALLOCATION PLAN 96441

The total transfers made from the General Revenue Fund by the 96442
Director of Budget and Management under this section shall not 96443
exceed the amounts transferred into the General Revenue Fund under 96444
section 126.12 of the Revised Code. 96445

The director of an agency may certify to the Director of 96446
Budget and Management the amount of expenses not allowed to be 96447
included in the Statewide Indirect Cost Allocation Plan under 96448
federal regulations, from any fund included in the Statewide 96449
Indirect Cost Allocation Plan, prepared as required by section 96450

126.12 of the Revised Code. 96451

Upon determining that no alternative source of funding is 96452
available to pay for such expenses, the Director of Budget and 96453
Management may transfer cash from the General Revenue Fund into 96454
the fund for which the certification is made, up to the amount of 96455
the certification. The director of the agency receiving such funds 96456
shall include, as part of the next budget submission prepared 96457
under section 126.02 of the Revised Code, a request for funding 96458
for such activities from an alternative source such that further 96459
federal disallowances would not be required. 96460

The director of an agency may certify to the Director of 96461
Budget and Management the amount of expenses paid in error from a 96462
fund included in the Statewide Indirect Cost Allocation Plan. The 96463
Director of Budget and Management may transfer cash from the fund 96464
from which the expenditure should have been made into the fund 96465
from which the expenses were erroneously paid, up to the amount of 96466
the certification. 96467

The director of an agency may certify to the Director of 96468
Budget and Management the amount of expenses or revenues not 96469
allowed to be included in the Statewide Indirect Cost Allocation 96470
Plan under federal regulations, for any fund included in the 96471
Statewide Indirect Cost Allocation Plan, for which the federal 96472
government requires payment. If the Director of Budget and 96473
Management determines that an appropriation made to a state agency 96474
from a fund of the state is insufficient to pay the amount 96475
required by the federal government, the amount required for such 96476
purpose is hereby appropriated from the available receipts of such 96477
fund, up to the amount of the certification. 96478

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 96479

Notwithstanding any provision of law to the contrary, on or 96480
before the first day of September of each fiscal year, the 96481

Director of Budget and Management, in order to reduce the payment 96482
of adjustments to the federal government, as determined by the 96483
plan prepared under division (A) of section 126.12 of the Revised 96484
Code, may designate such funds as the Director considers necessary 96485
to retain their own interest earnings. 96486

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 96487

Pursuant to the plan for compliance with the Federal Cash 96488
Management Improvement Act required by section 131.36 of the 96489
Revised Code, the Director of Budget and Management may cancel and 96490
re-establish all or part of encumbrances in like amounts within 96491
the funds identified by the plan. The amounts necessary to 96492
re-establish all or part of encumbrances are hereby appropriated. 96493

Section 521.60. FISCAL STABILIZATION AND RECOVERY 96494

To ensure the level of accountability and transparency 96495
required by federal law, the Director of Budget and Management may 96496
issue guidelines to any agency applying for federal money made 96497
available to this state for fiscal stabilization and recovery 96498
purposes, and may prescribe the process by which agencies are to 96499
comply with any reporting requirements established by the federal 96500
government. 96501

Section 591.10. That Sections 4 and 5 of Am. Sub. H.B. 7 of 96502
the 131st General Assembly be amended to read as follows: 96503

Sec. 4. Notwithstanding anything in the Revised Code to the 96504
contrary, division (E)(3) of section 3317.03, division (L)(3) of 96505
section 3314.08, and division (C) of section 3326.37 of the 96506
Revised Code shall not apply in the case of a pupil who did not 96507
take an assessment prescribed under division (A) of section 96508
3301.0710 or division (B)(2) of section 3301.0712 of the Revised 96509
Code that was administered during the 2014-2015, 2015-2016, or 96510

2016-2017 school ~~year~~ years and was not excused pursuant to 96511
division (C)(1) or (3) of section 3301.0711 of the Revised Code 96512
from taking that assessment. 96513

Sec. 5. (A) Notwithstanding anything in the Revised Code to 96514
the contrary, a student receiving a scholarship under a state 96515
scholarship program, as defined in section 3301.0711 of the 96516
Revised Code, who did not take an assessment prescribed under 96517
division (A) of section 3301.0710 or division (B)(2) of section 96518
3301.0712 of the Revised Code that is administered in the 96519
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall be 96520
considered to be an eligible student for purposes of the 96521
respective scholarship program, so long as the student satisfies 96522
all other prescribed conditions of the program. 96523

(B) Notwithstanding anything in the Revised Code to the 96524
contrary, division (A) of section 3310.14, section 3310.522, and 96525
division (A)(11) of section 3313.976 of the Revised Code, and 96526
paragraph (C) of rule 3301-103-04 of the Administrative Code shall 96527
not apply in the case of a student who did not take an assessment 96528
prescribed under division (A) of section 3301.0710 or division 96529
(B)(2) of section 3301.0712 of the Revised Code that is 96530
administered in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ 96531
years. 96532

Section 591.11. That existing Sections 4 and 5 of Am. Sub. 96533
H.B. 7 of the 131st General Assembly are hereby repealed. 96534

Section 610.01. That Section 755.40 of Sub. H.B. 53 of the 96535
131st General Assembly be amended to read as follows: 96536

Sec. 755.40. (A) There is hereby created the Joint 96537
Legislative Task Force on Department of Transportation Issues. The 96538

Task Force shall consist of three members of the House Finance and Appropriations Committee, one of whom is a member of the Minority party, all of whom shall be appointed by the Speaker of the House of Representatives; and three members of the Senate Transportation Committee, one of whom is a member of the Minority party, all of whom shall be appointed by the President of the Senate. In making Minority party appointments, the Speaker shall consult with the Minority Leader of the House of Representatives, and the President shall consult with the Minority Leader of the Senate.

(B)(1) The Task Force shall study methods for increasing the speed on, and access to, rural highways and freeways in Ohio. ~~The Task Force also shall study and~~ methods for saving money on license plates, including specifically a single license plate requirement.

(2) In addition to the areas of study specified in division (B)(1) of this section, the Task Force shall study the cost and feasibility of establishing a limited driving privilege license that:

(a) Contains embedded information, accessible only to law enforcement officers, that specifies the period during which the license holder may exercise limited driving privileges and the purposes for which limited driving privileges have been granted;

(b) Is issued to any person to whom any of the following applies:

(i) The person's driver's license has been suspended and the person has been granted limited driving privileges under section 4510.021 of the Revised Code;

(ii) The person's driver's license was previously suspended, the period of suspension has ended, and the person is complying with a Bureau of Motor Vehicles fee installment plan under O.A.C.

4501:1-1-45 in order to pay the person's reinstatement fees; or 96569

(iii) The person's driver's license was previously suspended, 96570
the period of suspension has ended, and the person has been issued 96571
a court order under division (D)(2) of section 4510.10 of the 96572
Revised Code that authorizes the person to operate a vehicle until 96573
the person can pay the reinstatement fees. 96574

(3) Not later than December 15, 2015, the Task Force shall 96575
issue a report containing its findings and recommendations with 96576
regard to the areas of study specified in division (B)(1) and (2) 96577
of this section to the President of the Senate, the Minority 96578
Leader of the Senate, the Speaker of the House of Representatives, 96579
and the Minority Leader of the House of Representatives. 96580

(C)(1) The Task Force shall examine the funding needs of the 96581
Ohio Department of Transportation and shall study specifically the 96582
issue of the effectiveness of the Ohio motor fuel tax in meeting 96583
those funding needs. The Task Force also shall study alternative 96584
methods for funding the construction and maintenance of Ohio's 96585
roadways and infrastructure. 96586

(2) Not later than December 15, 2016, the Task Force shall 96587
issue a report containing its findings and recommendations with 96588
regard to the areas of study specified in division (C)(1) of this 96589
section to the President of the Senate, the Minority Leader of the 96590
Senate, the Speaker of the House of Representatives, and the 96591
Minority Leader of the House of Representatives. At that time, the 96592
Task Force shall cease to exist. 96593

Section 610.02. That existing Section 755.40 of Sub. H.B. 53 96594
of the 131st General Assembly is hereby repealed. 96595

Section 610.10. That Sections 125.10 and 125.11 of Am. Sub. 96596
H.B. 59 of the 130th General Assembly be amended to read as 96597
follows: 96598

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, ~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2015~~ 2017.

(B) ~~Any~~ Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget Services Fund on ~~October 16, 2015~~, the effective date of the repeal of that section 5168.12 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of the Revised Code is repealed ~~under division (A) of this section~~, the fund shall cease to exist.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2015~~ 2017.

Section 610.11. That existing Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed.

Section 610.14. That Section 745.10 of Am. Sub. H.B. 483 of the 130th General Assembly be amended to read as follows:

Sec. 745.10. (A) There is hereby created the Maritime Port Funding Study Committee. The committee shall consist of the following ten members who shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the

minority party, both appointed by the President of the Senate; 96627

(2) Two members of the House of Representatives, one of whom 96628
shall be a member of the majority party and one of whom shall be a 96629
member of the minority party, both appointed by the Speaker of the 96630
House of Representatives; 96631

(3) Two members appointed by the Governor, one of whom shall 96632
be from the Ohio Department of Transportation and be knowledgeable 96633
about maritime ports and one of whom shall be from the Development 96634
Services Agency; 96635

(4) Four members appointed jointly by the President of the 96636
Senate and the Speaker of the House of Representatives, each of 96637
whom shall represent maritime port interests on behalf of a major 96638
maritime port and none of whom shall represent the same maritime 96639
port. 96640

(B) The Committee shall select a chairperson and 96641
vice-chairperson from among its members. The Committee first shall 96642
meet within one month after the effective date of this section at 96643
the call of the President of the Senate. Thereafter, the Committee 96644
shall meet at the call of its chairperson as necessary to carry 96645
out its duties. Members of the Committee are not entitled to 96646
compensation for serving on the Committee, but may continue to 96647
receive the compensation and benefits accruing from their regular 96648
offices or employments. 96649

(C) The Committee shall study alternative funding mechanisms 96650
for maritime ports in Ohio that may be utilized beginning in 96651
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 96652
Study Committee shall issue a report of its findings and 96653
recommendations to the Governor, the President of the Senate, the 96654
Minority Leader of the Senate, the Speaker of the House of 96655
Representatives, and the Minority Leader of the House of 96656
Representatives. After submitting the report, the Study Committee 96657

shall cease to exist. 96658

Section 610.15. That existing Section 745.10 of Am. Sub. H.B. 96659
483 of the 130th General Assembly is hereby repealed. 96660

Section 610.17. That Section 13 of Am. Sub. H.B. 487 of the 96661
130th General Assembly be amended to read as follows: 96662

Sec. 13. Notwithstanding anything in the Revised Code to the 96663
contrary, the board of education of a school district, the 96664
governing authority of a community school established under 96665
Chapter 3314. of the Revised Code, or the governing body of a STEM 96666
school established under Chapter 3326. of the Revised Code that 96667
has entered into a collective bargaining agreement with its 96668
teachers under Chapter 4117. of the Revised Code may enter into a 96669
separate memorandum of understanding with the exclusive 96670
representative of its teachers stipulating that the value-added 96671
progress dimension rating that is based on the results of the 96672
assessments prescribed under sections 3301.0710 and 3301.0712 of 96673
the Revised Code administered in the 2014-2015, 2015-2016, or 96674
2016-2017 school ~~year~~ years and is used to assess student academic 96675
growth for purposes of teacher evaluations under sections 3311.80, 96676
3319.111, and 3319.112 of the Revised Code will not be used when 96677
making decisions regarding the dismissal, retention, tenure, or 96678
compensation of the district's or school's teachers. 96679

As used in this section, "value-added progress dimension" 96680
means the value-added progress dimension prescribed by section 96681
3302.021 of the Revised Code or an alternative student academic 96682
progress measure if adopted under division (C)(1)(e) of section 96683
3303.03 of the Revised Code. 96684

Section 610.18. That existing Section 13 of Am. Sub. H.B. 487 96685
of the 130th General Assembly is hereby repealed. 96686

Section 610.20. That Sections 207.200, 221.20, 235.10, 96687
245.10, and 259.10 of Am. H.B. 497 of the 130th General Assembly 96688
be amended to read as follows: 96689

Sec. 207.200. NCC NORTH CENTRAL TECHNICAL COLLEGE 96690
Higher Education Improvement Fund (Fund 7034) 96691
C38010 Kehoe Center Infrastructure Renovation \$ 350,000 96692
C38014 IT Data Infrastructure Upgrade Project \$ 1,400,000 96693
C38015 Crawford County Higher Education Center \$ 850,000 96694
C38016 MEDAL Talent Innovation Network \$ 500,000 96695
~~C38017 Ashland University College of Nursing \$ 1,000,000 96696~~
TOTAL Higher Education Improvement Fund \$ ~~4,100,000~~ 96697
3,100,000
TOTAL ALL FUNDS \$ ~~4,100,000~~ 96698
3,100,000

Sec. 221.20. The Treasurer of State is hereby authorized to 96700
issue and sell in accordance with Section 2i of Article VIII, Ohio 96701
Constitution, and Chapter 154. of the Revised Code, particularly 96702
section 154.20 of the Revised Code, original obligations in an 96703
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 96704
in addition to the original issuance of obligations heretofore 96705
authorized by prior acts of the General Assembly. These authorized 96706
obligations shall be issued, subject to applicable constitutional 96707
and statutory limitations, as needed to provide sufficient moneys 96708
to the credit of the Mental Health Facilities Improvement Fund 96709
(Fund 7033) to pay costs of capital facilities as defined in 96710
section 154.01 of the Revised Code for mental hygiene and 96711
retardation. 96712

Sec. 235.10. DEV DEVELOPMENT SERVICES AGENCY 96713
Coal Research and Development Fund (Fund 7046) 96714

C19505	Coal Research and Development	\$	3,000,000	96715
	TOTAL Coal Research and Development Fund	\$	3,000,000	96716
	<u>Service Station Cleanup Fund (Fund 7100)</u>			96717
C19507	<u>Service Station Cleanup</u>	\$	<u>20,000,000</u>	96718
	<u>TOTAL Service Station Cleanup Fund</u>	\$	<u>20,000,000</u>	96719
	TOTAL ALL FUNDS	\$	3,000,000	96720
			<u>23,000,000</u>	

SERVICE STATION CLEANUP FUND 96721

(A) For purposes of this section: 96722

(1) "Political subdivision" means a county, municipal corporation, township, or port authority. 96723
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(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code. 96725
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(3) "Property Assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code. 96727
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(4) "Property owner" means a political subdivision as defined in this section. 96731
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(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances. 96733
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(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be 96737
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deleterious to public health and safety or the environment or that 96744
preclude or inhibit environmentally sound or economic reuse of the 96745
property as authorized by Section 2o of Article VIII of the Ohio 96746
Constitution. Under this program, the Director of Development 96747
Services may do either or both of the following: 96748

(1) Award a grant of up to \$500,000 to a political 96749
subdivision for purposes of a property assessment on a Class C 96750
release site; 96751

(2) Award a grant of up to \$2,000,000 to a political 96752
subdivision for purposes of cleanup or remediation of a Class C 96753
release site. 96754

Grants under divisions (B)(1) and (2) of this section shall 96755
be used by a property owner to create a site that provides 96756
opportunities for economic impact through redevelopment. The 96757
Director of Development Services may consult with the 96758
Environmental Protection Agency, the State Fire Marshal, the Ohio 96759
Water Development Authority, and the Ohio Public Works Commission 96760
in connection with this program and the awarding of these grants. 96761
Sections 122.651 to 122.658 of the Revised Code do not apply to 96762
this program. 96763

(C) A property owner applying for a grant under division 96764
(B)(1) or (2) of this section shall submit an application for the 96765
grant on a form prescribed by the Director of Development 96766
Services. 96767

An authorized representative of the property owner shall sign 96768
and submit an affidavit with the application certifying that the 96769
property owner did not cause or contribute to any prior release of 96770
petroleum or other hazardous substances on the site. 96771

Upon receipt of an application, the Director shall examine 96772
the application and all accompanying information to determine if 96773
the application is complete. If the Director determines that the 96774

application is not complete, the Director shall promptly notify 96775
the property owner that the application is not complete, provide a 96776
description of the information that is missing from the 96777
application, and return the application and all accompanying 96778
information to the property owner. The property owner may resubmit 96779
the application. 96780

If the Director approves an application under this section, 96781
the Director may enter into an agreement with the property owner 96782
to award a grant to the property owner. The agreement shall be 96783
executed prior to paying or disbursing any grant funds approved by 96784
the Director under this section. 96785

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 96786
created in the state treasury. The fund shall consist of moneys 96787
transferred to it pursuant to this section from the Clean Ohio 96788
Revitalization Fund (Fund 7003) created in section 122.658 of the 96789
Revised Code. Investment earnings of the fund shall be credited to 96790
the fund. Moneys in the fund shall be used to award grants 96791
pursuant to the Abandoned Gas Station Cleanup Grant Program 96792
established in this section. 96793

(E) At the request of the Director of Development Services 96794
the Director of Budget and Management may transfer up to 96795
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 96796
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 96797
provide for grants awarded by the Director of Development Services 96798
under this section. 96799

Sec. 245.10. PWC PUBLIC WORKS COMMISSION 96800

State Capital Improvements Fund (Fund 7038) 96801

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 96802

TOTAL State Capital Improvements Fund \$ 300,000,000 96803

State Capital Improvements Revolving Loan Fund (Fund 7040) 96804

C15030	Revolving Loan	\$	69,000,000	96805
TOTAL	State Capital Improvements Revolving Loan	\$	69,000,000	96806
Fund				
Clean Ohio Conservation Fund (Fund 7056)				96807
C15060	Clean Ohio Conservation Program	\$	75,000,000	96808
TOTAL	Clean Ohio Conservation Fund	\$	75,000,000	96809
TOTAL	ALL FUNDS	\$	444,000,000	96810

LOCAL PUBLIC INFRASTRUCTURE 96811

The foregoing appropriation item C15000, Local Public 96812
Infrastructure/State CIP, shall be used in accordance with 96813
sections 164.01 to 164.12 of the Revised Code. The Director of the 96814
Public Works Commission may certify to the Director of Budget and 96815
Management that a need exists to appropriate investment earnings 96816
to be used in accordance with sections 164.01 to 164.12 of the 96817
Revised Code. If the Director of Budget and Management determines 96818
pursuant to division (D) of section 164.08 and section 164.12 of 96819
the Revised Code that investment earnings are available to support 96820
additional appropriations, such amounts are hereby appropriated. 96821

If the Public Works Commission receives refunds due to 96822
project overpayments that are discovered during a post-project 96823
audit, the Director of the Public Works Commission may certify to 96824
the Director of Budget and Management that refunds have been 96825
received. In certifying the refunds, the Director of the Public 96826
Works Commission shall provide the Director of Budget and 96827
Management information on the project refunds. The certification 96828
shall detail by project the source and amount of project 96829
overpayments received and include any supporting documentation 96830
required or requested by the Director of Budget and Management. 96831
Upon receipt of the certification, the Director of Budget and 96832
Management shall determine if the project refunds are necessary to 96833
support existing appropriations. If the project refunds are 96834
available to support additional appropriations, these amounts are 96835

hereby appropriated to appropriation item C15030, Revolving Loan. 96836

REVOLVING LOAN 96837

The foregoing appropriation item C15030, Revolving Loan, 96838
shall be used in accordance with sections 164.01 to 164.12 of the 96839
Revised Code. 96840

If the Public Works Commission receives refunds due to 96841
project overpayments that are discovered during a post-project 96842
audit, the Director of the Public Works Commission may certify to 96843
the Director of Budget and Management that refunds have been 96844
received. In certifying the refunds, the Director of the Public 96845
Works Commission shall provide the Director of Budget and 96846
Management information on the project refunds. The certification 96847
shall detail by project the source and amount of project 96848
overpayments received and include any supporting documentation 96849
required or requested by the Director of Budget and Management. 96850
Upon receipt of the certification, the Director of Budget and 96851
Management shall determine if the project refunds are necessary to 96852
support existing appropriations. If the project refunds are 96853
available to support additional appropriations, these amounts are 96854
hereby appropriated to appropriation item C15030, Revolving Loan. 96855

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 96856

Revenues to the State Capital Improvements Revolving Loan 96857
Fund (Fund 7040) shall consist of all repayments of loans made to 96858
local subdivisions for capital improvements, investment earnings 96859
on moneys in the fund, and moneys obtained from federal or private 96860
grants or from other sources for the purpose of making loans for 96861
the purpose of financing or assisting in the financing of the cost 96862
of capital improvement projects of local subdivisions. 96863

If the Public Works Commission receives refunds due to 96864
project overpayments that are discovered during the post-project 96865
audit, the Director of the Public Works Commission may certify to 96866

the Director of Budget and Management that refunds have been 96867
received. If the Director of Budget and Management determines that 96868
the project refunds are available to support additional 96869
appropriations, such amounts are hereby appropriated. 96870

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 96871

Any amount in grant repayments received by the Public Works 96872
Commission and deposited into the Clean Ohio Conservation Fund 96873
pursuant to section 164.261 of the Revised Code is hereby 96874
appropriated through the foregoing appropriation item C15060, 96875
Clean Ohio Conservation. 96876

Reappropriations

Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			96877
Administrative Building Fund (Fund 7026)			96878
C10000 Governor's Residence	\$	376,384	96879
C10010 Office Services Building Renovation	\$	776,561	96880
C10011 Statewide Communications System	\$	199,723	96881
C10015 SOCC Renovations	\$	333,180	96882
C10016 Hamilton St/Local Government Center - Plan	\$	57,500	96883
C10019 25 S. Front Street Renovations	\$	367,932	96884
C10020 North High Building Complex Renovations	\$	10,685,993	96885
C10021 Office Space Planning	\$	4,796,323	96886
C10022 Governor's Residence Security Upgrade	\$	24,250	96887
C10023 eSecure Ohio	\$	160,043	96888
C10025 eGovernment Infrastructure	\$	82,675	96889
C10026 DAS Building Security	\$	11,067	96890
C10031 Operations Facilities Improvement	\$	191,978	96891
TOTAL Administrative Building Fund	\$	18,063,609	96892
General Revenue Fund (GRF)			96893
C10008 Urban Areas Community Improvement	\$	20,000	96894
TOTAL General Revenue Fund	\$	20,000	96895

TOTAL ALL FUNDS \$ 18,083,609 96896

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 96897

There is hereby continued a Multi-Agency Radio Communications 96898
System (MARCS) Steering Committee consisting of the designees of 96899
the Directors of Administrative Services, Public Safety, Natural 96900
Resources, Transportation, Rehabilitation and Correction, and 96901
Budget and Management, and the State Fire Marshal or the State 96902
Fire Marshal's designee. The Director of Administrative Services 96903
or the Director's designee shall chair the Committee. The 96904
Committee shall provide assistance to the Director of 96905
Administrative Services for effective and efficient implementation 96906
of MARCS as well as develop policies for the ongoing management of 96907
the system. Upon dates prescribed by the Directors of 96908
Administrative Services and Budget and Management, the MARCS 96909
Steering Committee shall report to the Directors on the progress 96910
of MARCS implementation and the development of policies related to 96911
the system. 96912

The Committee may establish a subcommittee to represent MARCS 96913
users on the local government level. If the Committee establishes 96914
such a subcommittee, the chairperson of the subcommittee also may 96915
serve as a member of the MARCS Steering Committee. 96916

The foregoing appropriation item C10011, Statewide 96917
Communications System, shall be used to purchase or construct the 96918
components of MARCS that are not specific to any one agency. The 96919
equipment may include, but is not limited to, multi-agency 96920
equipment at the Emergency Operations Center/Joint Dispatch 96921
Facility, computer and telecommunications equipment used for the 96922
functioning and integration of the system, communications towers, 96923
tower sites, tower equipment, and linkages among towers and 96924
between towers and the State of Ohio Network for Integrated 96925
Communication (SONIC) system. The Director of Administrative 96926
Services shall, with the concurrence of the MARCS Steering 96927

Committee, determine the specific use of funds. 96928

The amount reappropriated for the foregoing appropriation 96929
item C10011, Statewide Communications System, is the unencumbered 96930
and unallotted balance as of June 30, 2014, in appropriation item 96931
C10011, Statewide Communications System, plus \$66,092. Prior to 96932
the expenditure of this reappropriation, the Director of 96933
Administrative Services shall certify to the Director of Budget 96934
and Management canceled encumbrances in the Administrative 96935
Building Fund (Fund 7026) in the amount of at least \$66,092. 96936
Spending from this appropriation item shall not be subject to 96937
Chapters 123. and 153. of the Revised Code. 96938

SOCC RENOVATIONS 96939

The amount reappropriated for the foregoing appropriation 96940
item C10015, SOCC Renovations, is the unencumbered and unallotted 96941
balance as of June 30, 2014, in appropriation item C10015, SOCC 96942
Renovations, plus \$36,166. Prior to the expenditure of this 96943
reappropriation, the Director of Administrative Services shall 96944
certify to the Director of Budget and Management canceled 96945
encumbrances in the Administrative Building Fund (Fund 7026) in 96946
the amount of at least \$36,166. 96947

NORTH HIGH BUILDING COMPLEX RENOVATIONS 96948

The amount reappropriated for the foregoing appropriation 96949
item C10020, North High Building Complex Renovations, is the 96950
unencumbered and unallotted balance as of June 30, 2014, in 96951
appropriation item C10020, North High Building Complex 96952
Renovations, plus \$845,454. Prior to the expenditure of this 96953
reappropriation, the Director of Administrative Services shall 96954
certify to the Director of Budget and Management canceled 96955
encumbrances in the Administrative Building Fund (Fund 7026) in 96956
the amount of at least \$845,454. 96957

OFFICE SPACE PLANNING 96958

The amount reappropriated for the foregoing appropriation 96959
item C10021, Office Space Planning, is the unencumbered and 96960
unallotted balance as of June 30, 2014, in appropriation item 96961
C10021, Office Space Planning, plus \$60,126. Prior to the 96962
expenditure of this reappropriation, the Director of 96963
Administrative Services shall certify to the Director of Budget 96964
and Management canceled encumbrances in the Administrative 96965
Building Fund (Fund 7026) in the amount of at least \$60,126. 96966

ESECURE OHIO 96967

The amount reappropriated for the foregoing appropriation 96968
item C10023, eSecure Ohio, is the unencumbered and unallotted 96969
balance as of June 30, 2014, in appropriation item C10023, eSecure 96970
Ohio, plus \$31,590. Prior to the expenditure of this 96971
reappropriation, the Director of Administrative Services shall 96972
certify to the Director of Budget and Management canceled 96973
encumbrances in the Administrative Building Fund (Fund 7026) in 96974
the amount of at least \$31,590. 96975

Section 610.21. That existing Sections 207.200, 221.20, 96976
235.10, 245.10, and 259.10 of Am. H.B. 497 of the 130th General 96977
Assembly are hereby repealed. 96978

Section 610.30. That Section 5 of Am. Sub. S.B. 314 of the 96979
129th General Assembly be amended to read as follows: 96980

Sec. 5. (A) There is hereby established a five-year pilot 96981
program to test a new funding mechanism for the state's travel and 96982
tourism marketing. The funding mechanism shall begin operation in 96983
fiscal year 2014 and be calculated as follows: 96984

(1)(a) Not later than the twentieth day of October of each 96985
year, starting in 2013 and ending in 2017, the Tax Commissioner 96986
shall calculate the growth in fiscal year sales tax revenue from 96987

certain defined categories that are related to tourism and certify 96988
that amount to the Director of Budget and Management. 96989

(b) Not later than the twentieth day of October of each year, 96990
starting in 2013 and ending in 2017, the Commissioner shall 96991
calculate and certify to the Director the difference, if greater 96992
than zero, between the revenue collected from the tax imposed 96993
under section 5739.02 of the Revised Code during the twelve-month 96994
period ending on the last day of the preceding June and the 96995
revenue collected during the same twelve-month period one year 96996
earlier, for all vendors classified under the industry codes 96997
identified in division (A)(2) of this section. On or before the 96998
last day of October of each year, starting in 2013 and ending in 96999
2017, the Director of Budget and Management shall transfer from 97000
the General Revenue Fund to the Tourism Fund created in section 97001
122.072 of the Revised Code the amount certified by the 97002
Commissioner under this division, except that the transfer shall 97003
not exceed ten million dollars for any fiscal year. 97004

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 97005
Commissioner shall adjust the ten million annual dollar limit on 97006
transfers to the Tourism Fund. The adjustment shall be made by 97007
~~adding to the annual limit the product of~~ multiplying the limit 97008
for the preceding fiscal year by the sum of one plus the 97009
percentage ~~increase~~ change in the Consumer Price Index for all 97010
urban consumers for the Midwest region, as determined by the 97011
United States Bureau of Labor Statistics, for the twelve-month 97012
period corresponding to the preceding fiscal year. The result 97013
shall be rounded to the nearest one thousand dollars. The 97014
calculation of the percentage increase in the Consumer Price Index 97015
shall be done by taking the average index value over the twelve 97016
months of the last completed fiscal year and comparing that to the 97017
average index value over the twelve months of the immediately 97018
preceding fiscal year. 97019

(2) The following industries included in the industrial classification system used by the Tax Commissioner shall be used in the computations under division (A)(1) of this section: air transportation; water transportation; interurban and rural bus transportation; taxi service; limousine service; other transit and ground passenger transportation; scenic and sightseeing transportation; support activities for air transportation; automotive equipment rental and leasing; travel arrangement and reservation services; performing arts companies; spectator sports; independent artists, writers, and performers; museums, historical sites, and similar institutions; amusement parks and arcades; gambling industries; hotels and motels; casino hotels; bed-and-breakfast inns; other travel accommodations; recreational vehicle parks and recreational camps; full-service restaurants; limited-service eating places; drinking places (alcoholic beverages).

(B) The pilot program shall terminate when the last transfer of funds made in accordance with division (A)(1)(b) of this section occurs in fiscal year 2018, specifically in October 2017. At that time, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall jointly review the pilot program and make recommendations to the Governor and the General Assembly on whether to make the funding mechanism permanent and, if so, whether any changes should be made to it. If the recommendation is to make the funding mechanism permanent, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall also study and make recommendations to the Governor and the General Assembly as to whether the Office of TourismOhio and its functions should be removed from the Development Services Agency and established as a private nonprofit corporation or a subsidiary corporation of JobsOhio.

Section 610.31. That existing Section 5 of Am. Sub. S.B. 314 97052
of the 129th General Assembly is hereby repealed. 97053

Section 610.40. That Section 20.15 of H.B. 215 of the 122nd 97054
General Assembly be amended to read as follows: 97055

Sec. 20.15. Departmental MIS 97056

The foregoing appropriation item 100-603, Departmental MIS 97057
Services, may be used to pay operating expenses of Management 97058
Information Systems activities in the Department of Administrative 97059
Services. 97060

Notwithstanding any other language to the contrary, the 97061
Director of Budget and Management may transfer in total up to 97062
\$683,000 cash from any fund administered by the Department of 97063
Administrative Services in the General Services Fund Group or 97064
Intragovernmental Service Fund Group to the Departmental MIS 97065
Services Fund (Fund 4P3) to pay operating costs of the 97066
Departmental MIS program. 97067

After final payments are made from fiscal year 1997 97068
encumbrances in the Computer Services Fund, the Department of 97069
Administrative Services shall reconcile fiscal year 1997 financial 97070
activity in the Computer Services Fund and determine the amount of 97071
the fund cash balance due to Management Information System program 97072
operations. 97073

Not later than June 30, 1998, the Director of Administrative 97074
Services shall make a determination of any cash transfer which is 97075
required to finalize the transfer of Management Information 97076
Systems program operations from the Computer Services Fund to the 97077
Departmental MIS Services Fund. Upon concurrence with this 97078
determination, the Director of Budget and Management may transfer 97079
this amount between the Computer Services Fund and the 97080

Departmental MIS Fund. 97081

Notwithstanding any other language to the contrary, the 97082
Director of Budget and Management may transfer up to \$1,530,643 of 97083
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 97084
year 1999 appropriations from appropriation item 100-603 to any 97085
Department of Administrative Services appropriation item in the 97086
General Services or Intragovernmental Service Fund Groups. The 97087
appropriations transferred shall be used to make payments for 97088
Management Information Systems services. 97089

Notwithstanding any other language to the contrary, the 97090
Director of Budget and Management may transfer up to \$696,104 of 97091
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 97092
1999 appropriations from appropriation item 100-409, Departmental 97093
Information Services, to any Department of Administrative Services 97094
appropriation item in the General Revenue Fund. The appropriations 97095
transferred shall be used to make payments for Management 97096
Information Systems services. The Department of Administrative 97097
Services shall establish charges for recovering the costs of 97098
Management Information Systems activities. These charges shall be 97099
deposited to the credit of the ~~Departmental MIS Information~~ 97100
Technology Fund (Fund ~~4P3 1330~~), ~~which is hereby~~ created in 97101
section 125.15 of the Revised Code. 97102

Section 610.41. That existing Section 20.15 of H.B. 215 of 97103
the 122nd General Assembly is hereby repealed. 97104

Section 610.50. That Sections 221.10, 223.10, and 223.40 of 97105
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 97106
H.B. 483 of the 130th General Assembly, be amended to read as 97107
follows: 97108

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 97109
SERVICES 97110

Mental Health Facilities Improvement Fund (Fund 7033)			97111
C58001	Community Assistance Projects	\$ 15,000,000	97112
C58007	Infrastructure Renovations	\$ 2,000,000	97113
C58021	Providence House	\$ 191,640	97114
C58022	Talbert House	\$ 300,000	97115
C58023	Cornerstone of Hope Butterfly Treehouse	\$ 40,000	97116
C58024	Bellefaire Jewish Children's Home	\$ 1,500,000	97117
C58025	Nancy's Place Replacement	\$ 500,000	97118
C58026	Cocoon Shelter	\$ 47,500	97119
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$ 1,000,000</u>	97120
TOTAL Mental Health Facilities Improvement Fund		\$ 19,579,140	97121
		<u>20,579,140</u>	
TOTAL ALL FUNDS		\$ 19,579,140	97122
		<u>20,579,140</u>	

COMMUNITY ASSISTANCE PROJECTS 97123

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval. Of the forgoing appropriation item C58001, Community Assistance Projects, \$5,000,000 shall be used to expand access to recovery housing in accordance with the guidelines contained in Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly.

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 97137

Wildlife Fund (Fund 7015)			97138
C725K9	Wildlife Area Building	\$ 6,400,000	97139

Development/Renovations			
TOTAL Wildlife Fund		\$ 6,400,000	97140
Administrative Building Fund (Fund 7026)			97141
C725D5 Fountain Square Telephone Improvements	\$	2,250,000	97142
C725D7 MARCS Equipment	\$	2,490,150	97143
C725E0 DNR Fairgrounds Areas Upgrading	\$	485,000	97144
C725N7 District Office Renovations	\$	2,000,000	97145
TOTAL Administrative Building Fund	\$	7,225,150	97146
Ohio Parks and Natural Resources Fund (Fund 7031)			97147
C72549 Facilities Development	\$	1,250,000	97148
C725C2 Canals Hydraulics Work and Support Facilities	\$	200,000	97149
C725E1 Local Parks Projects Statewide	\$	7,945,485	97150
C725E5 Project Planning	\$	2,749,000	97151
C725J0 Natural Areas/Preserves Maintenance/Facilities	\$	1,000,000	97152
C725K0 State Park Renovations/Upgrading	\$	1,027,940	97153
C725N5 Wastewater/Water Systems Upgrades	\$	12,055,000	97154
C725N8 Operations Facilities Development	\$	2,500,000	97155
C72501 The Wilds	\$	500,000	97156
C725T3 Healthy Lake Erie Initiative	\$	10,000,000	97157
C725U0 Cleveland Zoological Society Savannah Ridge Project	\$	500,000	97158
TOTAL Ohio Parks and Natural Resources Fund	\$	39,727,425	97159
Parks and Recreation Improvement Fund (Fund 7035)			97160
C725A0 State Parks, Campgrounds, Lodges, Cabins	\$	44,650,000	97161
C725B2 State Park Maintenance Facility Development	\$	3,000,000	97162
C725B5 Buckeye Lake Dam Rehabilitation	\$	4,000,000	97163
		<u>14,000,000</u>	
C725E2 Local Parks Projects	\$	47,006,120	97164
C725E6 Project Planning	\$	5,901,000	97165

C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$ 6,000,000	97166
C725R3	State Park Renovations Upgrades	\$ 12,000,000	97167
C725R4	Dam Rehabilitation - Parks	\$ 41,100,000	97168
TOTAL Parks and Recreation Improvement Fund		\$ 163,657,120 <u>173,657,120</u>	97169
Clean Ohio Trail Fund (Fund 7061)			97170
C72514	Clean Ohio Trail Fund	\$ 12,500,000	97171
TOTAL Clean Ohio Trail Fund		\$ 12,500,000	97172
Waterways Safety Fund (Fund 7086)			97173
C725A7	Cooperative Funding for Boating Facilities	\$ 9,200,000	97174
C725N9	Operations Facilities Development	\$ 820,000	97175
C725Q6	Facilities Development	\$ 5,363,274	97176
TOTAL Waterways Safety Fund		\$ 15,383,274	97177
TOTAL ALL FUNDS		\$ 244,892,969 <u>254,892,969</u>	97178

FEDERAL REIMBURSEMENT 97179

All reimbursements received from the federal government for 97180
any expenditures made pursuant to this section shall be deposited 97181
in the state treasury to the credit of the fund from which the 97182
expenditure originated. 97183

Of the foregoing appropriation item C725B5, Buckeye Lake Dam 97184
Rehabilitation, \$10,000,000 shall be used by the Director of 97185
Natural Resources for dam construction projects at Buckeye Lake. 97186
The Director may enter into contracts with qualified construction 97187
companies to complete dam construction projects. Any such contract 97188
shall include incentives for the early completion of construction 97189
projects. 97190

LOCAL PARKS PROJECTS 97191

Of the foregoing appropriation item C725E2, Local Parks 97192

Projects, an amount equal to two per cent of the projects listed 97193
may be used by the Department of Natural Resources for the 97194
administration of local projects, \$15,000,000 shall be used for 97195
the Veterans Memorial, \$5,000,000 shall be used for the City of 97196
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 97197
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 97198
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 97199
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 97200
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 97201
Shaker Heights Van Aken District, \$500,000 shall be used for the 97202
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 97203
Greenway Trail Highbanks Connector, \$500,000 shall be used for 97204
Hilliard Station Park, \$500,000 shall be used for the MidPointe 97205
Crossing - Swift Park, \$500,000 shall be used for the Smale 97206
Riverfront Park, \$500,000 shall be used for the Green Township 97207
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 97208
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 97209
be used for the City of Sylvania River Trail, \$285,545 shall be 97210
used for the Celina Westview Park Quad, \$250,000 shall be used for 97211
the New Bremen Lions Park Development, \$250,000 shall be used for 97212
the Montgomery County Agricultural Facility Improvements, \$250,000 97213
shall be used for Northam Park, \$250,000 shall be used for the 97214
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 97215
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 97216
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 97217
Path, \$150,000 shall be used for the Logan County Agricultural 97218
Facility Improvements, \$150,000 shall be used for the Help All 97219
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 97220
for York Township Park, \$150,000 shall be used for Eastview Park, 97221
\$120,000 shall be used for the Shelby County Agricultural Facility 97222
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 97223
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 97224
shall be used for the Shanes Park Expansion, \$92,000 shall be used 97225

for the Defiance County Agricultural Facility Improvements, 97226
\$50,000 shall be used for the Moonville Rail Trail Bridges and 97227
Construction, \$50,000 shall be used for the All-Pro Freight 97228
Stadium Improvements, \$50,000 shall be used for the Bowling Green 97229
Nature Center, \$49,000 shall be used for the Lynchburg Old School 97230
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 97231
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 97232
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 97233
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 97234
shall be used for the Round Town Bike Trail, and \$27,750 shall be 97235
used for the Shalersville Park Walking Trail, \$3,500,000 shall be 97236
used for the Flats East Gateway and Riverfront Park, \$1,000,000 97237
shall be used for the City of Celina Boardwalk, \$1,000,000 shall 97238
be used for the Middletown River Center, \$1,000,000 shall be used 97239
for the Voice of America Multi-Purpose Field and Athletic Complex, 97240
\$1,000,000 shall be used for the Euclid Waterfront Improvements 97241
Plan - Phase II Implementation, \$875,000 shall be used for the 97242
Preble County Agricultural Facility Improvements, \$500,000 shall 97243
be used for the New Economy Neighborhood - Phase II, \$500,000 97244
shall be used for the Nimisila Spillway Replacement Project, 97245
\$350,000 shall be used for the Perry Township Park Lakeshore 97246
Stabilization, \$300,000 shall be used for the Fairfield Sports 97247
Complex Entrance, \$250,000 shall be used for the Riverfront 97248
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 97249
Riverside Park ~~Campground~~ Waterpark, \$150,000 shall be used for 97250
the Treasure Island River Corridor Improvement, \$150,000 shall be 97251
used for the Russ Nature Reserve, \$100,000 shall be used for the 97252
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall 97253
be used for the PASA Field Lighting, \$100,000 shall be used for 97254
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used 97255
for the Black River Landing Pavilion, \$50,000 shall be used for 97256
the Loudonville Public Swimming Pool, \$35,000 shall be used for 97257
the A.S.K. Playground, \$30,000 shall be used for the Medina 97258

Community Recreation Center, \$25,000 shall be used for the Newbury 97259
Veterans' Memorial Park, and \$21,525 shall be used for the Black 97260
Swamp Education Center Parking Lot. 97261

Sec. 223.40. The Treasurer of State is hereby authorized to 97262
issue and sell, in accordance with Section 2i of Article VIII, 97263
Ohio Constitution, and Chapter 154. of the Revised Code, 97264
particularly section 154.22 of the Revised Code, original 97265
obligations in an aggregate principal amount not to exceed 97266
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 97267
obligations heretofore authorized by prior acts of the General 97268
Assembly. These authorized obligations shall be issued, subject to 97269
applicable constitutional and statutory limitations, as needed to 97270
provide sufficient moneys to the credit of the Parks and 97271
Recreation Improvement Fund (Fund 7035) to pay the costs of 97272
capital facilities for parks and recreation as defined in section 97273
154.01 of the Revised Code. 97274

Section 610.51. That existing Sections 221.10, 223.10, and 97275
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 97276
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 97277
repealed. 97278

Section 610.53. That Section 239.10 of Am. H.B. 497 of the 97279
130th General Assembly, as most recently amended by Am. Sub. S.B. 97280
243 of the 130th General Assembly, be amended to read as follows: 97281

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 97282
Lottery Profits Education Fund (Fund 7017) 97283
C23014 Classroom Facilities Assistance Program \$ 100,000,000 97284
- Lottery Profits
TOTAL Lottery Profits Education Fund \$ 100,000,000 97285
Public School Building Fund (Fund 7021) 97286

C230V9	School Security Grants	\$	17,345,000	97287
TOTAL Public School Building Fund		\$	17,345,000	97288
Administrative Building Fund (Fund 7026)				97289
C23016	Energy Conservation Projects	\$	3,000,000	97290
C230E5	State Agency Planning/Assessment	\$	500,000	97291
TOTAL Administrative Building Fund		\$	3,500,000	97292
Cultural and Sports Facilities Building Fund (Fund 7030)				97293
C23022	Woodward Opera House Redevelopment	\$	100,000	97294
C23023	OHS - Ohio History Center Exhibit Replacement	\$	840,750	97295
C23024	OHS - Statewide Site Exhibit Renovation	\$	420,000	97296
C23025	OHS - Statewide Site Repairs	\$	1,152,700	97297
C23027	OHS - Zoar Village Building Restoration	\$	502,500	97298
C23028	OHS - Basic Renovations and Emergency Repairs	\$	850,000	97299
C23030	OHS - Rankin House State Memorial	\$	653,000	97300
C23031	OHS - Harding Home State Memorial	\$	250,000	97301
C23032	OHS - Ohio Historical Center Rehabilitation	\$	985,000	97302
C23033	OHS - Stowe House State Memorial	\$	300,000	97303
C23038	OHS - Fort Amanda State Memorial	\$	395,000	97304
C23042	Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	97305
C23044	OHS - Ohio River Museum	\$	52,200	97306
C23045	OHS - Lockington Locks Stabilization	\$	358,900	97307
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000	97308
C23059	Lake Erie Nature and Science Center	\$	300,000	97309
C23068	Huntington House	\$	75,000	97310
C23077	Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	97311
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	97312
C23091	Ohio Theatre - Toledo	\$	201,000	97313

C23098	Twin City Opera House	\$	400,000	97314
C230A1	Preble County Historical Society	\$	50,000	97315
C230A6	Secrest Auditorium Renovation	\$	125,000	97316
C230B1	Karamu House	\$	1,060,522	97317
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000	97318
C230C6	OHS - Historic Site Signage	\$	300,000	97319
C230C8	OHS - Serpent Mound	\$	397,900	97320
C230D1	OHS - Great Circle Earthworks	\$	75,000	97321
C230D4	OHS - Fort Laurens	\$	45,000	97322
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	97323
C230E7	OHS - Hayes Presidential Center	\$	50,000	97324
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000 <u>295,000</u>	97325
C230E9	OHS - Museum of Ceramics	\$	223,850	97326
C230F1	OHS - Campus Martius Museum	\$	145,200	97327
C230F2	Second Century Project	\$	200,000	97328
C230F3	Stuart's Opera House	\$	500,000	97329
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	97330
C230F5	Thatcher Temple Art Building	\$	37,500	97331
C230F6	Fitton Center for Creative Arts	\$	100,000	97332
C230F7	Oxford Community Arts Center	\$	450,000	97333
C230F8	Gammon House Improvements	\$	75,000	97334
C230F9	Clark State Community College Performing Arts Center	\$	275,000	97335
C230G1	Murphy Theatre	\$	150,000	97336
C230G2	Johnson-Humrick House Museum	\$	57,960	97337
C230G3	Public artPARK	\$	200,000	97338
C230G4	Schines Art Park	\$	357,500	97339
C230G5	Bedford Historical Society	\$	100,000	97340
C230G6	Rainey Institute - Safe Parking	\$	125,000	97341
C230G7	Ukrainian Museum - Archives	\$	125,000	97342
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	97343

C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	97344
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	97345
C230H2	Cozad Bates House	\$	365,131	97346
C230H3	Beck Center	\$	402,349	97347
C230H7	Western Reserve Historical Society	\$	750,000	97348
C230H9	Gordon Square Arts District	\$	1,000,000	97349
C230J4	Cleveland Museum of Natural History	\$	2,500,000	97350
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	97351
C230J6	West Side Market Renovation	\$	500,000	97352
C230J7	Cardinal Center	\$	75,000	97353
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	97354
C230J9	St. Clair Memorial Hall	\$	500,000	97355
C230K1	Historic Strand Theatre Renovation	\$	150,000	97356
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	97357
C230K3	African-American Legacy Project	\$	75,000	97358
C230K4	Ohio Glass Museum Furnace System	\$	10,000	97359
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	97360
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	97361
C230K7	Georgian Museum Storage Facility	\$	30,000	97362
C230K8	Sherman House Museum	\$	35,000	97363
C230K9	Washington Court House Auditorium Project	\$	100,000	97364
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	97365
C230L2	Glass Axis Relocation	\$	150,000	97366
C230L3	Harmony Project	\$	300,000	97367
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	97368
C230L5	Columbus Theater-Based Community	\$	1,000,000	97369

	Development Project			
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	97370
C230L7	Sauder Village - 1920 Homestead	\$	300,000	97371
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	97372
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	97373
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	97374
C230M2	Geauga County Historical Society	\$	56,000	97375
C230M3	Chardon Lyric Theatre	\$	50,000	97376
C230M4	Chardon Heritage House	\$	200,000	97377
C230M5	Incline Theater Project	\$	550,000	97378
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	97379
C230M7	Hamilton County Memorial Hall	\$	2,000,000	97380
C230M8	Cincinnati Zoo	\$	2,000,000	97381
C230M9	Union Terminal Restoration	\$	5,000,000	97382
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	97383
C230N2	Kan Du Community Arts Center	\$	520,000	97384
C230N3	Findlay Central Auditorium	\$	1,000,000	97385
C230N4	Appalachian Forest Museum	\$	100,000	97386
C230N5	Logan Theater	\$	25,000	97387
C230N6	Willard Train Viewing Platform	\$	50,000	97388
C230N7	Markay Theatre Renovation	\$	150,000	97389
C230N8	Grand Theater Restoration Project	\$	140,000	97390
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	97391
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	97392
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	97393
C230P3	Sterling Theater Revitalization Project	\$	200,000	97394

C230P4	Logan County Veterans' Memorial Hall	\$	250,000	97395
C230P5	Columbia Station 1812 Block House Project	\$	28,000	97396
C230P6	Avon Isle Renovation Phase 2	\$	82,775	97397
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	97398
C230P8	Carnegie Building Renovation	\$	500,000	97399
C230P9	Toledo Zoo	\$	750,000	97400
C230Q1	Imagination Station Improvements	\$	695,000	97401
C230Q2	War of 1812 Exhibit	\$	35,000	97402
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	97403
C230Q4	Toledo Repertoire Theatre	\$	150,000	97404
C230Q5	Valentine Theatre Initiative	\$	136,000	97405
C230Q6	Southern Park Historic District	\$	250,000	97406
C230Q7	Butler Institute of Art	\$	279,717	97407
C230Q8	Stambaugh Auditorium	\$	500,000	97408
C230Q9	Marion Palace Theatre	\$	731,000	97409
C230R1	Bradford Rail Museum	\$	275,000	97410
C230R2	K12 and TEJAS Building Project	\$	50,000	97411
C230R3	River Run Murals Project	\$	82,500	97412
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	97413
C230R5	Wright Company Factory Project	\$	250,000	97414
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	97415
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	97416
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	97417
C230R9	Opera House Project	\$	100,000	97418
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	97419
C230S2	Perry County Historical and Cultural	\$	341,600	97420

	Arts Center			
C230S3	Hayden Auditorium - Hiram	\$	260,854	97421
C230S4	Majestic Theater Renovation	\$	36,000	97422
C230S5	Lucy Webb Hayes Heritage Center Exterior	\$	100,000	97423
	Replacement and Restoration			
C230S6	Pumphouse Center for the Arts	\$	130,000	97424
C230S7	Historic Sidney Theatre	\$	500,000	97425
C230S8	Pro Football Hall of Fame	\$	10,000,000	97426
C230S9	Park Theater Renovation	\$	159,078	97427
C230T1	Akron Civic Theater	\$	530,261	97428
C230T2	John Brown House and Grounds	\$	50,000	97429
C230T3	Hale Farm	\$	500,000	97430
C230T4	Urichsville Clay Museum	\$	150,000	97431
C230T5	Mason Historical Society	\$	350,000	97432
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	97433
C230T7	Historic Theatre Restoration	\$	500,000	97434
C230T8	County Line Historical Society	\$	46,000	97435
C230T9	Pemberville Opera House Elevator Project	\$	220,000	97436
C230U1	Wood County Historical Center & Museum	\$	600,000	97437
	Accessibility Project			
C230U2	Avon Lake - Folger House	\$	150,000	97438
C230U3	DeYor Performing Arts Center	\$	100,000	97439
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	97440
	School Building Program Assistance Fund (Fund 7032)			97441
C23002	School Building Program Assistance	\$	575,000,000	97442
TOTAL	School Building Program Assistance Fund	\$	575,000,000	97443
TOTAL ALL FUNDS		\$	770,685,182	97444
	SCHOOL SECURITY GRANTS			97445
	The foregoing appropriation item C230V9, School Security			97446
	Grants, shall be used by the School Facilities Commission to			97447
	provide funding to all public and chartered nonpublic schools for			97448
	the purchase and installation of one Multi-Agency Radio			97449

Communications System (MARCS) unit per school building and a 97450
security door system, consisting of a security camera, an 97451
intercom, and remote access, at one main entrance per school 97452
building. If law enforcement agencies with jurisdiction over all 97453
or a portion of the geographical area of a public or chartered 97454
nonpublic school do not use MARCS, a public or chartered nonpublic 97455
school may purchase one emergency communications system compatible 97456
with the system or systems in use by law enforcement agencies with 97457
jurisdiction over the school territory. A public or chartered 97458
nonpublic school may apply to the School Facilities Commission for 97459
reimbursement up to \$2,000 for one MARCS unit or other emergency 97460
communications system per school building and up to \$5,000 for 97461
costs incurred with the purchase of a security door system 97462
installed on or after January 1, 2013. A public or chartered 97463
nonpublic school may receive reimbursement for either a MARCS unit 97464
or another emergency communications system, but not both. A school 97465
previously awarded funds for one of the grant items under this 97466
program may not receive a second award for that same grant item. 97467

STATE AGENCY PLANNING/ASSESSMENT 97468

The foregoing appropriation item C230E5, State Agency 97469
Planning/Assessment, shall be used by the Facilities Construction 97470
Commission to provide assistance to any state agency for 97471
assessment, capital planning, and maintenance management. 97472

GEAUGA COUNTY HISTORICAL SOCIETY 97473

Of the foregoing appropriation item C230M2, Geauga County 97474
Historical Society, \$12,000 shall be used for Geauga Historical 97475
Society - White Barn Restoration, \$18,000 shall be used for Geauga 97476
Historical Society - Maple Museum, and \$26,000 shall be used for 97477
Gauga Historical Society - Lennah Bond Center. 97478

SCHOOL BUILDING PROGRAM ASSISTANCE 97479

The foregoing appropriation item C23002, School Building 97480

Program Assistance, shall be used by the School Facilities 97481
Commission to provide funding to school districts that receive 97482
conditional approval from the Commission pursuant to Chapter 3318. 97483
of the Revised Code. 97484

Section 610.54. That existing Section 239.10 of Am. H.B. 497 97485
of the 130th General Assembly, as most recently amended by Am. 97486
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed. 97487

Section 690.10. That Sections 701.10 and 701.61 of Am. Sub. 97488
H.B. 59 of the 130th General Assembly and Sections 551.10 and 97489
733.20 of Am. Sub. H.B. 483 of the 130th General Assembly are 97490
hereby repealed. 97491

Section 701.20. CLASSIFICATION PLAN RULE RESCISSION 97492

The following Ohio Administrative Code rules in effect on 97493
June 30, 2015, are hereby permanently rescinded upon the effective 97494
date of the amendments to sections 124.14 and 124.15 of the 97495
Revised Code: 97496

Ohio Administrative Code rule 123:1-7-15 (State managerial 97497
and supervisory classifications); 97498

Ohio Administrative Code rule 123:1-7-21 (Classifications for 97499
the office of the Attorney General); 97500

Ohio Administrative Code rule 123:1-7-24 (Classifications for 97501
the office of the Secretary of State); 97502

Ohio Administrative Code rule 123:1-7-25 (Classifications for 97503
the Auditor of State); 97504

Ohio Administrative Code rule 123:1-7-26 (Classifications for 97505
the office of the Treasurer of State). 97506

Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY 97507

The Department of Administrative Services shall conduct a study of the state's current liability insurance program to determine, generally, whether its statutory framework is protecting and maintaining the financial integrity of the state's assets compared to similar programs in other states. The study shall examine the possibility of expanding the state's self-insurance program to include non-vehicle tort liability claims, including those for which private insurance is either unavailable or is cost-prohibitive, in addition to identifying which types of claims should be covered by a self-insured tort liability program. The study may include an analysis of the current practice by which state agencies pay for unplanned losses from operating funds. Additionally, the study shall include an actuarial analysis of the Risk Management Reserve Fund to determine required reserves should additional tort liability claims be investigated, settled, and paid through the fund. The analysis shall include estimated premium allocations to be paid by state agencies based on each agency's history of paid losses. The study may recommend changes to the current statutory framework to allow the Office of Risk Management to settle or compromise non-vehicle tort liability claims.

Section 701.40. The Ohio Geographically Referenced Information Program Council, as revised by the amendments of this act to section 125.901 of the Revised Code, constitutes a continuation of the Ohio Geographically Referenced Information Program Council established by section 125.901 of the Revised Code as that section existed prior to the effective date of those amendments.

Section 701.60. There is the Ohio Expenditure Committee, a joint committee of the General Assembly, to review all expenditures of the state government for fiscal year 2015. The

committee shall: 97539

(A) Identify opportunities for increased efficiency and 97540
reduced costs achievable by executive action or legislation; 97541

(B) Determine areas where managerial accountability can be 97542
enhanced and administrative controls improved; 97543

(C) Suggest short-term and long-term managerial operating 97544
improvements; and 97545

(D) Specify areas where further study can be justified by 97546
potential savings. 97547

The committee shall present its findings not later than eight 97548
months after the effective date of this section, in a written 97549
report to the General Assembly and to the Governor. 97550

(E) The committee shall consist of three members of the 97551
Senate and three members of the House of Representatives. The 97552
President of the Senate shall appoint the Senate members, two from 97553
the majority party and one from the minority party. The Speaker of 97554
the House of Representatives shall appoint the members from the 97555
House of Representatives, two from the majority party and one from 97556
the minority party. The Speaker of the House of Representatives 97557
shall select a chairperson. 97558

Members shall be appointed not later than one month after the 97559
effective date of this section. 97560

The committee shall convene as summoned by the chairperson. 97561
The first meeting of the committee shall occur within two months 97562
after the effective date of this section. Thereafter, the task 97563
force shall meet not less often than once per month. 97564

The House of Representatives shall provide the committee with 97565
meeting space and clerical staff support. 97566

Section 701.70. The Speaker of the House of Representatives 97567

and the President of the Senate shall make the initial 97568
appointments to the Joint Education Oversight Committee not later 97569
than thirty days after the effective date of section 103.50 of the 97570
Revised Code. 97571

Section 717.10. (A) The Agricultural Society Facilities Grant 97572
Program is hereby created for fiscal years 2016 and 2017 to 97573
provide grants to county agricultural societies established under 97574
section 1711.01 of the Revised Code and independent agricultural 97575
societies established under section 1711.02 of the Revised Code to 97576
support capital projects that enhance the use and enjoyment of 97577
agricultural society facilities by individuals. Agricultural 97578
societies may apply to the Director of Agriculture for monetary 97579
assistance for the acquisition, construction, reconstruction, 97580
expansion, improvement, planning, and equipping of such 97581
facilities. 97582

(B) Not later than ninety days after the effective date of 97583
this section and subject to division (C) of this section, the 97584
Director of Agriculture or the Director's designee shall establish 97585
requirements and procedures for the administration of the 97586
Agricultural Society Facilities Grant Program, including 97587
establishing a grant application form, procedures for reviewing an 97588
application, procedures for awarding grant money, and any other 97589
requirements and procedures the Director or the Director's 97590
designee determines to be necessary to administer this section. 97591

(C) An agricultural society that applies for a grant under 97592
the Program established in division (A) of this section shall only 97593
be awarded an amount that is not more than twice the amount the 97594
agricultural society obtains as a matching grant from an 97595
individual or other entity. The matching grant may be any 97596
combination of funding, materials, and donated labor. 97597
Documentation of the matching grant shall be submitted with the 97598

grant application. 97599

(D) An agricultural society that applies for a grant under 97600
the Program established in division (A) of this section shall 97601
submit the grant application and matching grant documentation to 97602
the Director or the Director's designee not later than July 1, 97603
2016, in accordance with the requirements and procedures 97604
established by the Director or the Director's designee. 97605

(E) After reviewing a grant application and matching grant 97606
documentation, the Director or the Director's designee shall 97607
approve or disapprove the application. The Director or the 97608
Director's designee shall award all grants not later than August 97609
1, 2016, and shall so notify each grant recipient. 97610

Section 733.10. Not later than six months after the effective 97611
date of this section, the Department of Higher Education and the 97612
Ohio Department of Health shall develop a model policy regarding 97613
the use of tobacco at state institutions of higher education as 97614
defined in section 3345.011 of the Revised Code. Not later than 97615
twelve months after the model policy is developed, each state 97616
institution of higher education shall adopt policies that are not 97617
less stringent than the model policy. 97618

Section 733.20. (A) The STEM Public-Private Partnership Pilot 97619
Program is hereby created. The program shall operate for fiscal 97620
years 2016 and 2017 to encourage public-private partnerships 97621
between high schools, colleges, and the community to provide high 97622
school students the opportunity to receive education and training 97623
in a targeted industry, as defined by JobsOhio established under 97624
section 187.01 of the Revised Code, while simultaneously earning 97625
high school and college credit for the course. The Director of 97626
Higher Education shall administer the program and select five 97627
partnerships, one from each quadrant of the state and one from the 97628

central part of the state, each to receive a grant of \$200,000 per 97629
fiscal year. 97630

(B) The Director shall adopt rules for the implementation of 97631
the STEM Public-Private Partnership Pilot Program, including the 97632
requirements for applying for program approval. The rules also 97633
shall include, but not be limited to, all of the following 97634
operational requirements for the program: 97635

(1) Partnerships shall consist of one community college or 97636
state community college, one or more private companies, and one or 97637
more high schools, either public or private. 97638

(2) For purposes of the program, the partnering community 97639
college or state community college shall pursue one targeted 97640
industry during the pilot period. However, the college may partner 97641
with multiple private companies within that industry. 97642

(3) Students that take courses offered under the program 97643
shall earn college credit for that class from the community or 97644
state community college. 97645

(4) Students, high schools, and colleges that participate in 97646
this program shall do so under the College Credit Plus Program 97647
established under Chapter 3365. of the Revised Code. 97648

(5) The curriculum offered by the program shall be developed 97649
by and agreed upon by all members of the partnership. 97650

(6) The private company or companies that are part of the 97651
partnership shall provide full- or part-time facilities to be used 97652
as classroom space. 97653

(C) The Director shall develop an application and review 97654
process to select the five partnerships to receive grants under 97655
the program. The community college or state community college 97656
shall be responsible for submitting the application for the 97657
partnership to the Director. The application shall include a 97658

proposed budget for the program.	97659
(D) The Director shall select the five partnerships for the program based on the following considerations:	97660
(1) Whether the partnership existed before the application was submitted;	97661
(2) Whether the program is oriented toward a targeted industry;	97662
(3) The likelihood of a student gaining employment upon graduating from high school or upon completing a two-year degree in the industry to which the program is oriented in relation to its geographic region;	97663
(4) The number of students projected to be served;	97664
(5) The program's cost-per-student;	97665
(6) The sustainability of the program beyond the duration of the two-year pilot program;	97666
(7) The level of investment made by the private company partner or partners in the program, including use of facilities, equipment, and staff and financially.	97667
(E) The partnerships selected may use the grants awarded under this section for only the following:	97674
(1) Transportation;	97675
(2) Classroom supplies, including, but not limited to, textbooks, furniture, and technology;	97676
(3) Primary instructors for a course offered under the program, including, but not limited to, faculty from participating high schools and community colleges or state community colleges, including adjunct faculty.	97677
Section 733.30. (A) The Competency-Based Education Pilot	97678
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Program is hereby established. Under the Program, the Department 97687
of Education shall provide grants to city, local, and exempted 97688
village school districts, including municipal school districts as 97689
defined in section 3311.71 of the Revised Code, joint vocational 97690
school districts, community schools established under Chapter 97691
3314. of the Revised Code, and STEM schools established under 97692
Chapter 3326. of the Revised Code, and consortia of one or more 97693
school districts, community schools, and STEM schools led by one 97694
or more educational service centers for designing and implementing 97695
competency-based models of education for their students during the 97696
2016-2017, 2017-2018, and 2018-2019 school years. 97697

(B)(1) A district, community school, STEM school, or 97698
consortium shall submit an application to participate in the 97699
Competency-Based Education Pilot Program to the Department not 97700
later than November 1, 2015. The application shall be submitted in 97701
a form and manner prescribed by the Department. 97702

(2) Not later than March 1, 2016, the Department shall select 97703
not more than ten districts, schools, or consortia to participate 97704
in the Program. The Department shall require a district, school, 97705
or consortium to agree to an annual performance review conducted 97706
by the Department as a condition of participating in the Program. 97707

(C) The competency-based education offered by a district, 97708
school, or consortium selected to participate in the Program under 97709
division (B) of this section shall satisfy all of the following 97710
requirements: 97711

(1) Students shall advance upon mastery. 97712

(2) Competencies shall include clear, measurable, 97713
transferable learning objectives that empower students. 97714

(3) Assessments shall be meaningful and a positive learning 97715
experience for students. 97716

(4) Students shall receive timely, differentiated support 97717

based on their individual learning needs. 97718

(5) Learning outcomes shall emphasize competencies that 97719
include application and creation of knowledge, along with the 97720
development of work-ready skills. 97721

(6) It shall incorporate partnerships with post-secondary 97722
institutions and members of industry. 97723

(D) A district, school, or consortium selected to participate 97724
in the Program under division (B) of this section shall remain 97725
subject to all accountability requirements in state and federal 97726
law that are applicable to that district, school, or consortium. 97727

(E)(1) If a district is selected to participate in the 97728
Program or is selected to participate in the Program as part of a 97729
consortium under division (B) of this section, each student 97730
enrolled in the district who is participating in competency-based 97731
education shall be considered to be a full-time equivalent student 97732
while participating in competency-based education for purposes of 97733
funding under Chapter 3317. of the Revised Code, as determined by 97734
the Department. 97735

(2) If a community school is selected to participate in the 97736
Program or is selected to participate in the Program as part of a 97737
consortium under division (B) of this section, each student 97738
enrolled in the school who is participating in competency-based 97739
education shall be considered to be a full-time equivalent student 97740
while participating in competency-based education for purposes of 97741
funding under Chapter 3314. of the Revised Code, as determined by 97742
the Department. 97743

(3) If a STEM school is selected to participate in the 97744
Program or is selected to participate in the Program as part of a 97745
consortium under division (B) of this section, each student 97746
enrolled in the school who is participating in competency-based 97747
education shall be considered to be a full-time equivalent student 97748

while participating in competency-based education for purposes of 97749
funding under Chapter 3326. of the Revised Code, as determined by 97750
the Department. 97751

(F)(1) Not later than January 31, 2017, the Department shall 97752
post on its web site a preliminary report that examines the 97753
planning and implementation of competency-based education in the 97754
districts, schools, and consortia selected to participate in the 97755
Program under division (B) of this section. 97756

(2) Not later than December 31, 2018, the Department shall 97757
post on its web site a report that includes all of the following: 97758

(a) A review of the competency-based education offered by the 97759
districts, schools, and consortia selected to participate in the 97760
Program under division (B) of this section; 97761

(b) An evaluation of the implementation of competency-based 97762
education by the districts, schools, and consortia selected to 97763
participate in the Program and student outcomes resulting from 97764
that competency-based education; 97765

(c) A determination of the feasibility of a funding model 97766
that reflects student achievement outcomes as demonstrated through 97767
competency-based education. 97768

Section 747.10. The intent of the General Assembly, when 97769
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 97770
amend section 4731.22 of the Revised Code. The inclusion of the 97771
section in H.B. 394's first repeal clause (Section 2) as an 97772
outright repeal was a typographical error. The General Assembly's 97773
intent that section 4731.22 of the Revised Code be amended, rather 97774
than repealed outright, is demonstrated in H.B. 394's title, the 97775
first amending clause (Section 1), and the portion of the first 97776
repeal clause (Section 2) that listed the section among other 97777
Revised Code sections that were being repealed only to the extent 97778

that their existing versions were being replaced by amended 97779
versions. This intent is further demonstrated by H.B. 394's 97780
amendment of a future version of section 4731.22 of the Revised 97781
Code, effective April 1, 2015 (Sections 3 and 4). 97782

Section 749.10. (A) Not later than ninety days after the 97783
effective date of this section, the Public Utilities Commission 97784
shall establish a collaborative process with all of the following, 97785
to address the internet-protocol-network transition: 97786

(1) Incumbent local exchange carriers; 97787

(2) Any competitive local exchange carriers that are affected 97788
by the transition; 97789

(3) The Office of the Ohio Consumers' Counsel; 97790

(4) Cable operators, as defined in section 1332.21 of the 97791
Revised Code; 97792

(5) At the invitation of the Commission, other interested 97793
parties and members of the General Assembly. 97794

(B) The collaborative process shall focus on the 97795
internet-protocol-network transition processes underway at the 97796
Federal Communications Commission and the issues of universal 97797
connectivity, consumer protection, public safety, reliability, 97798
expanded availability of advanced services, affordability, and 97799
competition, including wholesale competition. The collaborative 97800
process shall ensure that public education concerning the 97801
transition is thorough. 97802

(C) The collaborative process shall include a review of the 97803
number and characteristics of basic-local-exchange-service 97804
customers in Ohio, an evaluation of what alternatives are 97805
available to them, including both wireline and wireless 97806
alternatives, and the prospect for the availability of 97807
alternatives where none currently exist. The collaborative process 97808

shall embark on an education campaign plan for those customers' 97809
eventual transition to advanced services. If the collaborative 97810
process identifies residential basic-local-exchange-service 97811
customers who will be unable to obtain voice service upon the 97812
withdrawal or abandonment of basic local exchange service, the 97813
Public Utilities Commission may find those customers to be 97814
eligible for the process under division (B) of section 4927.10 of 97815
the Revised Code, regardless of whether they have filed petitions 97816
under that division. 97817

(D) The collaborative process shall, pursuant to the rules of 97818
the Public Utilities Commission, respect the confidentiality of 97819
any data shared with those involved in the process. 97820

(E) All officers, boards, or commissions of this state and 97821
any political subdivision of this state shall furnish to the 97822
Public Utilities Commission, upon request, any data or information 97823
that will assist the commission in carrying out this section. 97824

Section 751.10. INDEPENDENT PROVIDER STUDY 97825

(A) As used in this section, "independent provider" means a 97826
provider who provides any of the following services on a 97827
self-employed basis and does not employ, directly or through 97828
contract, another person to provide those services: 97829

(1) Aide services, as defined in section 5164.77 of the 97830
Revised Code; 97831

(2) Nursing services, as defined in section 5164.77 of the 97832
Revised Code; 97833

(3) Services covered by a home and community-based services 97834
Medicaid waiver component, as defined in section 5166.01 of the 97835
Revised Code; 97836

(4) Services covered by the Helping Ohioans Move, Expanding 97837
(HOME) Choice demonstration component, as authorized by section 97838

5164.90 of the Revised Code. 97839

(B) It is the intent of the General Assembly to study the 97840
issue of Medicaid provider agreements with independent providers 97841
and to resolve the issue not later than December 31, 2015. 97842

Section 751.20. Not later than January 1, 2017, the Ohio 97843
Department of Medicaid shall submit to the General Assembly, in 97844
accordance with section 101.68 of the Revised Code, a report 97845
evaluating the Medicaid program's effect on clinical care and 97846
outcomes for the group described in section 97847
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 97848
1396a(a)(10)(A)(i)(VIII), including the effects on physical and 97849
mental health, health care utilization and access, and financial 97850
hardship. 97851

Section 757.10. For the purpose of division (A)(18)(d) of 97852
section 5709.93 of the Revised Code as enacted by this act, the 97853
county auditor of each county shall certify to the Tax 97854
Commissioner not later than July 31, 2015, the amount distributed 97855
from the county library fund in 2014 to each public library that 97856
received a distribution under section 5727.86 or 5751.21 of the 97857
Revised Code in 2014. 97858

Section 757.20. For the purpose of sections 5709.92 and 97859
5709.93 of the Revised Code as enacted by this act, a school 97860
district, joint vocational school district, public library, or 97861
local taxing unit may appeal a levy classification or any amount 97862
used in the calculation of total resources as defined under those 97863
sections. Such an appeal shall be filed in writing, including via 97864
electronic mail, with the Tax Commissioner. Upon receiving such an 97865
appeal, the Tax Commissioner shall make a determination of the 97866
merits of the appeal and, if the appeal is upheld, make necessary 97867
changes within the classifications or calculations. The 97868

determination of the Tax Commissioner is final and not subject to 97869
appeal. After June 30, 2016, no changes shall be made in the 97870
classifications or calculations. 97871

Section 757.40. The Tax Commissioner shall evaluate the 97872
effectiveness of any measures the Commissioner uses to reduce 97873
fraud with respect to the tax levied under section 5747.02 of the 97874
Revised Code by requiring a taxpayer to verify information about 97875
the taxpayer for the purpose of verifying the taxpayer's identity. 97876
On or before August 30, 2016, the Commissioner shall submit a 97877
report of that evaluation and recommended improvements to such 97878
measures to the Speaker of the House of Representatives, the 97879
President of the Senate, and each member of the House of 97880
Representatives and Senate standing committees dealing primarily 97881
with issues related to taxation. 97882

Section 757.50. (A) There is hereby created the Ohio 2020 Tax 97883
Policy Study Commission to review the state's tax structure and 97884
policies and make recommendations to the General Assembly on how 97885
to maximize Ohio's competitiveness by the year 2020. The 97886
Commission shall consist of the following members: 97887

(1) Three members of the House of Representatives appointed 97888
by the Speaker of the House of Representatives who meet the 97889
following requirements: 97890

(a) Two shall be members of the majority party, one of whom 97891
shall be the Chairperson of the House Ways and Means Committee; 97892

(b) One shall be a member of the minority party. 97893

(2) Three members of the Senate appointed by the President of 97894
the Senate who meet the following requirements: 97895

(a) Two shall be members of the majority party, one of whom 97896
shall be the Chairperson of the Senate Ways and Means Committee; 97897

(b) One shall be a member of the minority party.	97898
(B)(1) The Speaker of the House of Representatives shall designate the Chairperson of the House Ways and Means Committee to serve as Chairperson of the Commission.	97899 97900 97901
(2) Members of the Commission shall serve without compensation or reimbursement.	97902 97903
(3) Vacancies on the Commission shall be filled in the same manner as original appointments.	97904 97905
(C) The Legislative Service Commission shall provide necessary services to the Commission.	97906 97907
(D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2017, the Commission shall publish its findings and recommendations and submit its report to the members of the General Assembly. Upon submission of the report, the Commission shall cease to exist.	97908 97909 97910 97911 97912
Section 757.60. The Director of Transportation, in collaboration with the aviation industry and other interested parties, shall prepare draft legislation to require that all revenue from the sales and use tax on sales of aviation fuel be used exclusively for the purposes described in Section 399.15 of this act. The Director shall submit the draft legislation to the Ohio Aerospace and Aviation Technology Committee not later than June 30, 2016.	97913 97914 97915 97916 97917 97918 97919 97920
Section 757.70. (A) As used in this section:	97921
(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.	97922 97923 97924
(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same	97925 97926

meanings as in section 5751.01 of the Revised Code. 97927

(3) "Pass-through entity" has the same meaning as in section 97928
5733.04 of the Revised Code. 97929

(B) A taxpayer that is the certificate owner of a 97930
rehabilitation tax credit certificate issued under section 149.311 97931
of the Revised Code may claim a credit against the tax levied by 97932
section 5751.02 of the Revised Code for tax periods ending on or 97933
before June 30, 2017, provided that the taxpayer is unable to 97934
claim the credit under section 5725.151, 5725.34, 5726.52, 97935
5729.17, 5733.47, or 5747.76 of the Revised Code. 97936

The credit shall equal the lesser of twenty-five per cent of 97937
the dollar amount of the qualified rehabilitation expenditures 97938
indicated on the certificate or five million dollars. The credit 97939
shall be claimed for the calendar year specified in the 97940
certificate and after the credits authorized in divisions (A)(1) 97941
to (4) of section 5751.98 of the Revised Code, but before the 97942
credits authorized in divisions (A)(5) to (7) of that section. 97943

If the credit allowed for any calendar year exceeds the tax 97944
otherwise due under section 5751.02 of the Revised Code, after 97945
allowing for any other credits preceding the credit in the order 97946
prescribed by this section, the excess shall be refunded to the 97947
taxpayer. However, if any amount of the credit is refunded, the 97948
sum of the amount refunded and the amount applied to reduce the 97949
tax otherwise due for that year shall not exceed three million 97950
dollars. The taxpayer may carry forward any balance of the credit 97951
in excess of the amount claimed for that year for not more than 97952
five calendar years after the calendar year specified in the 97953
certificate, and shall deduct any amount claimed in any such year 97954
from the amount claimed in an ensuing year. 97955

A person that is an excluded person may file a return under 97956
section 5751.051 of the Revised Code for the purpose of claiming 97957

the credit authorized in this section. 97958

If the certificate owner is a pass-through entity, the credit 97959
may not be allocated among the entity's owners in proportions or 97960
amounts as the owners mutually agree unless either the owners are 97961
part of the same combined or consolidated elected taxpayer as the 97962
pass-through entity or the director of development services issued 97963
the certificate in the name of the pass-through entity's owners in 97964
the agreed-upon proportions or amounts. If the credit is allocated 97965
among those owners, an owner may claim the credit authorized in 97966
this section only if that owner is a corporation or an association 97967
taxed as a corporation for federal income tax purposes and is not 97968
a corporation that has made an election under Subchapter S of 97969
Chapter 1 of Subtitle A of the Internal Revenue Code. 97970

The credit authorized in this section may be claimed only on 97971
the basis of a rehabilitation tax credit certificate with an 97972
effective date after December 31, 2013, but before June 30, 2017. 97973

A person claiming a credit under this section shall retain 97974
the rehabilitation tax credit certificate for four years following 97975
the end of the latest calendar year in which the credit was 97976
applied, and shall make the certificate available for inspection 97977
by the tax commissioner upon request. 97978

Section 757.80. The amendment by this act of section 5709.17 97979
of the Revised Code applies to applications for exemption that are 97980
pending on, or are filed on or after, the effective date of this 97981
section. 97982

Section 757.90. The amendment by this act of sections 97983
5727.031 and 5727.80 of the Revised Code are intended to clarify 97984
and be declaratory of the law as it existed before such 97985
amendments. 97986

Section 759.10. (A) The Director of Veterans Services shall 97987
adopt rules as required by section 5101.98 (5902.05) of the 97988
Revised Code as amended by this act. Upon the taking effect of 97989
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 97990
Administrative Code are void. 97991

(B) Pending the taking effect of rules adopted by the 97992
Director of Veterans Services under division (A) of this section, 97993
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 97994
remain in effect, but the Director and Department of Veterans 97995
Services, rather than the Director and Department of Job and 97996
Family Services, shall administer the rules, and references in the 97997
rules to the Director of Job and Family Services shall be read as 97998
if they referred to the Director or Department of Veterans 97999
Services. In applying the rules, the Director of Veterans Services 98000
shall read the eligibility of an individual for a grant from the 98001
Military Injury Relief Fund as if it had been expanded to include 98002
individuals who served after October 7, 2001. 98003

Section 767.10. (A) There is hereby established the Local 98004
Government Safety Capital Grant Program to be administered by the 98005
Local Government Innovation Council created in section 189.03 of 98006
the Revised Code. Under the program, the Council may award grants 98007
to political subdivisions to be used for the purchase of vehicles, 98008
equipment, facilities, or systems needed to enhance public safety. 98009
Applications shall be submitted to the Development Services Agency 98010
on a form specified by the Director of Development Services. The 98011
Agency shall provide the application to the Council for evaluation 98012
and selection. The Council shall award not more than one hundred 98013
thousand dollars in total grants to an individual political 98014
subdivision. 98015

(B) Grants awarded under this section shall be made from the 98016
Local Government Safety Capital Fund, which is hereby created in 98017

the state treasury. The fund shall consist of money appropriated 98018
to it. 98019

Section 803.01. The amendment by this act of section 718.01 98020
of the Revised Code applies to municipal taxable years beginning 98021
on or after January 1, 2016. 98022

Section 803.03. The amendment by this act of section 718.05 98023
of the Revised Code applies to municipal taxable years beginning 98024
on or after January 1, 2016. 98025

Section 803.05. The amendment of section 5124.67 of the 98026
Revised Code is not intended to supersede the earlier repeal, with 98027
delayed effective date, of that section. 98028

Section 803.07. The amendment by this act of section 5725.22 98029
of the Revised Code applies to taxable years ending in and after 98030
2016. 98031

Section 803.70. The amendment by this act of sections 98032
5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the 98033
Revised Code applies to taxable years beginning on or after 98034
January 1, 2015. 98035

Section 803.130. The repeal by this act of section 5747.29 of 98036
the Revised Code applies to taxable years beginning on or after 98037
January 1, 2015. 98038

Section 803.140. The amendment by this act of section 5713.30 98039
of the Revised Code applies to tax year 2015 and every tax year 98040
thereafter. 98041

Section 803.160. The amendment by this act of section 718.05 98042
of the Revised Code is not intended to accelerate the application 98043

of the amendment of that section by H.B. 5 of the 130th General 98044
Assembly as provided by Section 3 of that act. 98045

Section 803.170. The repeal by this act of section 5739.212 98046
of the Revised Code applies to any tax or rate increase imposed 98047
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 98048
5741.023 of the Revised Code on or after July 1, 2015. 98049

Section 803.180. The amendment or enactment by this act of 98050
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 98051
on and after January 1, 2016. 98052

Section 803.190. The enactment by this act of section 5736.51 98053
of the Revised Code applies to tax periods beginning on or after 98054
July 1, 2015. 98055

Section 803.200. The amendment by this act adding division 98056
(A)(32) to section 5747.01 of the Revised Code applies to taxable 98057
years beginning on or after January 1, 2015. 98058

Section 806.10. The items of law contained in this act, and 98059
their applications, are severable. If any item of law contained in 98060
this act, or if any application of any item of law contained in 98061
this act, is held invalid, the invalidity does not affect other 98062
items of law contained in this act and their applications that can 98063
be given effect without the invalid item of law or application. 98064

Section 809.10. An item of law, other than an amending, 98065
enacting, or repealing clause, that composes the whole or part of 98066
an uncodified section contained in this act has no effect after 98067
June 30, 2017, unless its context clearly indicates otherwise. 98068

Section 812.10. Except as otherwise provided in this act, the 98069

amendment, enactment, or repeal by this act of a section is 98070
subject to the referendum under Ohio Constitution, Article II, 98071
section 1c and therefore takes effect on the ninety-first day 98072
after this act if filed with the Secretary of State or, if a later 98073
effective date is specified below, on that date. 98074

The amendment of sections 173.47, 5165.15, 5165.151, and 98075
5165.23 of the Revised Code takes effect July 1, 2016. 98076

For multiple employer welfare arrangements that have a valid 98077
certificate of authority from the superintendent of insurance on 98078
the effective date of the amendments to section 1739.13 of the 98079
Revised Code, the requirements imposed by that section as amended 98080
by this act shall take effect two years from the effective date of 98081
those amendments. 98082

The enactment of new section 5165.25 of the Revised Code 98083
takes effect July 1, 2016. 98084

The repeal of sections 5165.25 and 5165.26 of the Revised 98085
Code takes effect July 1, 2016. 98086

Section 812.20. The amendment, enactment, or repeal by this 98087
act of the sections listed below is exempt from the referendum 98088
under Ohio Constitution, Article II, section 1d and section 1.471 98089
of the Revised Code and therefore takes effect immediately when 98090
this act becomes law or, if a later effective date is specified 98091
below, on that date. 98092

Sections 5709.92, 5709.93, 5727.84, 5727.85, 5727.86, 98093
5751.20, 5751.21, and 5751.22 of the Revised Code and Sections 98094
757.10 and 757.20 of this act take effect July 1, 2015. 98095

Sections of this act prefixed with section numbers in the 98096
200s, 300s, 400s, 500s, and 600s. 98097

Section 812.40. Section 340.034 of the Revised Code takes 98098

effect September 15, 2016.	98099
Section 815.10. The General Assembly, applying the principle	98100
stated in division (B) of section 1.52 of the Revised Code that	98101
amendments are to be harmonized if reasonably capable of	98102
simultaneous operation, finds that the following sections,	98103
presented in this act as composites of the sections as amended by	98104
the acts indicated, are the resulting versions of the sections in	98105
effect prior to the effective date of the sections as presented in	98106
this act:	98107
Section 109.572 of the Revised Code as amended by both Am.	98108
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly.	98109
Section 122.85 of the Revised Code as amended by both Am.	98110
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly.	98111
Section 124.181 of the Revised Code as amended by both Am.	98112
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	98113
Section 124.392 of the Revised Code as amended by both Am.	98114
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	98115
Section 125.48 of the Revised Code as amended by both Am.	98116
Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly.	98117
Section 2151.421 of the Revised Code as amended by both Am.	98118
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	98119
Section 3301.57 of the Revised Code as amended by both Am.	98120
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	98121
Section 3314.03 of the Revised Code as amended by Sub. H.B.	98122
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of	98123
the 130th General Assembly.	98124
Section 3314.08 of the Revised Code as amended by both Am.	98125
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	98126
Section 3319.22 of the Revised Code as amended by both Am.	98127

Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	98128
Section 3326.11 of the Revised Code as amended by Sub. H.B.	98129
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	98130
General Assembly.	98131
Section 3328.24 of the Revised Code as amended by Sub. H.B.	98132
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	98133
General Assembly.	98134
Section 3333.048 of the Revised Code as amended by both Sub.	98135
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	98136
Section 3333.0411 of the Revised Code as amended by both Am.	98137
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	98138
Section 4301.102 of the Revised Code as amended by both Am.	98139
Sub. S.B. 162 and Am. Sub. S.B. 188 of the 121st General Assembly.	98140
Section 5104.09 of the Revised Code as amended by both Am.	98141
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	98142
Section 5104.38 of the Revised Code as amended by both Am.	98143
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	98144
of the 130th General Assembly.	98145
Section 5739.99 of the Revised Code as amended by both Am.	98146
Sub. H.B. 143 and Sub. S.B. 200 of the 124th General Assembly.	98147
Section 5747.113 of the Revised Code as amended by both Am.	98148
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	98149